

**REPORT TO CONGRESS
ON THE ACTIVITIES AND OPERATIONS
OF THE
PUBLIC INTEGRITY SECTION
FOR 1997**



**Public Integrity Section
Criminal Division
United States Department of Justice**

**Submitted Pursuant to
Section 529 of the Ethics in Government Act of 1978**

PART I

OPERATIONAL RESPONSIBILITIES OF THE PUBLIC INTEGRITY SECTION

A. RESPONSIBILITY FOR LITIGATION

The focus of the Public Integrity Section is on crimes that reflect a corruption of the integrity of public officials. Most of the Section's resources are devoted to the supervision of investigations involving alleged abuses of the public trust by government officials and to litigation resulting from these investigations. Decisions to undertake particular matters are made on a case-by-case basis, based on the type and seriousness of the allegation, the sufficiency of factual predication suggesting criminal conduct, and the availability of federal prosecutive theories to reach the conduct. Cases handled by the Section generally fall into the following four categories:

1. Recusals by United States Attorneys' Offices

The vast majority of federal corruption prosecutions are handled by the local United States Attorney's Office for the geographic district where the crime occurred, a fact that is reflected in the statistical charts in Part III of this Report. At times, however, prosecution by the local Office of a particular corruption case may be inappropriate.

Public corruption cases often raise unique problems of public perception that are absent in more routine criminal cases. An investigation of alleged corruption of a government official, whether at the federal, state, or local level, always has the potential to be high-profile, simply because its focus is on the conduct of a public official. These cases may also be politically sensitive because their ultimate targets tend to be politicians or agents or employees of politicians.

To be successful, public corruption cases require that both the appearance and the reality of fairness and impartiality be maintained. Therefore if the United States Attorney or a prosecutor in his or her office has had a significant business, social, political, or personal relationship with a subject or principal witness in a corruption investigation, it may be difficult, and often inappropriate, for that United States Attorney's Office to handle the investigation. Cases involving corruption allegations in which the conflict is substantial are usually referred to the Public Integrity Section either for prosecution or direct operational supervision.

Allegations involving federal judges and other judicial officers almost always require local recusal, a procedure through which the local United States Attorney steps aside as primary prosecutor.

There are important policy and practical reasons for recusal by the local Office in these cases. In addition to possible professional or social ties with a judge who is the subject or target of the investigation, local prosecutors are likely to have official responsibilities before the judge on their other cases, both during and after the investigation. Having the case handled outside the local Office eliminates the possible appearance of bias, as well as the practical difficulties and the awkwardness that would arise if a prosecutor investigating a judge were to appear before the judge on other matters. Thus, as a matter of established Department practice, judicial corruption cases are generally handled by the Public Integrity Section.

Similar concerns of the possible appearance of bias or favoritism tend to arise when the target of an investigation is a federal prosecutor, or a federal investigator or other employee assigned to work closely with a particular United States Attorney's Office. Clearly, if an Assistant United States Attorney were to investigate one of his or her fellow AUSAs, the public would have reason to doubt that the matter would be handled vigorously and impartially. Thus, cases involving United States Attorneys, AUSAs, or federal investigators working with AUSAs in the field generally result in a recusal of the local Office. These cases are typically referred to the Public Integrity Section, where they constitute a significant portion of its caseload, as can be seen from a review of the cases described in Part II.

During 1997 the Section handled a number of significant cases as a result of recusals. One of these cases culminated in the conviction of an AUSA in Los Angeles for corruptly abusing his official position for personal gain. After an eighteen-month investigation by the Section, the AUSA pled guilty to three felonies and was sentenced to twenty-four months' imprisonment. Another recusal case resulted in the 1997 indictment, and subsequent guilty plea, of a special agent of the Federal Bureau of Investigation for accepting bribes from drug dealers.

The Section's series of prosecutions relating to corruption in the Mansfield Correctional Institution, a prison in Mansfield, Ohio, was also the result of a recusal by the local United States Attorney's Office. This investigation by the Section ultimately resulted in eight convictions between 1996 and 1997, including that of the prison's top security official, a prison guard, two inmates, and two local podiatrists, for various crimes, including racketeering, drug distribution, firearms offenses, and bank, wire and mail fraud.

2. Sensitive and Multi-District Cases

In addition to recusals, the Public Integrity Section also handles two other special categories of cases. At the request of the Assistant Attorney General of the Criminal Division, the Section handles cases that are highly sensitive and cases that involve the jurisdiction of more than one United States Attorney's Office.