

United States Senate

WASHINGTON, DC 20510

December 6, 2018

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Inspector General Horowitz:

We write to request that your office conduct an investigation regarding the decision-making process by which the Department of Justice (DOJ) proposed, deliberated upon, and entered into a plea agreement with Jeffrey Epstein. As you are aware, considerable public attention is being paid to this matter in the wake of recent investigative journalism centered on the propriety and legality of the agreement, brokered on behalf of DOJ by then-United States Attorney for the Southern District of Florida R. Alexander Acosta, who currently serves as Secretary of the Department of Labor.

In an article published on November 28, 2018, the *Miami Herald* revealed new details about the interconnected relationships between the prosecution and defense and explored many of the horrifying details of the alleged actions of Mr. Epstein, including child sex trafficking.¹ We are deeply concerned by Mr. Epstein's horrific, serial abuse of children and new revelations about the process by which he was given, to quote the *Herald*, "the deal of a lifetime." It is essential that an independent investigatory office conduct an investigation to determine whether DOJ policies and procedures were followed in this matter.

We understand that similar requests have been made of your office by other Members of Congress with respect to this matter and that the subject matter is substantively and procedurally complex. While it is important that federal prosecutors are provided flexibility to strike plea bargains that serve the interests of justice and make our nation both safer and more fair, such negotiations and agreements must comport with federal law and DOJ policy, including ethical guidelines, and must be struck on terms that are beyond reproach.

The federal Crime Victims' Rights Act provides numerous protections for victims of crime, including "the right to be informed in a timely manner of any plea bargain or deferred prosecution agreement."² We are concerned about whether this agreement is in compliance with the law, based on reported interviews with a number of Mr. Epstein's victims who deny being informed, as well as court filings by DOJ seeking to justify the Department's secrecy by claiming Mr. Epstein's "concession" that his victims were in fact victims is of sufficient importance to warrant giving him special treatment. Our justice system is predicated on the

¹How a future Trump Cabinet member gave a serial sex abuser the deal of a lifetime, *Miami Herald* (Nov. 28, 2018). <https://www.miamiherald.com/news/local/article220097825.html>

² 18 U.S.C. § 3771(a)(9)

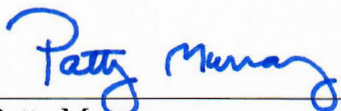
fundamental value that no individual is above the law, and to that end, it is essential that plea agreements involving well-connected individuals not only follow the law and standard practice, but also stand up under scrutiny.

While the legality of the non-prosecution agreement and the horrifying treatment of Mr. Epstein's victims are both matters subject to ongoing litigation, the judicial process must not be a substitute for oversight by Congress and the Executive Branch. We ask that you examine the circumstances and substance of this agreement to ensure compliance with all applicable DOJ rules and regulations and that you provide answers to the following questions:

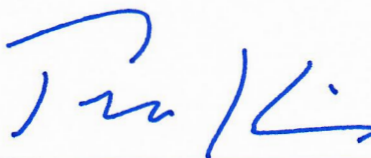
1. The plea agreement grants immunity to "any potential co-conspirators" who were also involved in Mr. Epstein's crimes. Is it consistent with the practice and policy of the Department of Justice to enter into plea agreements that provide a blanket immunity to unnamed, potentially-nonexistent unindicted co-conspirators?
 - a. Does the United States Attorney of jurisdiction retain sole authority to approve such provisions or is approval required from the Attorney General of the United States or any other senior DOJ official?
 - b. In this case, was Mr. Acosta the individual ultimately tasked with approving the terms of the agreement, including the immunity provisions?
2. At the time of the agreement, was it consistent with federal law and DOJ policy for the United States Attorney's Office for the Southern District of Florida to fail to notify the victims of Mr. Epstein's crimes?
 - a. Would such practice be consistent with current federal law and DOJ policy?
3. It is also reported that Mr. Epstein was permitted to serve his extremely limited jail sentence not in state or federal prison, but rather in county jail, where he was permitted work release privileges that were not made available to other sex offenders. Did the non-prosecution agreement include stipulations as to the terms of Mr. Epstein's physical confinement in Palm Beach County jail, including that he would be afforded work release or other perquisites not available to other individuals incarcerated for similar crimes?

Thank you for your time, consideration, and attention to this important matter. We look forward to a prompt response.

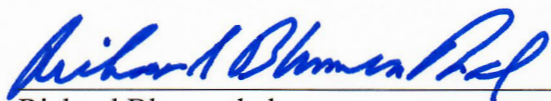
Sincerely,



Patty Murray
United States Senator



Tim Kaine
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator

Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

Sherrod Brown

Sherrod Brown
United States Senator

Maggie Hassan

Margaret Wood Hassan
United States Senator

Edward J. Markey

Edward J. Markey
United States Senator

Elizabeth Warren

Elizabeth Warren
United States Senator

Chris Van Hollen

Chris Van Hollen
United States Senator

Sheldon Whitehouse

Sheldon Whitehouse
United States Senator

Bernard Sanders

Bernard Sanders
United States Senator

Tammy Baldwin

Tammy Baldwin
United States Senator

Maria Cantwell

Maria Cantwell
United States Senator

Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

Richard J. Durbin

Richard J. Durbin
United States Senator