



**U.S. Department of Justice**

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Ranking Member Grassley:

This responds to your letter, dated September 11, 2020, to the Department of Justice (Department) posing a series of questions relating to reports that cell phones issued to members of Special Counsel Mueller's team had been reset and that data on the devices was unrecoverable. On the same day, Senator Ron Johnson sent a similar letter to the Department's Office of the Inspector General (OIG) asking them to investigate the circumstances surrounding the deletion of data from these devices. On May 11, 2021, the OIG responded to Senator Johnson's inquiry detailing their efforts to collect information about these devices and describing the results of their review. We have attached a copy of it here, and apologize for the delay in responding.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely

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Joe Gaeta  
Deputy Assistant Attorney General

cc: The Honorable Richard J. Durbin  
Chairman  
Committee on the Judiciary



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

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May 11, 2021

The Honorable Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations  
Committee on Homeland Security  
and Governmental Affairs  
U.S. Senate

Dear Senator Johnson:

I am writing in further response to your letter dated September 11, 2020, in which you requested that the Department of Justice (DOJ) Office of the Inspector General (OIG) investigate the circumstances under which information may have been deleted from cell phones assigned to individuals on then-Special Counsel Robert Mueller's investigative team.

As I noted in a September 29, 2020 letter to you, the materials released by the Department and described in the media reporting referenced in your letter were not responsive to prior document requests by the OIG in any investigation or review we have conducted because they did not relate to any prior OIG investigation or review. After learning of the issues alleged in the reports, and after receiving your letter, the OIG contacted the Department's Justice Management Division (JMD) and requested additional information about the devices referenced in the reports.

JMD has now provided us with information from the Special Counsel's Office (SCO) regarding these cell phones. The OIG is providing the information below based, primarily, on the available information from the SCO Inventory & Property Transfer Documentation (SCO Inventory) provided to us by JMD. The OIG has not separately assessed this information. We shared a draft of this letter with JMD so that it could review the following information for accuracy purposes, and we refer you to the Department for any further questions about these issues.

JMD told the OIG that a total of 96 phones were assigned to the Special Counsel's Office (SCO) while it was in existence. As of June 2019, when the SCO completed its work, JMD and SCO records reflected the following:

- In June 2019, at the conclusion of the SCO's work, JMD took possession of 79 of the 96 phones in an official property transfer from the SCO. The DOJ iPhone Record Review spreadsheet found in the SCO record collection documented that approximately 74 of the listed phones were reviewed for official records. Any identified records, including notes and text messages, were sent to DOJ or FBI email systems for preservation.
- In January 2019, the Office of the Chief Information Officer (OCIO) took possession of 6 of the 96 phones (which is reflected in the SCO Inventory provided to JMD in June 2019).

- As of June 2019, based on the SCO Inventory, SCO had excessed 2 of the 96 phones. According to JMD, in excessing the phones, the SCO followed Department guidelines. According to JMD, "excess" is a term commonly used to mean that a component is finished with an item or hardware device and the item or hardware device can be taken out of service. For phones, this may mean reissuance or destruction. JMD also informed the OIG that the term excessing does not mean automatic destruction of content. In the case of DOJ phone hardware, email content resides on the network and would not have been destroyed by excessing the hardware. In this case, the 2 phones were not reissued, so JMD believes they were destroyed, consistent with DOJ guidelines.
- As of June 2019, 4 SCO phones were retained by users when the employees returned to their home component in the Department.
- Two of the 96 phones had been assigned to Peter Strzok and Lisa Page, and previously were provided to the OIG, and were imaged and examined during a prior OIG review (which is described in a December 2018 OIG report), and are currently in the possession of JMD.
- SCO and JMD records do not account for 3 of the 96 phones as of June 2019. However, a review of records indicates that what appear to be the three unaccounted for phones were errors or typos on the tracking records related to asset tag numbers.

Further, according to current JMD records (i.e. the records indicating the current location of the 96 phones), 3 of the 96 phones continue to be retained by users, 2 of the phones (those that had been assigned to Lisa Page and Peter Strzok) remain secured in a JMD safe, and the remaining phones were processed for excess. JMD has confirmed that 27 of these phones were excessed by UNICOR recycling, consistent with Department guidelines. JMD indicates that 5 phones are still in the OCIO inventory and have not been reissued or excessed. JMD cannot currently account for the location of the remaining 59 phones.

As noted, we would refer you to the Department for any specific records related to these phones or with any follow up questions.

Thank you for your support of the OIG. If you have further questions, please feel free to contact me or Adam Miles, Senior Counselor to the Inspector General, at (202) 514-3435.

Sincerely,



Michael E. Horowitz  
Inspector General

cc: The Honorable Gary Peters, Chairman  
Committee on Homeland Security and Governmental Affairs  
U.S. Senate

The Honorable Rob Portman, Ranking Member  
Committee on Homeland Security and Governmental Affairs  
U.S. Senate

The Honorable Jon Ossoff, Chairman  
Permanent Subcommittee on Investigations  
Committee on Homeland Security and Governmental Affairs  
U.S. Senate