

Statement of Secretary R. Alexander Acosta Regarding the Department of Justice Office of Professional Responsibility Investigation into the U.S. Attorney's Office for Southern District of Florida's Handling of the Jeffrey Epstein Matter 2006-2007

Today, the Department of Justice's Office of Professional Responsibility ("OPR") concluded that there was no professional misconduct, improper motivation, or violation of Department of Justice policy in the 2006-2008 criminal investigation of Jeffrey Epstein conducted by the U.S. Attorney's Office for Southern District of Florida ("USAO"). In 2006, Florida state prosecutors had agreed to not pursue serious charges against Epstein. OPR's report confirms that through Secretary Acosta's decision to open a federal investigation into Epstein's criminal conduct, Epstein was compelled to serve a term of incarceration, register as a sex offender, and pay compensation to his victims.

Secretary Acosta, who served as United States Attorney for the Southern District of Florida from 2005 to 2008, welcomed OPR's review when it was first announced and cooperated fully with the inquiry. OPR's report today fully debunks allegations that the USAO improperly cut Epstein a "sweet-heart deal" or purposefully avoided investigating potential wrongdoing by various prominent individuals.

The Epstein affair as understood today is vastly more lurid and sweeping than was known by the USAO in 2008. Since the USAO secured Epstein's guilty plea in 2008, new evidence has been discovered, more victims have come forward, and more victims have become willing to testify. And in recent years, allegations involving Epstein have expanded to include numerous other prominent figures including former President Clinton, Prince Andrew, or Professor Alan Dershowitz. In 2006-2008, however, the USAO had no evidence implicating any such individuals and none of the then-known victims testified about abuse by men other than Epstein. There were no allegations of foreign travel, physical force, or violence; rather, victims went to Epstein's home, were victimized, and returned to their own homes, all in Palm Beach County. The Epstein case understood today is vastly more sweeping than what was understood in 2008.

OPR's investigation confirmed the evidentiary and legal challenges that would have faced any attempted federal prosecution of Epstein based on information available at the time. OPR interviewed the many attorneys and agents involved in the investigation and reviewed the contemporaneous paper record and law, and concludes that USAO managers, including Secretary Acosta, were appropriately concerned with legal challenges to a federal prosecution, witness credibility concerns, and the impact of a federal trial on victims. Indeed, most victims at the time refused to testify, and some denied having been victims at all. Department attorneys recognized that in view of the legal and evidentiary challenges, taking the case to trial would have been uncertain at best.

OPR's report and public records document that without federal involvement, Epstein would have walked free. Before the USAO opened its investigation, the Palm Beach State Attorney had initially decided to allow Epstein to plea to a single charge that would have resulted in no jailtime, no registration, and no restitution to victims. Because of the USAO's involvement, however, the state charge was changed, and Epstein was compelled to serve jail time, register as a sex offender, and agree to pay restitution to his victims. As OPR notes, Secretary Acosta resisted

Epstein's defense team's repeated demands to the USAO and subsequent appeals to Main Justice that these requirements be lifted.

OPR's report also makes clear that Justice Department officials in Washington, D.C., were aware of the USAO's proposed resolution of the Epstein investigation. Lawyers from Main Justice participated in the meeting with defense counsel where these terms were presented, and did not then object to the terms or direct a different outcome. As OPR notes, ultimately the Office of the Deputy Attorney General rejected Epstein's attempts to avoid his sanctions. Yet, today, 12 years after the fact and with the benefit of hindsight, OPR concludes that Secretary Acosta's decision to defer the Epstein prosecution to state authorities rather than proceed federally was poor judgment. At that time, however, victim notification and trafficking laws were not as developed, and neither Secretary Acosta nor anyone else at DOJ foresaw the challenges that would arise from deferring to the State. No one foresaw that state prosecutors would default by failing to notify victims of Epstein's plea, or that state officials would allow Epstein and his lawyers to manipulate his term of confinement. OPR's conclusion that the USAO should have foreseen these developments wrongly second-guesses experienced and conscientious prosecutors handling a challenging and complex case. Of course, had Secretary Acosta known then what he knows now, he certainly would have directed a different path. But as OPR makes clear, neither he nor his staff had the benefit of the record available today to craft their strategy to handle a legally and factually challenging case.

On a personal note, Secretary Acosta is particularly gratified that OPR rejects the repeatedly-reported falsehood that he struck a deal with Epstein's defense counsel over breakfast in October 2007. As OPR lays out, the Non-Prosecution Agreement ("NPA") had been signed more than two weeks earlier, and Secretary Acosta's discussion with Epstein's counsel did not materially change it. OPR likewise found no evidence supporting media speculation that the NPA was intended in part to shield certain high-profile individuals.

Lastly, Secretary Acosta is gratified that OPR vindicates the team of prosecutors and managers at the USAO who worked on the Epstein matter. The fact is that the entire USAO, from the line prosecutor to Secretary Acosta, was focused on avoiding a miscarriage of justice by state officials and securing the best result possible for the victims under challenging circumstances. The Palm Beach State Attorney was prepared to let Epstein walk. The men and woman of the U.S. Attorney's Office, however, ensured that Epstein went to jail, registered as a sex offender for life, and made restitution to his victims.