

# Attorney General Beemer: Review of emails shows no evidence of conspiracy in criminal justice system

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HARRISBURG — Attorney General Bruce R. Beemer today announced that a review of more than six million emails and documents captured on Office of Attorney General servers showed no evidence of inappropriate communications that could impact the administration of justice in Pennsylvania.

Attorney General Beemer today [released a report issued by BuckleySandler LLP](#), the law firm hired to examine OAG emails in search of potentially improper relationships between members of the criminal justice system, including judges and prosecutors.

"This review leaves no doubt — there was nothing found in these emails to suggest there were inappropriate ex parte communications between members of the judiciary and OAG employees about cases or matters affecting the administration of justice," Attorney General Beemer said today at a morning news conference at the state Capitol.

"This has been a difficult chapter for everyone as questions have lingered about the fairness of our justice system. The findings of this report provide absolutely no new evidence to leave the citizens of Pennsylvania questioning their faith in that system," Attorney General Beemer added.

The BuckleySandler report identified 38 individuals as high-volume senders of emails that were identified by the firm as inappropriate. In addition, 13 offenders were identified as either judges or senior government officials.

Many of the persons named in the report complained about their public identification after being notified that they had sent pornographic or otherwise offensive emails. Attorney General Beemer, upon taking office in late August, ordered a review of a draft report on the offensive emails identified by BuckleySandler.

That review showed that much of the material identified as inappropriate by the firm was not inappropriate at all. Also, the vast majority of the high-volume senders held non-managerial or lower level positions within government agencies. As a result, many of those identified were not lawyers or law enforcement officers, meaning they fell outside the primary charge of the email review, which was to determine whether there were conflicts or collusion that disrupted the administration of justice.

The names of the high-volume senders and government officials were redacted in the report released to the public today. Attorney General Beemer said this decision was made after careful consideration.

"Releasing the names of people identified in this review would unfairly damage their reputations and leave the Office of Attorney General and BuckleySandler vulnerable to potential lawsuits," Beemer said. "In cases where we found people exchanging a high volume of offensive content, we will make the appropriate referrals to their employers, so that those agencies can make the decision whether discipline is warranted. It would be highly inappropriate for the Attorney General's office, as a law enforcement agency that needs to maintain its impartiality to function, to make these decisions."

Of the 6.4 million documents and emails that were reviewed, BuckleySandler utilized a list of search terms in conjunction with a computer program with the goal of identifying offensive language and obscene content. The search terms included words relating to race, religion, sex and profanity, among other content. The search narrowed the total documents and emails recovered to roughly 352,000. The law firm characterized 11,930 emails as inappropriate.

Of those emails, approximately 4,700 were linked to the high-volume senders and government officials. An internal review of a portion of these emails ordered by Attorney General Beemer uncovered flaws in the methodology the firm was instructed to use by prior OAG personnel.

For example, the alleged inappropriate communications ignored the familial relationships of the senders. The emails involving judges that were flagged as inappropriate were almost all communications between the judges and their spouses or family members.

Also, solely utilizing the list of search terms did not provide context or identify intent in the alleged offensive emails that were being shared. The internal review of the emails and documents conducted by OAG staff attorneys revealed several examples illustrating this point:

- A network of women diagnosed with breast cancer shared emails with a phrase used to encourage self-detection of the disease. The emails were flagged as inappropriate.
- An email in which a person questioned why he was not invited to a Bar Mitzvah was flagged as inappropriate.
- Jewish employee sending a friend an article about how Jewish people voted in the 2010 election was flagged.
- Catholic employee confessing to another employee that he had eaten a hot dog during a Friday in lent was flagged.
- Any email that mentioned Muslims was flagged.
- Any emails that mentioned Irish, Italians, Polish or African Americans were flagged.
- Any use of the word "gay" resulted in an email being flagged as inappropriate.

Attorney General Beemer stressed that the Office of Attorney General has already disciplined 60 employees whose emails actually were offensive. The discipline ranged from terminations and suspensions to written reprimands and counseling.

BuckleySandler LLP and former Maryland Attorney General Douglas Gansler, one of BuckleySandler's partners, were hired in December 2015 to conduct a review of potentially inappropriate relationships and communications among prosecutors, judges and others involved in the criminal justice system. The review, which included the examination of more than 6.4 million documents and emails captured on OAG servers from 2008 to 2015, was commissioned to determine whether those relationships prevented persons, especially in criminal cases, from receiving justice in the court system.

The hiring of BuckleySandler LLP followed the discovery of pornographic, sexist, racist and otherwise offensive emails exchanged by a small subset of Office of Attorney General employees and others, including members of the judiciary.

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**Editor's note:** *Members of the media who attended today's news conference were provided a disc that contained the BuckleySandler report, the report's appendices and a sampling of the communications involving high-volume senders and government officials identified by the firm. Those interested in obtaining a copy of the disc are encouraged to contact the Attorney General's Press Office.*