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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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March 2, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey:

On November 2, 2008, 16-year-old Annie McCann was found dead next to a dumpster in Baltimore, Maryland, two days after apparently running away from home.¹ Following an autopsy conducted by the Office of the State Medical Examiner, the cause of Annie's death was ruled as "lidocaine intoxication."² However, the manner of death was "undetermined."³ According to the Baltimore Police Department (BPD), Annie committed suicide by drinking a 5-ounce bottle of Bactine, which contains lidocaine and is manufactured by Bayer Corporation.⁴

Yet, in an email obtained by this Committee and dated November 4, 2009, a Bayer employee explained to Annie's parents, "[T]he amount of lidocaine in a single 5[-]ounce bottle [of Bactine] would not be expected to produce death." The Committee has learned that Annie's parents presented BPD with a copy of this email on August 25, 2013. In response, BPD allegedly asked Annie's parents to have Bayer state this opinion on official Bayer letterhead.

This Committee has also learned that Annie's parents have repeatedly requested BPD to provide documentation of the lab results of Annie's rape kit. To date, however, those records have apparently not been produced. In addition, Annie's parents claim that BPD refused to interview a funeral home employee who allegedly observed upon examination of Annie's corpse

¹ Police Department, Baltimore, Maryland, Criminal Investigation Division, Questionable Death CC#-098-2K00565, Case# 08P392 Final Office Report, [hereinafter "BPD Office Report"] at 1-2.

² BPD Office Report, at 3.

³ *Id.*

⁴ *Id.*; see also Tom Jackman, "What happened to Annie?" Nov. 2, 2009, *The Washington Post*, available at http://www.washingtonpost.com/wp-dyn/content/article/2009/11/01/AR2009110102089_pf.html; Tricia Bishop, "Father says accused teen, companion know nothing of girl's death," Nov. 13, 2009, *The Baltimore Sun*, available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bal-md.mccann13nov13-story.html>; Peter Hermann, "Parents of Annie McCann say new leads in daughter's death," Jan. 18, 2012, *The Baltimore Sun*, available at <http://www.baltimoresun.com/news/maryland/crime/bal-parents-of-dead-virginia-girl-says-news-leads-in-case-20120118-story.html>.

evidence of sodomy. Also, BPD allegedly began an interview of a key witness in 2013 by stating, “The McCanns just won’t face facts, so I have to ask you a few questions.”

This Committee, which has jurisdiction and oversight responsibilities over the Justice Department, has also learned that the Federal Bureau of Investigation (FBI) assisted BPD in this investigation. Redacted copies of emails exchanged in September 2013 show that the FBI’s Behavioral Analysis Unit (BAU) provided a list of recommendations to BPD touching upon various aspects of the case as well as a document advising BPD on communications strategy with Annie’s parents. Other documents show that the FBI may have conducted forensic tests of the McCanns’ vehicle which was found abandoned near Annie’s body and of a computer belonging to the McCanns. This Committee is seeking a more complete understanding of BPD’s decision to treat this case as a suicide rather than a homicide, and what role the FBI’s involvement played in that decision.

Accordingly, by March 18, 2016, please provide this Committee with non-redacted copies of all records related to the FBI’s involvement in this case, including:

1. the recommendations list and the communications strategy document mentioned above, and
2. all records relating to communications about the McCann case between or among FBI employees or BPD.

Should you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you for your immediate attention to this matter.

Sincerely,



Charles E. Grassley
Chairman
Senate Judiciary Committee

cc: The Honorable Patrick Leahy
Ranking Member
Senate Judiciary Committee