

EMPOWER OVERSIGHT

Whistleblowers & Research



July 15, 2026

M. Sean O'Neill
Assistant Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-0001

Dear Assistant Inspector General O'Neill:

Empower Oversight represents Kevin Small, a Senior Financial Investigator (Contractor) in the Drug Enforcement Administration (DEA) Albuquerque District Office. Pursuant to 41 U.S.C. § 4712(b), we request that you investigate retaliation against him for making a protected whistleblower disclosure.

Mr. Small had 31 years of experience as a Special Agent in the Albuquerque District Office of the DEA's El Paso Division, from 1983 until 2014. Upon retiring as a Special Agent he returned to the DEA as a contractor in the Albuquerque District Office.

As an agent, Mr. Small was familiar with the DEA Agent's Manual directive on Risk Assessment and Mitigation, requiring that the DEA "make assessments, based on their training, experience, good judgment, and common sense, of the potential risks to life and physical safety involved in law enforcement activities, and then make reasonable efforts to mitigate those risks to . . . the public."¹ It gives as examples of reasonable efforts executing search warrants, interdicting contraband, and more, and specifically mandates that law enforcement officials at the DEA "take into account that protecting public safety is paramount, even if taking preventive measures may run the risk of compromising the investigation."² Underscoring the significance of the Risk Assessment and Mitigation directive, the DEA Agent's Manual section on Non-Seizure of Controlled Substances requires that when undercover personnel gain specific knowledge of a shipment, delivery, or cache of controlled substances, they must receive a Special Agent in Charge (SAC) or Senior Executive Service (SES) approval to not seize in order to achieve investigative objectives.

As a DEA contractor, Mr. Small was also informed in every Title III wiretap minimization meeting of the Department of Justice (DOJ) Fentanyl Protocol after it was adopted. Thus, Mr. Small was concerned as he began to hear about potential violations of the Fentanyl Protocol and DEA Agent's Manual from Special Agent (SA) David Howell in 2023, as well as in comments from others in the office.

¹ DEA Agent's Manual, Section 6683.

² *Id.*

Shortly after SA Howell blew the whistle on this practice in 2023, Mr. Small attended a wiretap minimization meeting where two female Assistant United States Attorneys (AUSAs) from the United States Attorney's Office for the District of New Mexico (USAO-NM) explicitly directed those present not to discuss the case with SA Howell. As the USAO-NM further retaliated against SA Howell, Mr. Small told other people in the Albuquerque District Office that what the USAO-NM was doing was wrong, and that the DEA needed to stand up for SA Howell.

Instead, Mr. Small soon became aware that the El Paso Division started locking down access to case files, which he believed was to prevent SA Howell or others from learning about additional fentanyl walking. The Albuquerque District Office also started locking access to the wire room, with only specific DEA personnel permitted to enter. Because Mr. Small was seen still talking to SA Howell on a regular basis, he was also excluded from entering the wire room.

In early May of 2025, DOJ announced that on April 28, 2025, the DEA had made the largest fentanyl bust in history, dismantling a drug trafficking organization led by Heriberto Salazar Amaya.³ When the first Title III wiretap went up in the case in 2024, after the first phone call Mr. Small spoke to an Albuquerque police officer assigned to the DEA. The officer told him, "First call, three hundred and fifty thousand pills." Mr. Small responded, "Are you kidding me?" The DEA did not seize the shipment.⁴

An entire year after they received it from DOJ, the U.S. Office of Special Counsel (OSC) finally sent the President and Congress the DOJ Office of Professional Responsibility's report of investigation into SA Howell's disclosures.⁵ A reporter for the Associated Press reviewed the redacted version of the report OSC posted on their website. As he later explained in a piece published on the Associated Press website:

There was a critical oversight in the government's redactions. I noticed that the whistleblower's name ended in an "l" — a single letter that, for some reason, was missed by the black marker. I sent a flurry of messages on LinkedIn to DEA agents whose named ended in "l" and had worked in Albuquerque. One afternoon in March, I was at my desk when I received a response from an agent who connected me to the whistleblower, David Howell.⁶

³ <https://www.justice.gov/opa/pr/largest-fentanyl-bust-dea-history-authorities-seize-over-400-kilograms-fentanyl-record>.

⁴ Page 13 of the DOJ OPR report describes this case as "Investigation C," "an ongoing investigation." <https://www.osc.gov/~assets/cases/osc-file-no-di-24-000207-agency-report.pdf>. While the Albuquerque police officer who made the comment to Mr. Small was "not serving as the lead case agent[] [or] supervisor[]" on the investigation," Mr. Small was struck by the awareness of this amount of fentanyl from the very first wiretapped phone call.

According to news reports, agents finally searched a stash house in November 2024 and seized 150,000 pills. *See, e.g.,* <https://www.firstalert7.com/2025/08/08/man-convicted-multi-state-fentanyl-ring-largest-pill-seizure-dea-history>. This was approximately two months after DOJ OPR completed its report.

Additionally, this is the same case the Associated Press article referenced in which "[a] former DEA supervisor . . . said he and his Albuquerque colleagues allowed 'millions' of pills to go unseized[.]" The article continued: "'The amount we ultimately seized was hitting the streets every month while that case was going on,' the former supervisor said, adding that the DEA could have dismantled the organization six months earlier [than the April 2025 takedown]."

⁵ <https://www.osc.gov/~assets/cases/osc-file-no-di-24-000207-letter-to-the-president-redacted.pdf>.

⁶ "What a reporter found when uncovering why federal agents allowed a deadly drug to hit the streets," Associated Press, June 21, 2026, <https://apnews.com/article/dea-fentanyl-unseized-drugs-new-mexico-reporter-6559cd3579394c8ea7ee30889897375b>.

Mr. Small also made protected disclosures to the reporter regarding SA Howell's credibility as an agent and a whistleblower.

The resulting Associated Press article was published on June 21, 2026,⁷ as was an article from the Albuquerque Journal the same day.⁸ The excerpt above is from a companion interview the Associated Press published.

These stories landed with significant impact. Multiple active investigations at the state and federal level are now underway into this matter. Local officials, including the Governor and State Attorney General, expressed horror at the conduct by federal agents and attorneys. The President of the United States posted coverage of the matter to his social media account. And there has been extensive local television coverage of what has become a full-fledged scandal.

Following the publication of these stories, Assistant Special Agent in Charge (ASAC) Jeffrey Armijo, the highest-ranking official in the Albuquerque District Office, called Mr. Small to his office. Mr. Armijo stopped Mr. Small at the door and said, "If you support David Howell, we're through." Mr. Small disclosed that SA Howell had not said or done anything that Mr. Small disagreed with. After ASAC Armijo and Mr. Small entered the office, Armijo demanded to know whether Mr. Small was the individual with the last letter of their last name of "I" that connected the reporter to SA Howell. Mr. Small acknowledged that he was. Armijo then threatened an investigation of Mr. Small.

Following this tense confrontation, the DEA imposed strict new work hours on Mr. Small, eliminated his flexibility for making up time, and required new mandatory reporting of his work activities. ASAC Armijo also reversed an earlier decision he had made to hire a second contractor so that individual and Mr. Small could both work part-time; notably, Armijo's written approval of the request, prior to his becoming aware of Mr. Small's support of SA Howell's disclosures, praised Mr. Small's experience and knowledge.⁹ Then Mr. Small learned that ASAC Armijo had instructed DEA agents not to give him any further work.

In light of the hostility and retaliation he faced from ASAC Armijo, as well as his inability to switch to part-time work as he had requested and planned, Mr. Small had no choice but to submit his resignation effective August 31, 2026.

In relevant part, 41 U.S.C. § 4712 provides:

An employee of a contractor . . . may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to [authorized official of the Department of Justice or other law enforcement agency] . . . information that the employee reasonably believes is evidence of . . . a substantial and specific danger to public health or safety.

Mr. Small is "[a]n employee of a contractor." He has been "otherwise discriminated against" through the significant changes to his work circumstances and in particular the direction from Mr. Armijo to agents not to give him any more work. These adverse actions were taken immediately and suddenly following Mr. Small disclosing to ASAC Armijo that he supported SA Howell and his whistleblowing.

⁷ Jim Mustian and Joshua Goodman, "Staggering amounts of fentanyl hit streets as the DEA watched and took no action, records show," Associated Press, June 21, 2026, <https://apnews.com/article/dea-fentanyl-unseized-drugs-new-mexico-8f5b546e668e5007c64078da74b90903>.

⁸ Colleen Heild, "Feds allow deadly drugs to 'walk' onto Albuquerque streets," Albuquerque Journal, June 21, 2026, <https://www.abqjournal.com/news/feds-allow-deadly-drugs-to-walk-onto-albuquerque-streets/3067409>.

⁹ See attachment.

On behalf of Mr. Small, Empower Oversight hereby requests a full and swift investigation into this retaliation. Thank you for your time and attention to this important matter.

Cordially,
/Tristan Leavitt/
Tristan Leavitt
President

cc: Colin M. McDonald, Acting Deputy Attorney General
U.S. Department of Justice

From: Armijo, Jeffrey L.
Sent: Wednesday, April 22, 2026 12:58 PM
To: [REDACTED]
Cc: [REDACTED] (Vendor); Small, Kevin
Subject: Part Time Financial Investigators For Albuquerque District Office

Good afternoon Section Chief [REDACTED]

I'm requesting your section's approval to have two part-time Financial Investigator contractors for the Albuquerque District Office (ADO).

Mr. Kevin Small is currently working fulltime at the ADO but requested to become part time. I do not want to lose Mr. Small's experience and knowledge and I'm willing to accommodate his request for another qualified contractor.

I support this request. Thank you for any assistance you can provide.

Jeff Armijo
ASAC
Albuquerque District Office
[REDACTED]