

# WHITE HOUSE PERIMETER BREACH: NEW CONCERNS ABOUT THE SECRET SERVICE

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## HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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## **WHITE HOUSE PERIMETER BREACH: NEW CONCERNS ABOUT THE SECRET SERVICE**

**Tuesday, September 30, 2014**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
WASHINGTON, D.C.

The committee met, pursuant to call, at 10:03 a.m. in Room 2154, Rayburn House Office Building, Hon. Darrell E. Issa [chairman of the committee] presiding.

Present: Representatives Issa, Mica, Chaffetz, Gowdy, Collins, Meadows, Bentivolio, DeSantis, Cummings, Norton, Tierney, Lynch, Connolly, Cartwright, Duckworth, Kelly, Horsford, and Lujan Grisham.

Also Present: Representatives Long and Jackson Lee.

Staff Present: Alexa Armstrong, Legislative Assistant; Brien A. Beattie, Professional Staff Member; Melissa Beaumont, Assistant Clerk; Will L. Boyington, Deputy Press Secretary; Molly Boyl, Deputy General Counsel and Parliamentarian; Lawrence J. Brady, Staff Director; David Brewer, Senior Counsel; Sharon Casey, Senior Assistant Clerk; Steve Castor, General Counsel; John Cuaderes, Deputy Staff Director; Brian Daner, Counsel; Adam P. Fromm, Director of Member Services and Committee Operations; Linda Good, Chief Clerk; Tyler Grimm, Senior Professional Staff Member; Frederick Hill, Deputy Staff Director for Communications and Strategy; Christopher Hixon, Chief Counsel for Oversight; Michael R. Kilo, Legislative Assistant; Jim Lewis, Senior Policy Advisor; Mark D. Marin, Deputy Staff Director for Oversight; Ashok M. Pinto, Chief Counsel, Investigations; Andrew Rezendes, Counsel; Laura L. Rush, Deputy Chief Clerk; Jessica Seale, Digital Director; Andrew Shult, Deputy Digital Director; Jonathan J. Skladany, Deputy General Counsel; Katy Summerlin, Press Assistant; Peter Warren, Legislative Policy Director; Rebecca Watkins, Communications Director; Sang H. Yi, Professional Staff Member; Aryele Bradford, Minority Press Secretary; Jennifer Hoffman, Minority Communications Director; Chris Knauer, Minority Senior Investigator; Juan McCullum, Minority Clerk; Dave Rapallo, Minority Staff Director; Brandon Reavis, Minority Counsel/Policy Advisor; Valerie Shen, Minority Counsel.

Chairman ISSA. The committee will come to order.

The Oversight Committee exists to secure two fundamental principles. First, Americans have a right to know that the money Washington takes from them is well spent; and, second, Americans deserve an efficient, effective government that works for them.

Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers. It is our job to work tirelessly in partnership with Citizen Watchdogs to bring genuine reform to the Federal bureaucracy. This is our mission, and today's hearing follows one of the most important parts of that mission.

With \$1.5 billion spent by the Secret Service, nearly a billion of that spent on protection of the First Family, the Second Family, former Presidents and presidential candidates, the United States Secret Service was always considered to be the elite law enforcement Agency, made up of men and women who were highly regarded, highly respected and highly trusted. The country has placed great faith and trust in the Secret Service.

The agents of the Uniformed Division, their officers and the Secret Service agents have a monumental task, that of protecting the Nation's Presidents, past, present and future. They do so honorably and not without considerable personal sacrifice. They ensure the safety of the First and Second Family, yes, and the safety of foreign dignitaries throughout Washington and, at times, around the world. They ensure the safety of every man and woman who enters the White House and accompanying buildings. But a history of misbehavior, security failures has clearly blemished that record.

On September 19, Omar Gonzalez jumped the North Fence, ran across the White House lawn, up the steps of the North Portico and into the front door of the White House. He was armed with a 3-inch serrated knife. He entered through an unlocked door, passed the staircase to the presidential residence and into the East Room of the White House.

Ladies and gentlemen, that was the part of my opening statement that was changed last night when the early false report that, in fact, he had been apprehended just inside the front door was turned upside down by a revelation that, in fact, he penetrated much further into the White House. Secret Service officers only subdued him after he was clearly well inside the White House.

An intruder walked in the front door of the White House, and that is unacceptable. Common sense tells us that there were a series of security failures, not an instance of praiseworthy restraint. Inexplicably, Omar Gonzalez breached at least five rings of security on September 19.

The White House is supposed to be one of America's most secure facilities and, in fact, one of the world's most secure facilities. So how on Earth did it happen? This failure has once again has tested the trust of the American people in the Secret Service, a trust we clearly depend on to protect the President.

After allowing a paparazzi-crazed reality TV star to crash a State Dinner, after engaging prostitutes in Cartagena, after excessive drinking and an agent falling asleep outside his room in the Netherlands and, yes, after the mishandling of the 11/11/11 event, a gunman who sprayed bullets across the White House and, it is reported, caused over \$100,000 in damage that was not properly reported in real time or understood in real time, it is understandable that morale at the Agency appears to be in decline, according to news reports.

In light of the recent break-in, we have to ask whether the culture at the Secret Service and possible declining morale have an impact in operation, and those are some of our questions today. The appointment of Director Pierson brought new hope that the Agency would reclaim its noble image, but recent events have so troubled us that, in fact, we have called the Director here to face some tough questions.

How could Mr. Gonzalez scale the fence? We understand that. That happens often. People try to scale that fence. But how is it that, as would ordinarily happen, agents didn't immediately apprehend him? How was he able to sprint 70 yards, almost the entire length of a football field, without being intercepted by guards inside the fence? Why didn't security dogs stop him in his tracks?

What about the SWAT team and assault rifles—or sniper rifles? Why was there no guard stationed at the front door of the White House? And, yes, how much would it cost to lock the front door of the White House?

The Secret Service must show us how there is a clear path back to public trust. The purpose of today's hearing is to gain answers to these many questions plaguing the Secret Service. Today we will hear from experts on both the Agency's protocol, foreign and domestic. But, most importantly, we will hear from the Secret Service Director herself on her plans to improve the Agency's performance.

Americans face real danger as we serve interests abroad, especially those stationed at our embassies. It is a time of great peril. We are engaged in a battle against ISIL as we speak, but that is not limited to foreign soil. Americans know that the next attempt to take the White House may not be by a crazed solo knife-wielding veteran with PTSD. It could well be a planned attack from a terrorist organization.

The fact is the system broke down on September 19, as it did when the Salahis crashed the State Dinner in 2009, as it did when Ortega-Hernandez successfully shot the White House on November 11, 2011, as it did in Cartagena when agents paid for prostitutes and compromised security, as it did in the Netherlands in 2014. We cannot further allow this.

But, more importantly, as I said to the Director before today's hearing, the Secret Service relies on two important skills—or facts. Their skill, their capability to protect the President, must be at the highest level because they cannot succeed 99 percent because 1 percent failure is not an option.

But they also rely on a good-faith belief by most people that they shouldn't even try, that this is the hardest target on Earth. We need to make sure that that second hardest target on Earth is true again both in reality and in the minds of anyone who might take on the Secret Service to get to the President or the First Family.

And, with that, I recognize the ranking member for his opening statement.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

We began today's hearing with an obvious premise: No individual should be allowed to scale the fence of the White House, sprint across the North Lawn and burst into the residence of the First Family with a weapon. No one.

Our goal today is also clear: To determine how this happened and make sure it never happens again. This is our watch. This recent incident, unfortunately, causes many people to ask whether there is a much broader problem with the Secret Service.

Last night the Washington Post reported that Omar Gonzalez made his way into the East Room much further than the Secret Service previously disclosed. Another report in this weekend's Post about a shooting incident in 2011 raises even more questions about the competency and culture of this elite Agency. What concerns me most about this report is that agents said they were hesitant. Agents in this Agency said they were hesitant to raise security concerns with their supervisors.

Ladies and gentlemen, something is awfully wrong with that picture. The Secret Service is supposed to be the most elite protective force in the world; yet, 4 days went by before they discovered that the White House had been shot seven times. Then, in 2012, there was the prostitution scandal in Colombia. Although it had little to do with tactical protection issues, it seriously damaged the Agency's credibility.

The Secret Service must not only carry out its duties with the highest degree of excellence and effectiveness, but it also must maintain a reputation which matches that performance. As the chairman has said, much of what deters people from trying to pierce the protective veil of the Secret Service is the reputation, and that reputation must be one of excellence and effectiveness.

Today's witness, Ms. Julia Pierson, was appointed as the Director of the Secret Service last year to help restore the Agency's standing. She has had a distinguished 30-year career with the Agency. And to her credit, she immediately ordered an internal review and agreed to testify.

With respect to this most recent incident, I have key questions for the Director that I know are shared by many people across the country: Did the Secret Service have specific protocols for handling this type of perimeter breach? If so, were those protocols followed in this case? And if they were followed, do they need to be changed in light of what happened? If the protocols were not followed, why were they not followed? And how can we have confidence that they will be followed in the future?

I also want to understand what happened prior to the incident. Gonzalez was arrested in Virginia 2 months earlier, on July 19.

Mr. Chairman, I would like to enter into the record an inventory sheet that was provided to us by the Virginia State Police. It lists the contents of his car, which included an arsenal of 11 firearms, including sniper rifles and a sawed-off shotgun. It also—

Chairman ISSA. Without objection, the entire report will be placed into the record.

Mr. CUMMINGS. Thank you very much.

It also included the contents of his car, which included a small arsenal of 11 firearms, including sniper rifles and a sawed-off shotgun. It also included a map of Washington, D.C., with "a line drawn to the White House."

According to the Virginia State Police, the Bureau of Alcohol, Tobacco and Firearms and Explosives concluded that there was no information in Gonzalez's history that prohibited him from owning

these firearms; yet, he was severely mentally ill and a military psychiatrist reportedly treated him for post-traumatic stress disorder and paranoid schizophrenia.

Mr. Chairman, I hate to even imagine what could have happened if Gonzalez had been carrying a gun instead of a knife when he burst inside the White House. That possibility is extremely unsettling.

Today our work faces two challenges. First, the Secret Service has not yet completed its internal review. I understand that the Director will provide us with a status update, but the final results are not yet in.

Second, some of the information is classified; so, we cannot discuss it in public. The very last thing we want to do is give people like Gonzalez a road map for how to attack the President or other officials protected by the Secret Service. This does not mean the committee cannot obtain the information.

The Director sent a letter on Friday offering not only to testify here today in the public setting, but also to provide all of us with a classified briefing. The chairman has now agreed to hold this classified session in a separate room directly after this hearing concludes.

Let me close by making this very final point. This, ladies and gentlemen, is not a Democratic issue. This is not a Republican issue. This is an American issue. This is also an issue of national security.

The vast majority of men who serve and women who serve in the Secret Service are dedicated, experienced public servants who are willing to lay down their lives for their country. And on behalf of a grateful Congress and a grateful Nation, I thank every one of them. They have an extremely difficult job and, like others in similar positions, they are required to make instant life or death decisions in extremely stressful situations.

Last year, for example, the Capitol Police shot and killed an unarmed woman with a 1-year-old girl in the backseat of her car. Some praised their quick responses. Others criticized their actions. But they acted based upon their first-hand experience right here in the Capitol when another deranged individual burst through the doors and killed two Capitol Police officers.

The Secret Service has a high-profile job, but it is critically important and it requires accountability so that the spotlight is rightly on their actions today.

Mr. Chairman, I look forward to the testimony. I thank you for bringing us back for this hearing. And I look forward to the questions that I have already raised and others being answered.

With that, I yield back.

Chairman ISSA. Thank you, Mr. Cummings.

Chairman ISSA. I now recognize the gentleman from Utah, Mr. Chaffetz, the Subcommittee Chairman on National Security, for his opening statement.

Mr. CHAFFETZ. I thank the chairman, and I also thank the ranking member, Mr. Cummings, and his statement. He is absolutely right: This is not a Republican issue, a Democratic issue. This is an American issue.

I don't want it to be the political football. But we in the United States of America are self-critical. One of the beauties of our Nation is we do hold ourselves accountable. And so I appreciate, Chairman, you holding this hearing.

We have wonderful men and women who serve this Nation. They do it patriotically. They do it—they put their lives on the line. They walk away from their families and their spouses. They don't know what today is going to bring them. And they do so in a very, very honorable way, and we thank them for their service and their dedication.

But I have serious concerns about the current leadership, I have concerns about training, and I have concerns about protocol. And that is what I want to get at today.

Since the current Director has taken on this role, it is also important to note that she was the Chief of Staff since 2008. And so over the last several years, it is not good enough to just simply excuse this as something we were trying to clean up before because she was the Chief of Staff starting in 2008. I am concerned about her leadership and the mixed messages that are sent to those who serve in the Secret Service.

For instance, after the fence-jumping incident, the Secret Service was very quickly—very quick to put out a statement that honored the officers and agents for their “tremendous restraint.” Tremendous restraint is not what we're looking for. Tremendous restraint is not the goal and the objective. It sends a very mixed message.

The message should be overwhelming force. If one person can hop that wall—hop that fence and run unimpeded all the way into an open door at the White House, don't praise them for tremendous restraint. That is not the goal. That is not what we are looking for.

If there were alarms that were inside the door that were muted or silenced, I want to know why that is. Who makes that call and decision? That, to me, is a leadership decision.

I think at some point we need to go back and review the 2013 Inspector General's report, which actually said there is not a problem here, but has over 1,000 indications of security concerns.

And the opening statements say we have to be 100 percent right all the time. Everybody agrees with that. And, yet, the Inspector General's report is pretty damning when it comes and looks at what the agents are feeling like happens within the Agency itself.

Very concerned about the 2011 incident. I am thankful for the Washington Post and Carol Leonnig and what she did in the reporting there.

As best I can tell from the spot report, as well as the article in the Washington Post, the event in 2011 where eight shots were fired at the White House, you had no less than five Secret Service agents report that they thought they heard shots fired. You had somebody on Twitter report that they saw somebody shoot at the White House. There were two people in two different shuttle vans who reported that they saw somebody firing a weapon at the White House. Blocks away, moments later, somebody crashes a vehicle. An assault rifle is in there. And, yet, the—and the Secret Service is on the scene and nobody ties those two together. I don't understand that.

Later the Arlington County Police actually detained this person. He had been positively identified based on what was—that vehicle that was there, but nobody put it into the system to put him on the watch list. Consequently, when the Arlington County Police pull him over, they take his picture and they let him go. And it was only the Pennsylvania police 5 days later that actually find this person. Now he's serving some 25 years in jail, but he could have done a lot more damage.

If the Director is truly going to take full responsibility, I think your opening statement and the goals you have should also talk about leadership. Because, as I talk to the whistleblowers at the Secret Service and others, they are concerned about leadership.

I am also concerned about training. As I look at the 2015 budget request from the White House, on page 39, there is a basic class totals. And I want to run through these numbers because it is important on the training aspect.

Under Special Agent Basic Classes, in 2009, there were eight classes; in 2010, there were eight classes; in 2011, there were five classes; 2012, there were no classes; in 2013, there was one class.

In the Uniformed Division Basic Class, 2009, 11; 2010, there were 11 classes; in 2011, there were six classes; then in 2012, there was one class; 2013, one class.

And you look at the budget line appropriation for this, it didn't go down. It is maintained basically the same. Why did that training diminish?

And then, finally, Mr. Chairman, I worry about protocol. Again, I mention tremendous restraint is what the Secret Service touted. That is not the objective. If you project weakness, it invites attacks. We want to see overwhelming force. If a would-be intruder cannot be stopped by a dog or intercepted by a person, perhaps more lethal force is necessary.

And I want those Secret Service agents and officers to know at least this Member of Congress has their back. Don't let somebody get close to the President. Don't let somebody get close to his family. Don't let them get in the White House ever. And if they have to take action that is lethal, I will have their back.

In this day and age of ISIL and terrorists and IEDs and dirty bombs, we don't know what's going on underneath that person's clothing. If they want to penetrate that, they need to know that they are going to perhaps be killed. That is the message we should be sending every single time. And that is the kind of Secret Service that I expect.

I thank them again for their service, their dedication. We love them. We care for them. But we need better leadership. It is not happening.

I yield back.

Chairman ISSA. Thank the gentleman.

Chairman ISSA. We now recognize the gentlelady from the District of Columbia, Ms. Norton, for her opening statement.

Ms. NORTON. Thank you very much, Mr. Chairman. Thank you for this hearing.

My respect for the Secret Service goes back to when I was growing up as a child in the District of Columbia and continues profoundly to this very day.

But today we must ask—recent events call for an—recent unprecedented events call for an unprecedented response, first, an increasing number of White House jumpers, including the most recent this month who was able to get deep into the interior of the White House; before that, in 2011, multiple shots into the living quarters of the First Family discovered only 4 days later not by Secret Service investigation, but by White House staff.

Beyond these failures, in the core mission of the Secret Service to protect the White House and the First Family is an unsettling failure to disclose, perhaps even understand, what has occurred or to promptly investigate.

Together, this combination of failures suggests strongly that the time is ripe for a 21st century makeover of the Secret Service. I do not regard this matter as a mere question of personnel. I believe it goes far deeper than that. Moreover, the stunning events have occurred during a period when the United States and, by definition, the White House and even the President are being targeted by domestic and international terrorists.

According to threat assessments, this President has had three times as many threats as his predecessors. Just as troubling have been indications of unwarranted secrecy in the Secret Service. The Secret Service is not a secret society. If there is a willing avoidance of needed transparency, that in itself poses a danger to the White House.

For example, when noise is heard that some believe could be gunfire at the White House, others believe is automobile backfire, and still others believe is gun—gun—gang gunfire, isn't it the job of the Secret Service to presume, presume, such a sound is gunfire until an immediate investigation shows it was not?

When line officers close to the sound have to become whistleblowers, has active suppression of information become yet another threat to the White House? Worse, do such failures show that some in the Secret Service are in denial of danger, perhaps posing the greatest risk to the White House?

Particularly troubling, in light of such unanswered questions would be the rush to quick fixes, such as suppression of public access to the area around the White House without a thorough investigation. The White House and Lafayette Park, just like the Congress, are First Amendment areas, and the public must be allowed to express their grievances as they always have been.

In light of the seriousness of recent breaches, the investigation at the first instance by the Department of Homeland Security should go well beyond the details of these events. They are merely the most recent raw data for a top-to-bottom investigation of Secret Service operations at the White House. This is not a mere question of personnel. Changing people at the top or in between will not solve the issue I think we are presented.

We must learn whether today's Secret Service, as structured, for example, could stop five or six fence-jumpers jumping at the same time, intent on harm to the White House and the President, not just a demented war vet, who even alone might have succeeded. No scenario should be off the table for the needed 21st century study of Secret Service operations in the age of terrorism.

Director Pierson has shown accomplishments in her 18 months as director. The heroism of the Secret Service is beyond debate. The White House intruder was brought down, after all, by an agent, but the White House and the President have been thrust into a new era of danger.

The Secret Service should welcome an outside investigation to assure that the necessary resources and the expert backup and the structure for the 21st century is necessary for it to do its job.

Thank you, Mr. Chairman.

Chairman ISSA. I thank the gentlelady.

Chairman ISSA. Members may have 7 days to submit opening statements for the record.

Chairman ISSA. I now ask unanimous consent that our colleague, the gentlelady from Texas, Ms. Jackson Lee, be allowed to participate in today's hearing. Without objection, so ordered.

Additionally, I ask unanimous consent that our colleague, the gentleman from Missouri, Mr. Long, be allowed to participate in today's hearing. Without objection, so ordered.

We now welcome our panel of witnesses. The Honorable Julia Pierson is the Director of the United States Secret Service. The Honorable Ralph Basham is the former Director of the United States Secret Service and currently a partner at Command Consulting Group. The Honorable Todd Keil is the former Assistant Secretary for Infrastructure Protection at United States Department of Homeland Security and is currently a senior advisor to TorchStone Page.

Pursuant to the committee's rules, I would ask that you, please all rise and raise your right hand to take the oath.

Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

Please be seated.

Let the record reflect that all witnesses answered in the affirmative.

In order to allow sufficient time for discussion and questions, please limit your testimony to 5 minutes. Your entire opening statement will be made a permanent part of the record.

And, with that, Director Pierson is recognized.

## **WITNESS STATEMENTS**

### **STATEMENT OF HON. JULIA PIERSON**

Ms. PIERSON. Good morning, Chairman Issa, Ranking Member Cummings, distinguished Members of the committee.

I am here today to address the concern that we all share following the incident of September 19 at the White House. It is clear that our security plan was not properly executed. This is unacceptable. I take full responsibility, and I will make sure that it does not happen again.

As director, my primary concern is ensuring the operational readiness of my workforce. I have been aggressive in addressing our human capital challenges, ensuring professionalism, and developing leaders. Through active engagement with the Agency's super-

visitors and employees, I have made it clear my expectations for professionalism and personal accountability.

Much of what we do to protect the President and the White House involves information that is highly sensitive or classified; so, I'll be limited in what I can say in a public hearing.

On September 19, a man scaled the North Fence of the White House, crossed the lawn while ignoring verbal commands from Uniformed Division officers, entered through the front door and was subsequently arrested on the State Floor.

Immediately that night I ordered enhancements around the complex and, in consultation with the Secretary, initiated a comprehensive review of the incident and protective measures to ensure this will not happen again.

The review began with a physical assessment of the site and personnel interviews. All decisions made that evening are being evaluated, including those on tactics and use of force, in light of the totality of the circumstances confronting those officers.

I am committed to the following: A complete and thorough investigation of the facts of this incident; a complete and thorough review of all policies, procedures, protocols in place that govern the security of the White House complex and a response to this incident; and, based on the results of that review, a coordinated, informed effort to make any and all adjustments, to include training and personnel actions that are necessary to properly ensure the safety and security of the President and the First Family and the White House.

The White House emergency action plans are multifaceted and tailored to each threat. The Secret Service has apprehended 16 individuals who have jumped the fence over the last 5 years, including six this year alone. In fact, on September 11, 2014, a week prior to the events that are the subject of today's hearing, officers apprehended an individual seconds after he scaled the fence and ran onto the grounds.

In addition to fence-jumpers, over the last 5 years, hundreds of individuals have approached the White House perimeter, verbalizing threats to our protectees or acting in a suspicious manner. Officers and agents routinely leverage their experience and training to make decisions to either arrest or transfer these individuals to appropriate facilities for mental health evaluations.

Protecting the White House complex is a challenge in any threat environment. In addition to being a national icon, the complex consists of public spaces, executive offices where our Nation's highest leaders congregate, and the private residence of the President and First Family. Ensuring the safety of all who live and work in the White House while preserving access to the millions of visitors each year requires a unique balance.

In this environment, we are never satisfied by the status quo and we are constantly reviewing our security protocols. With the help of Congress, we have enhanced our protective countermeasures and security features at the White House.

In the past 5 years, the Secret Service has upgraded perimeter cameras, officer booths, vehicle gates and command and control systems, along with enhancements to highly classified programs that have made the President and the complex more secure.

We have generated many of these new security enhancements in direct response to intelligence information on known and emerging terrorist tactics. I thank the Congress for their support in this time of constrained resources.

Beyond technology, approximately 75 percent of our annual budget is dedicated to payroll costs, which support our most valuable asset, our people. The Agency relies heavily on experience, training and judgment of our men and women to make critical split-second decisions.

With respect to the many questions that have been raised and the opinions proffered in the wake of the September 19 incident, I do not want to get ahead of the investigation that is underway.

The Secret Service has had its share of challenges in recent years and some during my tenure. I intend to lead the Secret Service through these challenges and restore our Agency's reputation to the level of excellence that the American public expects. As Director, I am proud of the Secret Service's workforce who serve each day with honor and distinction.

Last week our employees successfully implemented security operations in conjunction with the 69th United Nations General Assembly in New York City, where they protected the President and more than 140 world leaders.

Over the last 12 months, they have completed over 5,600 successful protective missions. It is my responsibility to ensure that these men and women have the resources and training that they need to succeed.

As Director, I have worked with the Department of Homeland Security, with Secretary Johnson, the administration and Congress, to include Members of this committee, to develop a comprehensive, forward-leaning strategy to further enhance the Secret Service's workforce and operational capabilities. We remain dedicated and committed to protecting the President, the First Family and the sanctity of the White House.

I thank the committee today for the opportunity to appear, and I look forward to your questions.

Chairman ISSA. Thank you.

[Prepared statement of Ms. Pierson follows:]

**Statement of Julia A. Pierson  
Director, United States Secret Service  
Department of Homeland Security**

**Before the Committee on Oversight and Government Reform  
United States House of Representatives**

**September 30, 2014**

**Introduction**

Good morning, Chairman Issa, Ranking Member Cummings and distinguished members of the Committee. I am here today to address the concern that we all share, following the incident on September 19<sup>th</sup> at the White House. It is clear that our security plan was not executed properly.

I take full responsibility; what happened is unacceptable and it will never happen again. As Director, my primary concern is the operational readiness of my workforce and, over the past 18 months, I have worked hard to proactively address all aspects of Presidential protection and the security of the White House Complex. I have also been aggressive in addressing human capital challenges, professionalism, and leadership development with the goal of ensuring operational readiness.

As I have informed you and your staff, given that much of what we do to protect the President and the White House involves information that is highly sensitive or classified, I will be limited in what I can say in a public hearing. However, I will share as much information as I responsibly can during the open portion of today's hearing. I am willing to give more complete responses in a closed session after this session is complete.

**September 19<sup>th</sup> Incident**

On September 19<sup>th</sup>, a man scaled the north fence of the White House, crossed the lawn while ignoring verbal commands from armed Uniformed Division officers, entered through the front door, and was arrested on the state floor. Immediately that night, I ordered security enhancements around the Complex. Additionally, Secretary of Homeland Security Jeh Johnson has directed, in clear and very strong terms, that he receive a thorough, beginning-to-end accounting of what transpired on Friday, September 19<sup>th</sup>. Specifically, he has directed that a full investigation be conducted of the event and that he receive a report of investigation. As a result, I initiated a comprehensive review of the incident and protective measures to ensure this will not happen again.

The review began with a physical assessment of the site and personnel interviews. All decisions made that evening are being evaluated, including decisions on tactics and use of force, in light of the totality of the circumstances confronting those officers.

I am committed to the following:

1. A complete and thorough investigation of the facts of this incident, to include necessary personnel actions;
2. A complete and thorough review of all policies, procedures and protocols in place that govern the security of the White House Complex and our response to this incident; and
3. A coordinated, informed effort to make any and all adjustments necessary to properly ensure the safety and security of the President and First Family and those who work and visit the White House.

White House emergency action plans are multi-faceted and tailored to each threat. The Secret Service has apprehended 16 individuals who have jumped the fence over the last five years, including six this year alone. In fact, on September 11, 2014, a week prior to the events that are the subject of today's hearing, officers apprehended an individual seconds after he scaled the fence and ran onto the grounds.

In addition to fence-jumpers, over the last five years, hundreds of individuals have approached the White House fence verbalizing threats toward our protectees, or acting in a suspicious manner. Our officers and agents routinely leverage their training and experience to make decisions to arrest or transfer these individuals to appropriate facilities for mental health evaluations.

#### **Protecting the People's House**

Protecting the White House Complex is a challenge in any threat environment. In addition to being a national icon, the complex consists of public spaces, executive offices where our nation's highest leaders congregate, and the private residence of the President and First Family. Ensuring the safety and well-being of all who work and live at the White House, while preserving accessibility to millions of visitors per year, requires a unique balance.

Since becoming Director, and in the years before that, the security of the President and White House has been my top priority. With the help of Congress, the Secret Service has been undertaking significant enhancements of protective countermeasures and security features at the White House. We are constantly adjusting the security measures for the President and First Family, and the White House. There is no such thing as "business as usual" in our line of work; we have to be successful 100 percent of the time, and we are constantly making changes and doing everything possible to ensure that we are.

In the past five years, the Secret Service has upgraded perimeter cameras, officer booths, vehicle access gates, and command and control systems, along with enhancements to highly classified programs that have made the President and Complex more secure. We thank Congress for their support in a time of constrained resources. We have generated many of these enhancements in direct response to intelligence information on known and emerging terrorist tactics.

Beyond technology, approximately 75% of our annual budget is dedicated to payroll costs, which supports our most valuable asset – our people. The agency relies heavily on the training, experience, and judgment of our men and women to make critical, split-second decisions.

**Conclusion**

With respect to the many questions that have been raised and opinions proffered in the wake of the September 19<sup>th</sup> incident, I do not want to get ahead of the investigation that is underway.

Let me also say that I recognize that these events did not occur in a vacuum. The Secret Service has had its share of challenges in recent years – some during my tenure and some before – of which this is the most recent. I intend over the coming months to redouble my efforts, not only in response to this incident, but in general to bring the Secret Service to a level of performance that lives up to the vital mission we perform, the important individuals we protect, and the American people we serve.

As Director, I am proud of all Secret Service employees who serve each day with honor and distinction, and put their lives on the line throughout the world. It is my responsibility to ensure that these men and women have the resources and training they need for mission success. From my first days as Director, I have worked with DHS Headquarters and Secretary Johnson, the Administration, and Congress, including members of this Committee, to develop a comprehensive, forward leaning strategy to further enhance the Secret Service's capabilities. We remain dedicated and committed to protecting the President and First Family and the sanctity of the White House Complex within the bounds of the Constitution and laws of the United States.

I'd like to thank the Committee for the opportunity to appear before you today. I look forward to your questions.

Chairman ISSA. Mr. Basham.

**STATEMENT OF HON. W. RALPH BASHAM**

Mr. BASHAM. Mr. Chairman, Ranking Member Cummings—  
Chairman ISSA. Could you turn the mic on and pull it a little closer, please.

Mr. BASHAM. Mr. Chairman—  
Chairman ISSA. Thank you.

Mr. BASHAM. —Ranking Member Cummings, distinguished Members of the committee, thank you for the opportunity to share my perspective today on the recent events of the White House and, more broadly, on the state of an Agency I care a great deal about, the United States Secret Service.

Let me say at the outset that I look forward to discussing how the recent incident highlights some of the challenges the Secret Service has long faced at the White House complex in balancing desired levels of security along with the functional needs of those who work and live in that complex, the practical realities of the thriving city it resides within, and the historic symbolism and imagery of the people's house.

The incident exposes certain steps Secret Service got right and those they got wrong and will identify corrective measures and additional resources that can be considered. However, it also poses some difficult questions for all of us on issues, like the use of lethal force and our tolerance for additional fortifications around the White House complex. Those questions do not have easy answers, and the long-term potential consequences must be thought through.

Let us also be mindful that, while our analysis of actions and the shortcomings has the benefit of days of hindsight and consideration, anyone who has served on a protective detail knows the decision-making in an actual event with life and death consequences is measured in milliseconds. Those who were on duty during this incident had a much harder job in trying to get it right than we do here today.

My perspective is one that is shaped by a career of over 30 years in the Secret Service, but also from my experiences at the head of three other operational components within the Department of Homeland Security and now from 5 years in the private sector, where I remain deeply involved in the Homeland Security issues and the implementation of international best practices as it relates to the protection of individuals and high-value assets.

I had the honor of joining the Secret Service in 1971, and I enjoyed a challenging and very interesting career, including being on protective details of Henry Kissinger, Vice President Bush, Quayle, Gore, and countless foreign Heads of State and foreign dignitaries. Later, President Clinton appointed me as the Director of the Federal Law Enforcement Training Center. And, eventually, I returned to Washington after the September 11 attacks to help start up the Transportation Security Administration.

I rejoined the Secret Service in 2003, when I was appointed Director, where I was honored to serve for over 3 years. I subsequently was appointed by President Bush to serve as the Commissioner of the United States Customs and Border Protection, the largest law enforcement agency in the United States. I remained

in that position into the Obama Administration at the request of Secretary Napolitano.

Upon retiring from the government in 2009, I helped found the security company that works for private-sector and government clients. Therefore, the viewpoint that I will share on the subject before the committee today is informed largely by my experience with the Secret Service, but with the benefit of having worked for and with many other elite security organizations around the world for almost 40 years.

Let me commend the Members of this committee for the time and interest you are showing on this subject, especially at this juncture when there are so many pressing security concerns to which our government must pay attention.

It goes without saying that the recent incident with the individual jumping the White House fence, running across the North Lawn and making it inside the White House is unprecedented and unacceptable. This is not just my view, but, as the Director has stated, it is her view and other senior management of that Agency as well as the rank and file.

Again, perspective is critically important in this incident. We could easily be sitting here today discussing why an Iraq veteran possibly suffering through post-traumatic stress disorder, armed with only a pocketknife, was shot dead on the North Lawn when the President and First Family were not on the property.

At the Secret Service, some of the split-second decisions made during this latest incident will thoroughly be examined, procedures will be debated, training will be altered, and, in the end, the Secret Service will learn valuable lessons, as they have been doing throughout their history, of protecting the President and his family.

This is an Agency which has never been reluctant to “red team” incidents, those of high consequences and those of less importance, to find opportunities for improvement in the way it conducts its business, the way it trains its people and the tools it uses to accomplish its incredibly important mission.

I can tell you that my confidence remains extremely high that this aspect of the Service’s culture remains as strong today as it has ever been. And I know that the Agency will learn valuable lessons that it can apply immediately to improve security at the White House and in other settings.

I would urge the committee to keep in mind that—when examining any incidents, that the broader context in which the Secret Service operates is not one which is valued on security alone.

The Service has to ensure that the President, other protectees, and facilities in which they work and live are safe and secure, but they do so in the context of important American values, like freedom and openness, and in close coordination, cooperation and almost always after negotiation with a myriad of other stakeholders and decision-makers who have diverse priorities, responsibilities and viewpoints.

And this dynamic is, in fact, more true when it comes to the area surrounding the White House complex than in any other. As much as I may have wished it when I was the Director, the Secret Serv-

ice absolutely cannot act unilaterally when it comes to almost any security feature in and around the White House.

Stakeholders with a voice include the government of the District of Columbia, as Ms. Norton would recognize, the National Park Service, White House Historical Society, GSA and others, who all provide input into any architectural changes and improvements, new infrastructure or changes in appearance.

A prime example of this is the closure of Pennsylvania Avenue in front of the White House to vehicular traffic, a security imperative, for the Service—from the Service's perspective, for many years that was politically impossible until the Oklahoma City bombing in 1995 made the impact to have—a vehicle-borne explosive could have on a government building, no less a 200-year-old sandstone mansion made it very vivid and undeniable. Even then, it was not until 2004, when I was director, that we were able to complete the project to permanently converting this portion of the road into a pedestrian mall.

I might add, to this day, there are those who believe the avenue should be reopened in spite of the overwhelming and irrefutable evidence of the extreme risk such a move would put the First Family and hundreds of employees who work there.

I can also tell you that there have been numerous studies conducted over the years by the Secret Service and at the Secret Service's request to test and explore options to address vulnerabilities of concern at the White House complex, motivated, in part, by concerns about the inadequacy of the current White House fence as an outer perimeter for a complex giving the ability of an individual or group of individuals to quickly scale it and be on the White House grounds.

While notable improvements have been made, especially over the last decade, to the security of the White House complex, many unnoticeable to the public, there have been several priority improvements desired by the Service that have not been possible in light of other considerations or given the level of funding provided to the Agency for such capital improvements.

Let me be clear. I am not in any way trivializing the importance of these other considerations. As a security professional, there have almost always—there almost always being things that I would like to do for security purposes, but could not, given the factors or—and limited funding. And that is always going to be the case.

We must always keep in mind that the White House, like the United States Capitol, is an important symbol for the American people. It is obviously critically important that it be kept safe, but that security must be accomplished in a way that does not jeopardize the very values that we seek to protect and that these buildings themselves indeed symbolize. I ask that you keep this in context when looking at this particular incident and examining how something could have happened or how it could be and should be prevented in the future.

Finally, I want to make sure the committee is aware of another fundamental principle on which the Secret Service, in fact, any good security organization's protective methodology is based. In the military, it is called defense in depth. In law enforcement, it is usually referred to as multilayered security.

When it comes to protecting the President or the White House complex, there are many layers of protection through which an attacker must travel in order to achieve their desired objectives and to pose an ultimate threat to the person or thing that is the target.

A breach of the fence and the entry of an individual into the White House is undeniably——

Chairman ISSA. Mr. Basham, could you summarize. You're at twice 5 minutes.

Mr. BASHAM. Oh. I apologize.

Then, having said that, Mr. Chairman, I am ready to take questions.

Chairman ISSA. Thank you.

[Prepared statement of Mr. Basham follows:]

White House Perimeter Breach: New Concerns about the Secret Service  
September 30, 2014

Mr. Chairman, Ranking Member Cummings, distinguished members of the Committee: I am grateful for the invitation to be with you today and for the opportunity to share my perspective on the recent event at the White House, and, more broadly, on the current state of an agency I care a great deal about, the United States Secret Service.

My outlook is one that has been shaped by a career of over 30 years in the Secret Service, and from my experiences at the head of three other operational components within the Department of Homeland Security. This experience also includes five years in the private sector, where I remain deeply involved in homeland security issues and in the implementation of international best practices as it relates to the protection of individuals and high value assets.

I had the honor of joining the Secret Service in 1971, where I enjoyed a challenging and interesting career, including being on the protective details of Henry Kissinger, Vice President Bush, Vice President Quayle, Vice President Gore, and countless foreign heads of state and foreign dignitaries. I also served as the Special Agent in Charge of the Cleveland and Washington Field Offices and as the Assistant Director for Training, the Assistant Director for Administration and, in several other diverse assignments, supported the agency's dual missions of protection and investigations.

In 1998, I was appointed by the Clinton Administration as the Director of the Federal Law Enforcement Training Center in Glynco, Georgia, which, as the committee knows, is responsible for providing basic and advanced training for most federal law enforcement agencies in the United States, as well as many state, local, and tribal police forces.

After the September 11<sup>th</sup> terrorist attacks, I was asked to return to Washington D.C. to help create the Transportation Security Administration from scratch.

In 2003, I was appointed Director of the Secret Service, where I was honored to serve for three years.

Just as I was preparing for retirement from federal service, President Bush requested that I take on one final assignment as Commissioner of US Customs and Border Protection (CBP). As the Committee knows, CBP is the largest law enforcement agency in the United States, with responsibility for the border security of our country at and between our air, land, and sea ports of entry.

Secretary Napolitano and the Obama Administration asked me to remain in that position, which I did until I left federal service in mid – 2009 for the private sector, where, along with a few partners, I formed Command Consulting Group. Command is an international homeland and national security advisory and management services firm, where I have had the opportunity to work with international government and private sector clients who are seeking to implement best in class improvements to their security capabilities against the full range of physical security, cyber security, terrorist, and criminal risks.

Therefore the viewpoint I will share on the subject before the Committee today is informed largely by my experience within the Secret Service, but also with the benefit of having worked for and with many other elite security organizations around the world over almost forty years.

First, let me commend the members of the Committee for the time and interest you are showing on this subject, especially at this juncture, when there are so many pressing security concerns to which our government must pay attention. Throughout my various positions in government, I have always found hearings such as this to be a useful tool in advancing a dialog between the Congress and government agencies, with the benefit of outside perspective as well.

It goes without saying that the recent incident with an individual jumping the White House fence, running across the North Lawn and making it just inside the front door of the White House is unacceptable and inexcusable. This is not just my view but I believe it to be the view of the Director of the Secret Service, other senior management of that agency as well as the rank and file employees.

I also believe that it is important to keep this incident in perspective and have some appreciation for the life and death decisions that the officers and agents of the Secret Service have to make in a split-second and under extremely stressful circumstances. Some of the decisions made during this incident will be thoroughly examined, procedures will be debated, training may be altered, and, in the end, the Secret Service will learn valuable lessons as they have been doing throughout their history of protecting the President and his family.

Among all of the qualities and values fundamental to the Secret Service culture, perhaps none is more important to its success than that of intensive self-examination. This is an agency which has never been reluctant to “red team” incidents – those of high consequence and those more routine – to find opportunities for improvement in the way it conducts its business, the way it trains its people, and the tools that it uses to accomplish its incredibly important mission. I can tell you from my time in the Secret Service, as its Director, and also having run its training program and having spent thousands of hours in training myself, that examining the failures in the Secret Service and other protection agencies’ history is a highly valued and daily exercise in helping understand why the agents take the precautions and plan and execute protective assignments in the way that they do, and in exploring ways of doing it better. This is not an organization that fears or discourages self-examination or self-improvement, but rather one that understands why it is so important to its continued success and one that insists on it happening routinely.

Again, perspective is critically important in this incident. We could easily be sitting here today discussing why an Iraq war veteran, possibly suffering through the awful curse of post-traumatic stress disorder, was shot dead on the North Lawn, rather than being tackled at the front door. In 1976 it was a different outcome. Officers shot and killed an individual who came over the fence—he was carrying a long, dark object in his hand which turned out to be a pipe – but the officer’s judgment that day was that it was a weapon and lethal force was employed. These split-second, life and death decisions are difficult.

The United States Secret Service is among very select company as one of the most elite law enforcement agencies in the world. This is certainly true when it comes to its incredible work on complex investigations of high importance to this nation – on financial fraud, cybercrime, and other matters. Since 1901, when the agency first assumed the responsibility, the Secret Service has been best known as the very best dignitary protection organization in the world. It remains, in fact, the model that other governments seek to emulate when building their own protection forces, and for good reason. The professionalism and competence which the vast majority of the men and women in the Secret Service demonstrate on a daily basis is something that the United States Congress and the American people should be very proud of, and I certainly hope that we will not let the very few incidents which find their way onto the headlines overwhelm the reality of what these public servants do every day for our country.

I can tell you that my confidence remains extremely high that this aspect of the Service's culture remains as strong today as it ever has been, and the Committee should feel confident that the men and women in leadership positions take every opportunity to learn and improve from incidents large and small, whether the cameras are pointed in their direction or not. As it relates to this most recent incident, I know that the agency will learn valuable lessons it can apply immediately to improve security at the White House and in other settings.

One important thing which I would urge the Committee to keep in mind when examining the Secret Service or an event such as the recent incursion onto the White House grounds, is the fact that the broader context in which the Service operates is not one which values security alone. When I was Commissioner of US Customs and Border Protection, we had the very difficult job of ensuring that our border was secure from terrorists, criminal organizations and other illicit actors, but we always had to plan and execute our mission with the understanding that the free flow of people and commerce is fundamental to the vitality of our economy and the very principles on which our nation was founded. We could not employ a strategy which valued security at all costs; it had to be one which balanced our security needs with the imperative that we allow, and in fact facilitate, the movement of people and goods across the borders of this country. We not only had to ensure the security of our borders with this balance in mind, but we also, of course, had to do so with limited resources when compared to the mission at hand.

On a smaller scale, the same is true for the Secret Service. The Service has to ensure that the President, other protectees, and the facilities in which they work and live are safe and secure, but they do so in the context of important American values like freedom and openness. This is all in close coordination with cooperation and almost always after negotiation with a myriad of other stakeholders and decision makers who have diverse priorities, responsibilities, and viewpoints.

This dynamic is, in fact, more true when it comes to the area surrounding the White House complex than in any other case. As much as I may have wished it when I was the Director, the Secret Service absolutely cannot act unilaterally when it comes to almost any security feature in and around the White House. The Government of the District of Columbia, including its police department, is an important voice and influential stakeholder in any adjustments to the area surrounding the White House, especially to the important roadways and sidewalks on Pennsylvania Avenue, E Street, Constitution Avenue, H Street, 15<sup>th</sup> Street, and 17<sup>th</sup> Street. So is the National Park Service and the Park Police, especially as it relates to Lafayette Park, the

Ellipse, and the National Mall. The White House Historical Society, the Government Services Administration, and others all provide input into any architectural changes and improvements, new infrastructure, or changes in appearance.

As a simple example, the closure of Pennsylvania Avenue in front of the White House to vehicular traffic, a security imperative for many years from the Secret Service's perspective, was politically impossible until the Oklahoma City bombing in 1995, which made it impossible for anyone to deny the impact a vehicular borne explosive could have to a government building, no less a 200 year old sandstone mansion. Even then, it was not until 2004, when I was Director, that we were able to complete the project to permanently convert this portion of the road into a pedestrian mall. I might add that to this day, there are those who believe the Avenue should be re-opened in spite of overwhelming and irrefutable evidence of the extreme risk such a move would put the first family and the hundreds of people employed in the complex.

On the south side of the White House, we have had temporary security barriers on E Street since the September 11<sup>th</sup> terrorist attacks. No Washingtonian or visitor can be pleased with the sight, that more resembles a construction site than the White House, but it was not until ten years later that designs were being reviewed for improvements to the area, and even then, it was considered imperative that the ultimate design be one that allowed for the street to be reopened in the future for vehicles.

I can also tell you that there have been numerous studies conducted over the years by the Secret Service and, at the Service's, request to test and explore options to address vulnerabilities of concern to the White House complex. Without going into inappropriate detail in this open setting, I can tell you that among other considerations, these were motivated in part by concerns about the inadequacy of the current White House fence as an outer perimeter for the complex given the ability of an individual or group of individuals to quickly scale it and be on the White House grounds. While many improvements have been made, especially over the last decade, to the security of the White House complex – many unnoticeable to the public – there have been several priority improvements desired by the Secret Service that have not been possible in light of other considerations or given the level of funding provided to the agency for such capital improvements.

Let me be clear: I am not in any way trivializing the importance of these other considerations. As a security professional, there have almost always been things I would have liked to do for security purposes, but could not give other factors or limited funding; that is always going to be true. We must always keep in mind that the White House, like the United States Capitol, is an important symbol for the American people. It is obviously critically important that it be kept safe, but that security must be accomplished in a way that does not jeopardize the very values that we seek to protect and that these buildings themselves indeed symbolize these beliefs. I just ask that you keep this in mind when looking at this particular incident, and examining how something could have happened or how it could be and should be prevented in the future.

Finally, I want to make sure the Committee is aware of another fundamental principal on which the Secret Service's, and in fact any good security organizations', protective methodology is based. In the military, this is called "defense in depth", but in law enforcement we usually just

refer to it as multi-layered security. When it comes to protecting the President or the White House complex, there are many layers of protection through which an attacker must travel in order to achieve their desired objective and to pose an ultimate threat to the person or thing that is the target. Again, without going into too much detail, I would respectfully suggest to the Committee that the White House fence is just one layer of that multi-tiered strategy. Specialized tactical units on the White House grounds are another one. A breach of the fence and the arrival of an individual at the steps of the White House is unacceptable and must thoroughly be examined to find opportunities for improvement and to prevent it from happening again; we would all be mistaken if we did not consider it as such. We would be mistaken if we mistook this event as an indication that the President or other protectees were or could have been in imminent danger or that this incident demonstrates a lack of proficiency or commitment on the part of these men and women in protecting our nation's leadership. Having said that, I would certainly welcome, as I know the Secret Service would, any support the Committee is able to offer in terms of resolving remaining roadblocks to improvements to the security of the White House complex.

Again, I thank the committee for the invitation to be here with you today, and I look forward to answering your questions.

Chairman ISSA. Mr. Keil.

**STATEMENT OF TODD M. KEIL**

Mr. KEIL. Thank you, Chairman Issa, Ranking Member Cummings and distinguished Members of the committee for inviting me to testify today regarding the U.S. Secret Service's security protocols.

I believe I can offer a unique perspective on protecting high-visibility, targeted facilities after spending nearly 23 years as a special agent with the U.S. Department of State's Diplomatic Security Service, with responsibility for developing and implementing security programs for U.S. personnel, embassies, consulates and other official facilities around the world. I have also spent numerous years in the private sector, working in and advising corporate security operations and management.

Additionally, from late 2009 until early 2012, I was the Assistant Secretary for Infrastructure Protection at the Department of Homeland Security. As the Assistant Secretary, I was responsible for public-private partnerships and a regulatory program to protect the critical assets of the United States.

Last year I was also selected and served on the Benghazi Accountability Review Board recommended Independent Panel on Best Practices, which was established to identify best practices from across U.S. government agencies, the private sector, non-governmental organizations and allied countries on management and operations in high-threat, high-risk locations globally.

Mr. Chairman, the United States Secret Service has a proud history of almost 150 years protecting the most important government leaders of our country, the White House and other official facilities, and conducting criminal investigations to ensure the integrity of our currency, banking systems and financial communications and cybersecurity.

The men and women of the Secret Service are on the frontline every day, keeping our Nation safe, and they do a tremendous job. The agents and officers of the Secret Service are constantly in the spotlight, especially serving at the White House, one of the most prominent symbols of our Nation's strength and democracy, and we owe them a debt of gratitude for their service to our country.

However, every organization, even those with a century and a half of history, must be willing to learn. Those who wish to do us harm, from an unpredictable, lone, possibly mentally unstable person, to an organized terror group intent on unleashing a calculated attack, typically have the element of surprise.

Our country today faces a very dynamic, fluid and evolving threat environment in which the aggressors have become very patient, resilient and determined. We have to be better than they are.

To counter this threat, security, intelligence and law enforcement agencies like the Secret Service must have solid strategic and tactical management and leadership, focus on their primary mission, and provide their people with the best training and resources and, possibly most important, be ready to act aggressively and appropriately when faced with a threat. The Secret Service, like any successful organization, must be willing to continuously evolve and improve to adapt the Agency ahead of the threat curve.

Throughout my career, I have found that government agencies and private-sector organizations who are at the top of their game become complacent. Time tends to annoyingly erode and blunt the pointy end of the spear, and organizations and their management teams rely on, "This is the way we've always done it" or, "We know how to do it best." So they are unwilling or unable to change.

The Secret Service, I believe, would benefit from expanded use of new and emerging technologies to assist with its protective security responsibilities. In fact, when I was at the Department of Homeland Security, the Secret Service partnered with my office and the DHS Office of Science and Technology to research and develop cutting-edge technology for use at major events in the United States. Now is the time for the Department of Homeland Security to bring some of those technological enhancements out of the lab and expand their use in the Secret Service tool kit.

In addition to emerging technology, management and leadership of an organization must adapt, change and improve. Policies and procedures and deployment of personnel and resources should be under constant scrutiny and exercised based on real-world scenarios. The officers and agents of the Secret Service are some of the best this country has to offer, and they deserve this strategic and tactical leadership to match.

All too often, Mr. Chairman, after something has gone wrong, the cry is simply for more money, more personnel, and a larger physical setback. This is rarely the correct answer. Absent a comprehensive understanding of the fundamental issues that led to systemic failures, throwing more money and people at the problem will only exacerbate existing management weaknesses and compound and magnify, rather than correct, management challenges.

Internal reviews post-incident are typical in the U.S. government from agency to agency. But from my experience, these reviews are impacted by intentional or unintentional personal and professional bias and are often informed by the same agency cultural and management gaps that may have been a contributing factor in the original incident.

The Department of Homeland Security and the Secret Service now have a unique opportunity and critical moment in time to obtain an unbiased, independent, top-to-bottom review, focusing on the Service's management and policies and procedures related to the incident on September 19 and other similar incidents.

I strongly recommend that the Secretary of Homeland Security appoint a panel of external independent experts to conduct this review, and this group should be tasked with providing advice, guidance and formal recommendations to the DHS and the Secret Service. In fact, Mr. Chairman, the panel I was on on Benghazi was chaired by former Secret Service Director Mark Sullivan.

Mr. Chairman, throughout my career, I have always been proud to work side by side with my Secret Service colleagues at every level in the Agency. The United States Secret Service is a recognized world-class organization, and I am confident they will learn from this most recent and related incidents and innovate, strengthen and improve as they keep our country and leaders safe.

Thank you, Mr. Chairman and committee Members. And I am happy to answer any questions.

Chairman ISSA. Thank you, Mr. Keil.  
[Prepared statement of Mr. Keil follows:]

**Todd M. Keil**

**Opening Statement before the House of Representatives, Committee on  
Oversight and Government Reform**

**Washington, DC**

**September 30, 2014**

Thank you, Chairman Issa, Ranking Member Cummings and distinguished Members of the Committee for inviting me to testify today regarding the U.S. Secret Service's security protocols in light of the September 19, 2014, incident in which an armed intruder entered the North Portico of the White House.

I believe I can offer a unique perspective on the management, procedural, physical and technical aspects of protecting high-visibility, targeted facilities after spending a career of almost 23 years as a Special Agent with the U.S. Department of State's Diplomatic Security Service with responsibility for developing and implementing security programs for U.S. personnel and embassies, consulates and other official facilities around the world. I have also spent numerous years in the private sector working in and advising corporate security operations and management. Additionally, from late 2009 until early 2012, I was the Assistant Secretary for Infrastructure Protection at the Department of Homeland Security. As the Assistant Secretary, I was responsible for public-private partnerships and a regulatory program to protect the critical assets of the United States essential to our nation's security, public health and safety, economic vitality and way of life. Last year, I also was selected and served on the Benghazi Accountability Review Board recommended Independent Panel on Best Practices which was established to identify best practices from across U.S. government agencies, the private sector, non-governmental organizations and allied countries on management and operations in high-threat, high-risk locations globally.

Mr. Chairman, the United States Secret Service has a proud history of almost 150 years protecting the most important government leaders of our country, the White House and other official facilities and conducting criminal investigations to ensure the integrity of our currency, banking systems and financial communications and cyber security. The men and women of the Secret Service are on the front line everyday keeping our nation safe and they do a tremendous job. The agents and officers of the Secret Service are constantly in the spotlight, serving at the White House, one of the most prominent symbols of our nation's strength and democracy, and we owe them a debt of gratitude for their service to our country.

Every organization, however, and even those with a century and a half of history, must be willing to learn.

Those who wish to do us harm, from a unpredictable, lone, possibly mentally unstable person, to an organized terror group intent on unleashing a calculated attack, typically have the element of surprise. Our country today faces a very dynamic, fluid and evolving threat environment in which the aggressors have become very patient, resilient and determined. We have to be better than they are! To counter this threat, security and law enforcement agencies, like the Secret Service, must have solid strategic and tactical management and leadership, focus on their primary mission, provide their people with the best training and resources and, possibly most important, be nimble and flexible. The Secret Service, like any successful organization, must be willing to continuously evolve and improve to adapt the agency ahead of the threat curve.

Throughout my career, I have found that government agencies and private sector organizations, who are at the top of their game, become complacent. Time tends to unknowingly erode and blunt the pointy end of the spear, and organizations and their management teams rely on, "this is the way we have always done it" or "we know how to do this best," so they are unwilling or unable to change. The Secret Service, I believe, would benefit from expanded use of new and emerging technologies to assist with its protective security responsibilities. In fact, when I was at the Department of Homeland Security, the Secret Service partnered with my office and the DHS Office of Science and Technology to research and develop cutting-edge technology for use at major events in the United States. Now is the time to bring some of those technological enhancements out of the lab and expand their use in the Secret Service toolkit. In addition to emerging technology, management and leadership of an organization must adapt, change and improve. Policies, procedures, and deployment of personnel and resources should be under constant scrutiny and exercised based on real world scenarios. The officers and agents of the Secret Service are some of the best this country has to offer and they deserve the strategic and tactical leadership to match.

All too often, Mr. Chairman, after something has gone wrong, the cry is simply for more money and more bodies. This is rarely the correct answer. Absent a comprehensive understanding of the foundational issues that led to systematic failures, throwing more money and people at the problem will only exacerbate existing management weaknesses and compound and magnify rather than correct management challenges.

Internal reviews post incident are typical in the U.S. government, from agency to agency, but, from experience, those reviews are impacted by intentional or unintentional personal and professional bias and often are informed by the same agency cultural and management weaknesses that may have been a contributing factor in the original incident. The Department of Homeland Security (DHS) and the Secret Service now have a unique opportunity and critical moment in time to obtain an unbiased, independent top to bottom review focusing on the Service's management, and policies and procedures related to the incident on September 19<sup>th</sup> and other similar incidents involving unauthorized persons entering the White House complex. I recommend that the Secretary of Homeland Security appoint a panel of external, independent experts to conduct this review and this group should be tasked with providing advice, guidance and formal recommendations to DHS and the Secret Service.

Mr. Chairman, throughout my career I have always been proud to work side by side with my Secret Service colleagues at every level in the agency. The United States Secret Service is a recognized world-class organization, and I am confident they will learn from this most recent and related incidents and innovate, strengthen and improve as they keep our country and our leaders safe.

Thank you, Mr. Chairman and Committee members, and I am happy to answer any questions you may have.

Chairman ISSA. I'll recognize myself now.

And I think the first question—if you can put out the map of the White House up there. The first question, Director—if you look at the lower portion, the first question the American people want to know was: Is there a crash button? And had it been pushed, would it have locked the front door of what's marked as the "Entrance Hall"?

Ms. PIERSON. The front door at the time did not have an automatic locking mechanism. It required an individual to hand-lock the door.

Chairman ISSA. Okay. So we have an automated system that can lock down the White House. \$800 million a year. Millions of dollars more during your tenure each year than the President's request. And that door was unlocked with no one standing at it when Mr. Gonzalez came through it. Is that correct?

Ms. PIERSON. The door was unlocked at the time of Mr. Gonzalez's entry. That is correct.

Chairman ISSA. Okay. And earlier there was a report and in the indictment of Mr. Gonzalez that he was apprehended at the entrance hall.

Isn't it true today that we understand that is not true, he was actually apprehended at the Green Room? Is that correct?

Ms. PIERSON. If I may clarify my first answer, the front door actually consists of two doors. There is an outer door, which is a glass—almost described as a storm door, and an inner door, which would be a wood, ornamental, historic door. The outer door, the glass storm door, was not locked. The internal wood door was in the process of being hand-locked.

Chairman ISSA. Okay. Bottom line is automated locking is a capability within the White House, but not at that entrance at that time?

Ms. PIERSON. Not at that time, but has since been installed and is effective today.

Chairman ISSA. We learn from our mistakes.

The second question: Your Agency previously had reported and an indictment against Mr. Gonzalez asserted that he was arrested in that entry area.

Isn't it true that he actually penetrated the Cross Hall, the East Room and, in fact, was arrested in the vicinity of the Green Room?

Ms. PIERSON. Referring to your map on the wall—

Chairman ISSA. Yes.

Ms. PIERSON. —as I have been briefed, the—Mr. Gonzalez entered the front double doors—

Chairman ISSA. Ma'am, I want a short answer. I have very little time.

Was he, in fact—the Federal complaint said he was, in fact, apprehended in one place.

Isn't it true he was apprehended further into the White House?

Ms. PIERSON. As Mr. Gonzalez entered the door, he knocked back the officer that was standing at the doorway. The officer then engaged Mr. Gonzalez. They crossed the east Entrance Hall together, made the left turn down the Cross Hall. They stepped momentarily into the East Room.

Another officer rendered aid. And he was placed on the ground on the carpet and handcuffed on the Cross Hall just outside of the Green Room. There is no indication at this time—

Chairman ISSA. Okay. So, in fact, the Federal complaint and the earlier reports were not accurate. Is that correct? Yes or no, please.

Ms. PIERSON. I think the original complaint is accurate that Mr. Gonzalez scaled the fence—

Chairman ISSA. Ma'am. Ma'am, hold it. Hold it. I have very little time, and I am not—the American people want to know is the President safe. I want to know if we can rely on reports from your Agency.

Now, going back to Mr. Hernandez, during your watch not as Director, but as Chief of Staff to the Director, is it true that, in fact, as reported, agents falsely assumed that they were not gunshots when they were gunshots, that, in fact, there were stand-down orders to people who had already pulled shotguns out, that, in fact, the bullets were not discovered to have hit the White House in real time within a 24-hour-or-greater period by the Secret Service? Yes or no, please.

Ms. PIERSON. Mr. Chairman, you're referring to the Ortega shooting that—

Chairman ISSA. The—yes.

Ms. PIERSON. —occurred in November—

Chairman ISSA. Ortega-Hernandez, if I remember.

Ms. PIERSON. —2011?

Chairman ISSA. Yes.

Ms. PIERSON. At that time, it is my understanding that there was reports of shots being fired in proximity to Constitution Avenue—

Chairman ISSA. Ma'am, ma'am, I—ma'am, ma'am, this was—

Ms. PIERSON. —by the United States Secret Service.

Chairman ISSA. No. Stop, please.

I want to be considerate to you. You have a hard job. But you head an agency whose morale has gone down. It is lower than other comparable Federal agencies. It has had a series of embarrassments. We are going to leave the embarrassments out. We've had two cases in which the reporting is evolving.

Only last night did the public learn that, in fact, it was far worse, or at least somewhat worse, on September 19th. Only recently has it been revealed—and you said you wanted to correct the record. The Washington Post makes it clear, from what I read, that, in fact, on November 11th of 2011, shots were fired, the assailant left, while, in fact, the Secret Service supervisor shut down the response of people who believed, rightfully, there had been shots fired. And, in fact, the follow-up did not discover the damage to the White House and the actual shots in realtime.

Additionally, Mr. Ortega—"Ortega-Hernandez" is the way I have it written—would not have been apprehended except that he had a car accident. And even when he was, it was not immediately linked to his criminal activity.

That, in fact, the system at the White House did not detect the actual shots fired and begin the pursuit of somebody who had provided lethal force against the facility of the White House; is that correct? You were chief of staff at the time. Is that roughly correct?

And if it isn't, I will allow you whatever time you need to properly explain what really happened on November 11th, 2011, so the American people can understand that September 19th is not the first time there has been considerable lapse, as I see it, and, in fact, during a long period of time, during your chief of staff time, now during your director time, we have had the kinds of things that we should be concerned about for protecting the President.

So, please tell us, in whatever time you need, about November 11th, 2011, where The Washington Post is right or wrong. This is your chance.

Ms. PIERSON. Thank you, Mr. Chairman.

As you're aware, my assignment as chief of staff—

Chairman ISSA. Could you get the microphone a little closer, please?

Ms. PIERSON. Certainly.

Mr. Chairman, thank you very much.

As you're aware, in 2008, my assignment with the United States Secret Service was chief of staff. My primary responsibilities at that time were business transformation and IT transformation for the organization. My focus was on the business operations of the organization.

To my knowledge and based on the briefings that I have received of this 3-year-old investigation that occurred in November of 2011 that appeared in The Washington Post on Sunday—I had also had been aware that Representative Chaffetz had asked for a data inquiry. And we responded back to the committee on September 12th and provided him detailed information of the Secret Service's activities on that weekend.

Shots were reported by the United States Secret Service officers in area of Constitution Avenue and 15th. There were witness accounts of a black vehicle that had fired shots. There was confusion at the time by the part of the witnesses as to what they had witnessed and what they had saw. Several of those witnesses put out Twitter accounts of what they had witnessed. They were subsequently located and interviewed and recanted those statements.

The actual shots that were fired in proximity to Constitution Avenue and 15th, the vehicle sped away and went westbound on Constitution, erratically driving, and struck a lightpost in the area of 23rd and Constitution. Mr. Ortega then fled the vehicle.

Park Police officers and Uniformed Division officers ultimately responded to the scene, where the vehicle was left with the AK-47 in the front seat. Park Police has jurisdiction over the traffic accident and assumed responsibility for the initial phases of the investigation.

Chairman ISSA. Ma'am, I'm going to give you all the time you need—and thank the ranking member. But the answer is: Where are the inconsistencies with what we now know from the Washington Post? You said that they got the story wrong, they were misstating it, they were mischaracterizing it. I'd like to hear the inconsistencies.

So far, you're just corroborating that, in fact, the understanding of the series of failures in realtime to protect the White House are, in fact, correct, according to The Washington Post. So please tell us where they are not correct, please.

Ms. PIERSON. Throughout the course of this, there was a command post established down at Constitution Avenue and 23rd Street. Metropolitan Police Department, the U.S. Park Police, the United States Secret Service were there attempting to resolve or understand from the witness accounts what had happened on Constitution Avenue.

Back at the White House, individuals had heard what they believed to be shots. The Secret Service, according to the records that I have been able to locate on this 3-year-old investigation, did response properly. The emergency response teams and other officers did a protective sweep of the area to make sure that we did not have any intruders, to make sure that there were not any injuries and obvious signs of anything that had been damaged.

Further investigation with the Park Police, they were unable to resolve at that time as to whether or not these were shots being fired at other vehicles or shots being fired at the White House. That took some time to understand.

It wasn't until the Usher's Office was preparing for the return of the President and First Family—or the President and the First Lady that they identified damage on the Truman Balcony. That led to further investigation, and that led to us contacting the Federal Bureau of Investigation to initiate their full investigation.

Chairman ISSA. Thank you.

Mr. Cummings, I want to thank you for your understanding and just relate something that you and I discussed yesterday, if I may.

In Washington, D.C., and around the country, there are a number of systems that we all know—and Baltimore, I believe, has it too—that they're basically microphones that hear gunshots, can identify the direction, can quickly without human intervention figure out whether or not a real shot has been fired, confirm it, and often give a very accurate direction. That type of technology isn't so odd that we don't see it in our cities. And I think that's the reason I went on so long with this question.

Ms. Norton, I know, knows this. The District does have a sophisticated system. And I think the committee is going to want to make sure that not only does the White House have a higher level of awareness of this system but that the District's system be enhanced, if necessary, to make sure that something like this never happens again.

And I thank the gentleman for his patience.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Director Pierson, I have thought about all of this long and hard, and I think my major concern goes to the culture. It is very disturbing to know that Secret Service agents in the most elite protective agency in the world feel more comfortable, apparently, from what I'm hearing, coming to members of this committee and telling things than coming to you and members in the agency.

That, I'm telling you, when I boil all of this down, that, to me, is dangerous. It has to go against morale. I don't even see how good decisions can be made if your own people don't feel a level of comfort that—or they feel fear that they are going to be able to talk about the things that concern them.

And I just want to go through some questions, and I want to give you a chance to address that. Because, to me, when all the dust settles, that's a problem.

And so, going back to this November 11th, 2011, incident—and I know you were not the Director. I understand that. A lot of people talk about the culture problem with the Secret Service, and the press reports—of all the press reports, the one that concerned me is that, back there on the 2011—and it said, “Officers who were on the scene who thought gunfire had probably hit the house that night were largely ignored, and some were afraid to dispute their boss's conclusions.”

Did you see that report, and are you aware of this issue?

Ms. PIERSON. Ranking Member Cummings, I, too, read that newspaper article and was troubled by those accounts.

I have asked my Office of Professional Responsibility to retrieve the file and those records of what we know and when we knew it, if this young officer had made such a statement. I did find a statement where that young officer alleges that they were reluctant to report it to their supervisor to be criticized, I believe was his statement. That troubles me, as well.

Mr. CUMMINGS. And that's a major problem.

Ms. PIERSON. I am going to ask my Office of Professional Responsibility to reinterview that officer—they remain on the job today—to determine whether or not that officer would be more competent today or what were some of the problems that night that she felt like she could not say that. That extremely troubles me.

Now—

Mr. CUMMINGS. It said that she heard shots, “she heard shots and what she thought was debris falling overhead. She drew her handgun and took cover, then heard a radio call reporting possible shots fired near the south grounds.”

She then called the Secret Service Joint Operations Center to report that she was breaking into the gun box near her post, pulling out a shotgun. According to this article, she replaced the buckshot inside with a more powerful slug in case she needed to engage an attacker, but then the call came over the radio to stand down.”

The next day, the officer, “listened during roll call before her shift Saturday afternoon as supervisors explained that the gunshots were from people in two cars shooting at each other.” The report said that she, “had told several senior officers Friday night that she thought the house had been hit,” but on Saturday she did not challenge her supervisors for fear of being criticized, she later told investigators.

Now, Director Pierson, as a former field agent and as the head of the agency, that has to concern you tremendously; is that right?

Ms. PIERSON. Yes, sir, it does. It's unacceptable.

Mr. CUMMINGS. Does it trouble you that some of your own agents apparently do not feel comfortable raising security concerns?

And this is just one person. And there are others who, again, would rather be whistleblowers—and, again, I have no problem with whistleblowers. As a matter of fact, we do everything in our power to protect them. But this agency, if they'd rather be a whistleblower than to bring their concerns to you?

See, you started off by saying that you're going to make sure this never happens again. Let me tell you what the problem is here. If you're heading an agency where the folks are not providing you with the information to do the right thing, to make the changes, how do you even know what the problems are? You follow me? Help me with this.

Ms. PIERSON. Yes, sir, if I may.

Anytime, any organization, you start to make significant changes, some people will have resistance. Some people will push back. However, I will continue to lead and transform the Secret Service to ensure that we're prepared for our mission and ensure that we can restore our reputation to the American public.

What I will tell you, over the last 18 months that I've been serving as Director and over the last 6 months, I have met personally with over 1,500 of our supervisors and employees. I've had a number of engagement sessions and spent over an hour with each of them, expecting—advising them of what my expectations are, what their performance requirements are, what personal accountability is, how to manage this workforce, how to ensure that we are performing at the highest levels in everything that we do, that we're operationally ready, that we are training, that we're evaluating each other, and that we're constantly looking at our mission to make sure we're being effective in everything we do.

I can't speak for what has happened in the past, but I can tell you, as we're moving forward into the future and while I am Director, I will not tolerate personnel missteps where people either fail to act or do not support the workforce or do not work in unison. But I would say that I suspect there are many people that are still pushing back, and I'm going to continue to lead forward.

Mr. CUMMINGS. You know, the problem is that that officer, she was right. And that was the morning after the shooting. Yet it took 4 days for the housekeepers to discover that the bullets had struck the building; isn't that right?

In other words, the officer was right.

Ms. PIERSON. Yes, ultimately, the officer was right.

Mr. CUMMINGS. The Washington Post story says that this agent subsequently reported her concerns to investigators. Was there an after-accident report about the 2011 shooting? Did it include recommendations relating to agents reporting their concerns without fear of being criticized? Do you know?

Ms. PIERSON. I don't know, but I would say that the officer's statement to our interviews that occurred with Secret Service employees are different than the officer's statement to the FBI and the investigators conducting the investigation.

And that is why I've asked my Office of Professional Responsibility to go back and have a robust conversation with that employee to ensure that she feels supported, knows that we want her to come forward with any information, and that we understand what some of the impediments may be with the management team, where we feel like we can make improvements to ensure that that never happens again.

Mr. CUMMINGS. Let me say this, and then I'll close. Former Director Sullivan invited me a few years ago—you may have been there—to speak before your top agents after the Columbia situation

with the prostitutes. And one of the things that I said to them back then—I expressed my tremendous respect and appreciation, but I also told them that I don't want anyone to imagine, imagine—imagining—that they can pierce the protective veil of the Secret Service, period. Because I firmly believe that the reputation is so very, very, very, very important.

And, you know, I'd just—again, that culture thing is an issue. I'm sure others will question you about that. But I just—thank you for your testimony.

I yield back.

Mr. CHAFFETZ. [Presiding.] Thank you.

I now recognize myself.

Following up on Ranking Member Cummings, I sent you a letter, Director, specifically asking for details about this situation in 2011.

I'd ask unanimous consent to enter it into the record so all Members can see it, the unclassified spot report on the incidents in November of 2011.

Hearing no objection, so ordered.

Mr. CHAFFETZ. Director, why is it—why is it that when I look at this report there isn't even a mention of Officer Carrie Johnson? And yet The Washington Post reports details about her calling into the Secret Service headquarters. Why isn't her name even mentioned in the spot report?

Ms. PIERSON. The spot report reflects the active investigation. I don't know what information that you have relative to Officer Johnson's reporting.

Mr. CHAFFETZ. Well, you gave us this report. I asked you for all the details and information. This is minute by minute—2052 hours, 2053 hours. It is minute by minute what happened in this situation.

Are you telling me that The Washington Post is wrong, that she didn't call into the headquarters? Did she not do that?

Ms. PIERSON. I'm confused by your statement about “call into headquarters.”

Mr. CHAFFETZ. Well, according to The Washington Post, she called in and reported and said that she had heard shots fired. She reported that she was opening a box, getting out a shotgun—all those details.

Ms. PIERSON. That's the confusion that I have with the Washington Post article. Typically, when there is an emergency happening around the White House or alerts are made, much like the shots being fired on November 11th, I would expect officers to react according to their security protocols.

Mr. CHAFFETZ. And she says in The Washington Post—it says that she called into the headquarters. There is no mention of that. Other officers are mentioned in there, but she is not. We will follow up on that. It is unacceptable to not even mention the actions that she took and that The Washington Post could get that but the Congress couldn't and you couldn't provide it.

Let's go back to the fence-jumping situation. State police—the fence-jumper. State police had detained a person. Had a map in the car, all the weapons that Congressman Cummings had talked about, suspicious behavior. My understanding is that, actually, three officers had actually spotted him that day and not reported

it—not reported it. And I want to know if that’s true as we go along.

The fence failed. Officers chased him, didn’t catch him. Sniper was in position. No shots were fired. Dogs were out there, weren’t released. Countersurveillance, I’m understanding, is understaffed. There was no—nobody shot anything. There was nobody that was intercepted. The doors were unlocked. An officer was overwhelmed. The crash box was evidently silenced.

And yet the Secret Service puts out a statement that that they offered, “tremendous restraint and discipline.”

My question to you is, do those officers have your authority to use lethal force to prevent somebody from entering the White House?

Ms. PIERSON. Those officers do have the authority to use independent judgment to leverage lethal force when appropriate.

Mr. CHAFFETZ. Is that true when somebody is trying to get at the President?

Ms. PIERSON. That is always true. They are law enforcement officers.

Mr. CHAFFETZ. So it’s always true when there’s somebody who’s trying to penetrate the White House that they can use lethal force?

Ms. PIERSON. As appropriate, within the confines of the law.

Mr. CHAFFETZ. If somebody tried—explain the details of that. If somebody is approaching the White House, has penetrated the security and making a run for the White House, no apparent weapon, can they take that person down?

Ms. PIERSON. The law requires that law enforcement officers ensure that they are in imminent danger or others are in imminent danger before they can leverage lethal force.

Mr. CHAFFETZ. So if the person is running at the White House, but no apparent weapon, they can or cannot use lethal force?

Ms. PIERSON. Those are going to be independent decisions made by the officer based on the totality of the circumstances.

Mr. CHAFFETZ. How does an officer know if they have an improvised explosive device or a dirty bomb or if it’s a terrorist? How do they know that? Shouldn’t they assume that this person has ill intention?

Ms. PIERSON. Law enforcement officers are trained in observation skills, and I would assess that they are constantly looking at people for ill intentions.

Mr. CHAFFETZ. I think it’s confusing. This is part of what they have to deal with. They make a split-second decision.

I want it to be crystal-clear: You make a run and a dash for the White House? We’re going to take you down. I want overwhelming force. Would you disagree with me?

Ms. PIERSON. I do want our officers and agents to execute appropriate force for anyone attempting to challenge or breach the White House.

Mr. CHAFFETZ. We’ve got to explore this further.

The Secret Service put out a statement that, according to the—talked to the Associated Press, I should say. They reported that on September 20th at 1:24 a.m. Eastern time, Donovan, the spokesperson, Ed Donovan—Donovan said the man appeared to be un-

armed to officers who spotted him climbing the fence, and a search of the subject turned up no weapon.

Why would he say that there's no weapon?

Ms. PIERSON. I will have to have a—have to ask Mr. Donovan that question.

Mr. CHAFFETZ. You haven't done that since the incident happened?

Ms. PIERSON. I know when Mr. Gonzalez was placed into custody he was found to have a folded knife in his right front pants pocket.

Mr. CHAFFETZ. Do you consider that a weapon?

Ms. PIERSON. That is a weapon.

Mr. CHAFFETZ. Would why the Secret Service put out an official press release saying that—or put out a statement to the Associated Press? Did you ever correct the—did you correct the Associated Press? Did you call them back and say, you got that wrong?

Ms. PIERSON. I have no knowledge of that.

Mr. CHAFFETZ. So you just let it linger out there that there was no weapon. And that was wrong. It was inaccurate. Correct?

Ms. PIERSON. I do know that there has been a lot of information in this case, and that's why we are doing a robust review. I can't speak for conversations that I was not a part of or the press's interest in—

Mr. CHAFFETZ. Did you read the press release before it went out?

Ms. PIERSON. I have read the press release before it went out.

Mr. CHAFFETZ. Do you agree that the officers showed tremendous restraint and discipline? You agreed with that comment?

Ms. PIERSON. I do think, based on the totality of the circumstances and from Mr. Gonzalez's arrest, that these officers did use restraint in making a very difficult decision as to whether to employ legal force or subdue and arrest him.

Mr. CHAFFETZ. Do you think they responded appropriately?

Ms. PIERSON. I do not think the security plan was properly executed, and that is why I'm conducting a robust investigation to ensure that we have a comprehensive review of what people were—that I have the facts, all of the facts, so I can make an assessments of what the decisions were on that night.

Mr. CHAFFETZ. Thank you. I've gone well past my time.

We'll now recognize the gentlewoman from the District of Columbia.

Pardon me. We're going to recognize Mr. Horsford.

Go ahead. We'll go to Ms. Norton.

You're recognized for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

And I want to thank Director Pierson for her 30 years of service in the Secret Service, for rising through the ranks to become the first woman director. And I am aware of what she has inherited and of her many accomplishments.

Director Pierson, I'm going to ask you about the rumors that have been out there about what the Secret Service may do. When Pennsylvania Avenue was closed down after Oklahoma City, there was a kind of example of how public access can remain. I was heartbroken. Both sides of the White House were closed down. I worked with the Clinton administration to open E Street, the back side of the White House, not only for its vista but because it's a

major thoroughfare and it affected the entire region. That was narrowly closed down.

But as Mr. Basham testified, in front of the White House, though cars can no longer go there, people can go there. And, essentially, it was made a park, a walkway. And I—none of my constituents, no one says it should be reopened. Because that would mean cars, not people.

So my concern is whether or not people will continue to have access around the White House. I walked to the White House yesterday. I was pleased to find not only tourists but protestors, as usual, there.

I ask you, I noticed that on—I followed your testimony, and you've testified 16 jumpers in only 5 years. So there's been an increase in fence-jumpers. And so I want to know whether you have considered before today simply asking that a higher fence be built, one that, for example, could curve, you know, still be historic, that wrought-iron fence, but with the curves going outward so maybe you'd damage one of your body parts if you tried to get over it, or even—and here, these are off the top of my head—multilayered glass behind the fence that could resist blasts from guns or bombs.

Since there have been 16 in 5 years, at least—I think many more over the years—have you considered such commonsense devices as that so that the public would still have access but the President of the United States and his family would be protected? Have you ever recommended that?

Ms. PIERSON. Representative Norton, we do want to work in partnership to ensure that the people have access in proximity to the White House and the historic nature and the national significance of Lafayette Park and Pennsylvania Avenue and the White House.

And so I do look forward to continuing to work with you and the administration and the Department to look at what additional security features can be put in place, not only for White House fence-jumpers but for the other challenges that face in us in securing public areas.

Ms. NORTON. I recognize that most of these fence-jumpers are harmless. I am worried about multiple fence-jumpers and whether you have the resources and the staff if there were five or six of them who came across the fence. By my calculations, you are down almost 300, more than 250 agents in the Uniformed Service in the last year or 2 since the sequester and the cuts. Is that the case?

Ms. PIERSON. Yes, Representative Norton, the Secret Service has had a reduction in its staffing as a result of sequestration and other fiscal constraints. We are close to 550 employees below our optimal level.

Ms. NORTON. Do you have—do you have to—I understand that staff has had to be brought in from other units, who may not have been as familiar with the White House, because of the shortage of staff. Is that the case?

Ms. PIERSON. Earlier this summer and based upon the work requirement that the Secret Service is faced with in the month of September in order to support the United Nations General Assembly, I made the decision to bring in special agents from around the country to support some of the Uniformed Division posting assign-

ments in proximity to the White House tours. That's provided some relief for our Uniformed Division to be able to take some annual leave.

Ms. NORTON. Yeah.

Mr. Chairman, I realize my time is gone, but I do think that Congress has to take some responsibility when the sequester went across the board, including police agencies like the Secret Service.

Thank you, Mr. Chairman.

Mr. CHAFFETZ. I thank the gentlewoman.

We'll now recognize the gentleman from South Carolina, Mr. Gowdy, for 5 minutes.

Mr. GOWDY. Thank you, Mr. Chairman.

Director, I'm actually a big fan of law enforcement, and I don't take any delight in asking you the questions I'm going to ask you. But law enforcement are given unique powers in our society, and with those unique powers come unique responsibilities. And I can't think of any responsibility greater than guarding the safety and security of our President and his family.

So, as I understand it, several agents believe that shots were fired, and the supervisor concluded that it was a vehicle backfiring. Even if that were true, given the very small investment of resources, why not investigate the shots fired?

Ms. PIERSON. Representative, I think that is where some of the confusion starts to come out, as the story that's in The Washington Post versus—

Mr. GOWDY. I'm not asking you about a Washington Post story. I'm asking you about why a housekeeper, who doesn't go to Glynco, who doesn't spend 14 weeks in training, who doesn't have 18 weeks of training thereafter, found glass and your agents did not. That didn't come from The Washington Post.

Is that true? Did a housekeeper find evidence of the shooting and your agents did not?

Ms. PIERSON. The housekeeper was able to locate fragments of glass on the Truman Balcony, which is not an area that is frequented by security personnel.

Mr. GOWDY. And I didn't you about who it's frequented—I asked you—there was a spontaneous conclusion that shots were fired. There were officers who believed they smelled gunpowder. Your officers drew their weapons, Director. That's how seriously they took it.

So I'm not interested in cursory searches. When did your agency find evidence of the shooting?

Ms. PIERSON. I believe it was on the 15th or 14th of November.

Mr. GOWDY. Which was how many days after the shooting?

Ms. PIERSON. Three to 4 days later.

Mr. GOWDY. All right. So you have an officer contemporaneous with the shooting believing that shots were fired. You have officers taking cover because they believed shots were fired. You have officers at the White House drawing their weapons because they believed shots were fired. Now give me all the evidence to support a vehicle backfiring.

Ms. PIERSON. Representative, I am sure your familiarity with law enforcement—in downtown areas, there is sound attenuation. Oftentimes—

Mr. GOWDY. I've never heard a car backfire six to eight times, Director, ever. Have you?

Ms. PIERSON. I've heard car backfires, but I don't think—

Mr. GOWDY. Six to eight times?

Ms. PIERSON. I think it's undisputed that there were witnesses that observed shots being fired.

Mr. GOWDY. Right. And it is also undisputed that a housekeeper, who doesn't train at Glynco, who doesn't have 18 weeks of intensive training, found the evidence of the shooting and your agency did not.

And I'm going to give you credit because you didn't bring it up; it was brought up by a colleague. But I have some colleagues who are just obsessed with sequestration. We can't have any hearing without it coming up. But you're not going to sit there and tell us that sequestration is the reason your agency did not find evidence of the shooting, are you?

Ms. PIERSON. No, I am not.

Mr. GOWDY. Okay. And I give you credit for that. And I was stunned that one of my colleagues would try to conflate, to use the Attorney General's word, sequestration with the fact that a law enforcement agency waited 4 or 5 days to find evidence of a shooting that a housekeeper found.

So give me all the evidence to back the vehicle-backfiring narrative. Because we already know all the evidence to support the shooting. Give me all the evidence that made your department so sure that it was a vehicle backfiring that you didn't even search the White House.

Ms. PIERSON. The Secret Service was actively engaged with the United States Park Police in an effort to determine where and what direction the shots were fired on Constitution Avenue. That—

Mr. GOWDY. Madam Director? Madam Director, you reached the conclusion that it was a vehicle backfiring as opposed to shots fired. Now, this is the third time I've asked. Give me all the evidence to support that supervisor's conclusion that it was not shots fired, despite all the contemporaneous claims that it was and despite all of the reaction of your agency that it was. Give me all the evidence to support the theory that it was a vehicle backfiring.

And then tell me, why not invest the very minimal resources required to exhaustively search the White House?

Ms. PIERSON. Representative, oftentimes in these cases there are a number of different people that make different statements. What I can tell you is that Uniformed Division officers on Constitution Avenue heard gunfire and reported gunfire. I can't speak to the specificity of the individual you're talking about that reported it as—

Mr. GOWDY. Well, can you speak to why a housekeeper found it and your department did not?

Ms. PIERSON. Housekeepers routinely work in the private residence of the President and First Family.

Mr. GOWDY. So even when there is overwhelming, let's just say, suspicion that shots were fired—we won't say "overwhelming evidence" because that would've required you to search the premises—

overwhelming suspicion of shots fired, and you don't go through every inch of that residence?

I want you to imagine a prosecutor is in front of a jury, Madam Director, because this is where sometimes these cases wind up, and you explain to the jury why a housekeeper found evidence of the shooting and your agency did not.

Ms. PIERSON. Representative, again, this case has been prosecuted in Federal court, and those explanations were made before a Federal—

Mr. GOWDY. And thank the Lord the explanations were sufficient for a jury. Now, I want you to make them sufficient for Congress.

Ms. PIERSON. The initial shooting incident occurred at 9:30 at night. It's difficult to see at night.

Mr. GOWDY. How about hear?

Ms. PIERSON. Officers—

Mr. GOWDY. Can you hear at night?

Ms. PIERSON. —heard the shots fired on Constitution Avenue. Officers reacted, picked up security positions, swept the area looking for any type of injury, any type of intruder.

It was not known until days later that these shots had actually struck the upper level, the third-floor level, of the White House.

Mr. GOWDY. Okay. I'm going to end, because I'm out of time, with the same question that I began with: Why not search every inch of the White House, given the very small investment of resources?

I mean, I went on your Web site, and I saw that you have training for psychology, you have training for survival skills, none of which I'll minimize, all of which I'm sure is very important. This is just processing a crime scene, Director. This is not high math. It is processing a crime scene. You actually don't need 18 weeks of training to be able to do that; you just need to walk around. So why wasn't it done?

Ms. PIERSON. It is my understanding that a perimeter sweep was done. Was it as thorough as it needed to be? Obviously—

Mr. GOWDY. Evidently not.

Ms. PIERSON. —not.

Mr. GOWDY. Evidently not.

Mr. CHAFFETZ. The gentleman's time has expired.

We'll now recognize the gentleman from Massachusetts, the ranking member of our Subcommittee on National Security, Mr. Tierney, for 7 minutes.

Mr. TIERNEY. Thank you.

Well, thank all the witnesses here this morning.

Director, I want to talk a little bit about preventions. If we look back in July, several months before the incident where the perimeter was breached and Mr. Gonzalez went into the White House, it's our information that he was stopped by the Virginia State Police and in his car they found at least 11 weapons and a map with a line drawn directly to the White House. Is that your understanding, as well?

Ms. PIERSON. It was a regional map with a line pointed to the memorial area of the Mall, including the White House and the other historic monuments.

Mr. TIERNEY. And our reports are also that these Virginia State Police and the ATF then referred that matter to the Secret Service, presumably because of that line. Is that correct?

Ms. PIERSON. Yes, that's correct.

Mr. TIERNEY. So the Secret Service, based on that, then had an interview with Mr. Gonzalez at that time. Is that also correct?

Ms. PIERSON. Yes. The case was later referred to the Secret Service for an interview of Mr. Gonzalez.

Mr. TIERNEY. How thorough would that interview have been, according to your protocols? How deep would they have gone into their examination of Mr. Gonzalez and his history?

Ms. PIERSON. They had a very thorough initial interview with Mr. Gonzalez and initiated contacts with his family members, his mental health history, and the police reports.

Mr. TIERNEY. So they determined that he had a mental health history?

Ms. PIERSON. He acknowledged that he had a mental health history as a veteran suffering from PTSD.

Mr. TIERNEY. And do your protocols allow you to then look at his records, to obtain his records, or is that not something you can do?

Ms. PIERSON. If the individual consents to the release of their medical records, we do pursue that. And in this case Mr. Gonzalez consented to the release of his military medical records.

Mr. TIERNEY. So you had all of his medical records to review. I presume your agents did review them?

Ms. PIERSON. They were obtained over a period of time. And we have received them, and they have been reviewed.

Mr. TIERNEY. And despite all of that, what happened? You didn't take any action, you didn't have him arrested, you didn't have him continue to be under observation, did you?

Ms. PIERSON. Representative, it is a very difficult thing for people dealing with disabilities and people dealing with mental illness when they don't exhibit any unusual direction of interest in our protectees. Mr. Gonzalez at the time denied any interest or any intent to harm anyone. He indicated that his information relative to the map in his car was given to him by another individual who had recommended places in Washington, D.C., to site see, and that he intend to go on camping trips, and wanted to go to the Valley Forge, Pennsylvania, area.

Mr. TIERNEY. Was the individual whom he said gave him that map ever questioned?

Ms. PIERSON. Not to my knowledge.

Mr. TIERNEY. How does that comport with your protocols and your procedures?

Ms. PIERSON. I know our investigators are as thorough as they possibly can be in investigations like this to make sure that we have a good understanding of Mr. Gonzalez—

Mr. TIERNEY. So is it your testimony the individual wasn't available for some reason?

Ms. PIERSON. I do not know the specifics of that, but I can get back with you.

Mr. TIERNEY. I wish you would, because I think that would be an indication of whether or not they really were as thorough as they should have been.

Now, notwithstanding that, there was a second incident before the perimeter was breached by Mr. Gonzalez when he went into the White House where he was found walking in front of the White House with a hatchet in his belt. Is that correct?

Ms. PIERSON. Mr. Gonzalez was observed on August 25 on the south fence line.

Mr. TIERNEY. And he was interviewed again by Secret Service agents?

Ms. PIERSON. He was interviewed by uniformed division officers—

Mr. TIERNEY. Of the Secret Service?

Ms. PIERSON. —of the Secret Service and special agents of the Secret Service.

Mr. TIERNEY. And his name was run against a database?

Ms. PIERSON. Yes, his name was run against a database.

Mr. TIERNEY. And the database basically indicated the earlier incident, right?

Ms. PIERSON. Yes. The database provided information, the original contact with Mr. Gonzalez.

Mr. TIERNEY. So at that time they knew he had been arrested in Virginia, had a map pointing towards the area of the White House, had ammunition in his car, was now found outside the White House walking with a hatchet. We knew he had mental health problems, his records had been reviewed. What happened then?

Ms. PIERSON. Officers and agents made contact with Mr. Gonzalez, advised—asked him about the hatchet that he was carrying. He indicated that he had been camping in the area of, like, Prince William County down around Quantico.

The agents and officers had asked him for a consent search of his vehicle. He agreed and was going to return the hatchet to the vehicle. They went back and they looked through the vehicle. Mr. Gonzalez was extremely cooperative, dispelled any concerns that the officers had. He had camping gear and camping equipment in his car. He appeared to be living out of his car.

Mr. TIERNEY. And so they just let him go.

Ms. PIERSON. Mr. Gonzalez had not violated any laws and he had to be released.

Mr. TIERNEY. Did they have any follow-up? Did anybody talk to any other agencies in the Washington area about observing this individual or making sure that somebody knew what his behavior was after that second incident?

Ms. PIERSON. That information, the second incident was also passed into our analysis desk so that it could be evaluated in context to our first contact with Mr. Gonzalez in July.

Mr. TIERNEY. And what happened at the end of that evaluation, what was the recommendation?

Ms. PIERSON. That he had not committed any violations, that nothing—that he was under mental health evaluations by both the military, VA, and that no further action could be taken by the Secret Service, other than to continue to monitor his behavior through his family.

Mr. TIERNEY. Well, is that the only way they could monitor, is through his family? There was no other indication of law enforcement activity that could monitor his behavior?

Ms. PIERSON. He was currently on bond pending the charges from the State police and the incident that brought him to our attention. So there was some criminal conduct on the State level that was still being addressed and that he was returning to that area. The case was still under evaluation as to what Mr. Gonzalez's mental history was and whether or not he was going to come to our attention again.

Mr. TIERNEY. And it was your understanding that you thought it was particularly appropriate that the Secret Service did nothing else in regard to making sure that this individual was monitored in his behavior?

Ms. PIERSON. No, what I am trying to reflect, Representative, it is very difficult for the Secret Service. When these individuals come to our attention, as many as 300 a year—or a day—are being evaluated by our Office of Protective Intelligence.

Mr. TIERNEY. Do those 300 all have a history of twice being picked up with weapons and a situation would put in question that they were in proximity or heading to a proximity of the White House?

Ms. PIERSON. No, but many of them are brought to our attention for either having an unusual direction of interest or making a direct threat against our protectees. They are mentally ill, many of them have a long mental health past. Some of them are more cooperative than others. But in the specific case of Mr. Gonzalez, he was being very cooperative. His family had been contacted by investigators. The family members indicated that he was cooperative, that he did not have a violent past. His mental health records, to my understanding, as I've been briefed, did not reflect any of his mental health contacts referred him as being a danger to himself or others.

Mr. TIERNEY. Thank you, Mr. Chairman, for your time.

Mr. CHAFFETZ. I thank the gentleman.

One follow-up to that. It is my understanding people have told us that there were three different officers that had seen him, recognized him the day that the incident happened, but did not report it. Is that true or not true?

Ms. PIERSON. It is my understanding, based on how I've been briefed, that two of the officers recognized Mr. Gonzalez in the area of the White House on September 19 and observed him for some time. They had remembered him from the contact they had had with him on August 25 when he was on the south fence line. They observed him for some time, he wasn't acting inappropriately, he didn't violate any laws.

Mr. CHAFFETZ. They did not report that and they did not approach him, correct?

Ms. PIERSON. I think they noted that, but they did not approach him.

Mr. CHAFFETZ. And they didn't report it.

Ms. PIERSON. Not to my knowledge.

Mr. CHAFFETZ. I now recognize the gentleman from Georgia, Mr. Collins, for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. I appreciate that.

I think there are several concerns. And I think one of the things that I agree just wholeheartedly with, with the ranking member is this is something that both Republicans and Democrats, this is—we're talking about the White House. It is not a national icon, as you said, it is a world icon. Everyone, you think of America you think of the White House.

And one of the concerns that I have and we've been mentioning many of the issues here recently on just different events going on is the issue is not the protocols that have been put in place now and how it wasn't done. It's the issue of why are there seemingly so many incidents on a foundational level. Because if we don't start at the foundational, why there doesn't seem to be a willingness to report, why there doesn't seem to be a willingness to exercise, you know, a willingness to say this is something that I've noticed. As the officer said, she didn't feel that she could report up line.

If there's other issues where you're having the instances described overseas, in other places, there seems to be a foundational issue that we have got to address in these—not only from your perspective, but from hearings.

And there are several things that I want to address. You made a statement just a moment ago, it was curious, because you said in the matter of one sentence you said we get 300 suspicious people a year and 300 a day in the same sentence. Which is it?

Ms. PIERSON. Let me correct myself. In talking to our Protective Intelligence Division, as of yesterday they were directly overseeing 327 investigations.

Mr. COLLINS. Okay. So in totality we are looking at 327 at this point.

The question I have is, you said that you're still making a review, but it is our understanding, it has been reported, and it is also very visual, as my colleague from the District of Columbia has pointed out, there has already been a new fence or perimeter, a police line perimeter put in front of the White House. Is that correct?

Ms. PIERSON. We have put up a temporary bicycle rack—

Mr. COLLINS. Yes or no?

Ms. PIERSON. —to provide us with some standoff areas to the fence while this investigation is underway.

Mr. COLLINS. Ms. Pierson, I thank you for the long answer to yes, but I have several things that I want to have, because I think they are important here, because you've made several comments that we're doing an investigation, we're saying why these protocols were breached, how they got there further. But yet you also said, we don't want to rush to change—or we don't want to change things, but yet we have already started with putting up a perimeter fence or at least a barrier now back from the fence currently.

I'm wondering here is the problem doesn't seem to be the fence. The problem seems to be the fact that someone jumped the fence, run 70 yards, went into the White House with nobody stopping them.

You made a comment—I also have from my background my father was in law enforcement, so this is hard for me in looking to it—but you made an analogy just a few moments ago that I'm not sure should be accurate here. You talk about discretion and re-

straint. Discretion and restraint in the way you—police officers do this all the time, they do so on the side of the road when they have made a stop. You are talking about officers who are protecting a national icon.

When they jump the fence, there should be an immediate understanding this person should not be here and there should be an immediate understanding that there is not a restraint factor here, this is not the nice, cuddly Secret Service, that you've got on our property, let's move you back off.

Someone running, I'm having trouble how you correlate restraint and discretion in a traffic situation, which is the way it came across, to someone actually going after the President's home.

Ms. PIERSON. Representative, I have stated that they did not properly execute the security protocols that are appropriate to respond to—

Mr. COLLINS. You believe because that is because of the information or guidance that they have gotten from the top that they were not sure what to do? Have they been told to exercise restraint in these measures or they have been told to exercise protection?

Ms. PIERSON. Those officers have the authority to take legal law enforcement action as individuals. I am conducting an investigation to find out what were the decisions that were made, what are the facts in the totality of the circumstances that those officers saw.

Mr. COLLINS. Mr. Keil, I want to give Ms. Pierson a break here, because this issue of putting the fence line in front or at least a police barrier in looking at this area, I think we have—again, we're trying to make ourselves appear better as we're working on it, as hard as that is to say. This President and his family deserve to be protected. It is very concerning to me that they were not told even about the shooting until many days later. That's just mind boggling to me for this President and his wife to have to deal with that, especially when their daughter was actually in the residence that night.

I do have a question, Mr. Keil. Explain to me, is putting the fence, is this the only fix here? I mean, we have not heard from anybody else. Help me out here. Is there a better way to go about this?

Mr. KEIL. Sir, from my perspective protecting U.S. Embassies around the world, as Mr. Basham even pointed out, it is a concentric ring of security, layered security. The fence typically is one of the last things. And typically fences are meant to keep good people out. Bad people find ways over fences. So you can't simply rely on a fence to be your last resort.

Mr. COLLINS. Okay. Mr. Chairman, I think the issue that has come as we go forward here is the protection of this not just a national icon, but a world icon. In the threat environment in which we're in it's very concerning that we get half-truths to start with, more truth. It's just a leaking out, when this is a group here that truly wants to say what is the issue here and why are we not doing it in the proper way. And simply putting up a visual we're doing something is not right. The foundation has go to be laid, and over the past few years the Secret Service has a foundational problem, and I think that's your bigger issue here, along with protocols not being followed.

With that, Mr. Chairman, I yield back.

Chairman ISSA. [Presiding] I thank the gentleman.

As we go to Mr. Lynch, I just want to make sure one thing was clear. Director, the failure to apprehend Mr. Gonzalez before he got well into the White House, the change of a further setback or fence, since you successfully stopped 16 jumpers in the last 5 years, you said that in your opening testimony, was there any reason that you couldn't have stopped 17?

In other words, you're taking the American people's space with this additional fence and the proposal for a setback that would include Pennsylvania and Lafayette being restricted. And yet you've made no case here today that you couldn't have had 17 out of 17 apprehensions if not for outright human error and procedural failures. Isn't that true?

Ms. PIERSON. The placing of the bike rack to provide a buffer zone for the fence is to allow us time to do this analysis to make sure that our personnel and our procedures are going to be effective with the time constraints that the individuals have to be able to effect an effective tactical response to runners or fence jumpers.

Chairman ISSA. Okay, I guess I get it that you're not up to snuff to the level you'd like to be and until you're sure you are you want to have that extra time. I sort of get that, but I have to be honest, that's a little concerning.

Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Chairman.

And I thank the witnesses.

Madam Director, I want to go over again the prior contacts between Mr. Gonzalez and the Secret Service.

As my colleague Mr. Tierney noted, there was a prior contact with Mr. Gonzalez back in July 2014. He had been pulled over and he had a small arsenal of weapons in the car.

I just want to try to explore, when does the red flag come up for the Secret Service? So the Secret Service was informed that he had 11 weapons in the car. And I just want to go over, I had the evidence list from the State police that was provided to the Secret Service.

Mr. Gonzalez had a Mossberg Maverick model 88 .12 gauge pump service shotgun in the car. He had a Springfield Armory .308 Winchester with a scope and a bipod. He had an Adler Italy Jager AP-85 with a red dot scope in the car. He had a Tristar 12 gauge shotgun in the car. He had an AR-15, which is a pretty sophisticated weapon, with a flashlight and scope. He had a Weatherby Vanguard 270 caliber bolt action rifle with a scope and a bipod. He had a Smith and Wesson 380 caliber automatic black handgun. He had a Glock 45 in the car with an empty magazine, although later we found he had 800 rounds of ammunition. He had a .357 Magnum revolver. As well, he had another .45 caliber. And he also had a map—and this is the evidence list and you seem to be minimizing all this stuff—but it says, one map of Washington, D.C., with writing and a line drawn to the White House.

Okay. So that's what we have with our introduction to Mr. Gonzalez. And also subsequent to that we know he has a history of mental illness. Then he shows up at the White House in August of 2014, he's got a hatchet in his belt. No red flags, we let him go.

Then, of course, there's the day that he jumps the fence and runs into the White House. And I want to talk about that for a minute. You say that he came in through the front gate, went through the front door at the portico, and was wrestled to the ground—or to the carpet actually you said—wrestled down to the rug near the Green Room. I just want to remind you that the distance from the front of the White House where he came in to the Green Room is about 80 feet. This is only 60 feet, the width of this room right here, this 60 feet. So—

Chairman ISSA. Seventy yards.

Mr. LYNCH. No, no, it wouldn't be 80 yards. No, it's 70 yards the lawn, it's 30 yards inside the house, inside the house. I've been there many, many times. To talk about somebody transversing the White House foyer, the full length of the East Room, down to the Green Room, to the American public that would be half of a White House tour. That's what that would be. That isn't just getting inside the portico, that's half of a White House tour to the American public.

And you keep minimizing this stuff. I'm just wondering, when do the red flags go up for the Secret Service? I know you have a lot of wonderful people over there, but this is not their best work. And we have a serious, serious issue here about protecting the President and his family. This is disgraceful, this is absolutely disgraceful that this has happened. And I'm not even going to mention the fact that it took us 4 days to figure out that somebody had shot seven rounds into the White House.

This is beyond the pale. And I have listened to your testimony very deliberately here this morning. And I wish to God you protected the White House like you're protecting your reputation here today. I wish you spent that time and that effort to protect the American President and his family like I'm hearing people covering for the lapses of the Secret Service on these several occasions. I really do.

Mr. LYNCH. So what are we going to do—and, look, this whole thing is the United States Secret Service versus one mentally challenged man, one man with mental illness, who you knew had mental illness.

This is the Secret Service against one individual with mental illness, and you lost. You lost. And you had three shots at this guy, three chances, and he got to the Green Room in the White House.

What happens when you have a sophisticated organization with nefarious intent and resources going up against the Secret Service? What happens then?

Chairman ISSA. The time of the gentleman has expired. I thank the gentleman.

But if the gentlelady has any answers to any of his questions, I would appreciate hearing them.

Ms. PIERSON. Let me be clear. The United States Secret Service does not take any of these incidents lightly. They are all an extremely—

Mr. LYNCH. With all due respect, that is my point.

As a casual observer to what has happened here, I don't think the Secret Service is taking as their duty to protect the American

President and his family at the White House—I don't think you are taking it seriously. That is exactly my point.

Based on the evidence—based on the evidence and the series of lapses, unfortunately, that is the conclusion that I arrive at, that you are not taking your job seriously.

I'm sorry. I hate to be critical. But we've got a lot at stake here. We have a lot at stake. And I know people are dancing around this issue, but I've got to call it like it is.

I have very low confidence in the Secret Service under your leadership. I have to say that. And that is not—that's not an easy thing for me to say. But based on the evidence, that's how we have to call it here.

Based on the evidence, my confidence in you protecting the American President right now at the White House, which is supposed to be one of the most secure buildings in the country, if not the world—my confidence in you doing that is very, very low right now.

Chairman ISSA. I thank the gentleman.

The gentleman from North Carolina, Mr. Meadows, is recognized.

Mr. MEADOWS. Thank you, Mr. Chairman.

Director Pierson, I want to come back. You were appointed in March of 2013. Is that correct?

Ms. PIERSON. Yes. That's correct.

Mr. MEADOWS. So what three things have you done to improve the culture since you have gotten there? Very briefly. I have limited time. What three things have you done to improve the culture? Because that has been brought up, that there is a culture problem.

Ms. PIERSON. We have instituted an Office of Professional Integrity. We have established a new discipline process so that discipline is done in a more transparent and consistent way. We have initiated development training for our supervisors, for our SES, and for our work and file workforce.

Mr. MEADOWS. All right. So you've done some training and some new positions. Because I'm a little concerned. When that question came up—I watch people all the time—and no less than four people that are here with you today agree that you have a cultural problem. And, you know, you can tell from their responses that there is an issue within the Agency. But I also want to go back and give you a chance to correct your testimony.

I thought I heard earlier that you said that you were short 500 Uniformed Secret Service people due to sequestration. I can't believe that would be accurate. So I'll give you a chance to correct that.

Ms. PIERSON. Across the organization, the Secret Service is down 550 personnel.

Mr. MEADOWS. Okay.

Chairman ISSA. Will the gentleman yield for just a second?

Mr. MEADOWS. Yes.

Chairman ISSA. He wanted—would you stop the clock for just a second—the amount of people who are in the U.S. Secret Service the day you were sworn in and the amount of people that are there today, if you would, please, because these numbers of full-time equivalents and so on—I think all of us on the dais have a right to understand what the impact is from the day you were sworn in.

Ms. PIERSON. Well, I don't have those specific numbers for you today. Representative Chaffetz did bring up the fact that there had not been any basic training classes in fiscal year 2012 and 2013.

Mr. MEADOWS. But we're talking about the number of people. And you're saying 500 fewer people? That cannot be right, Director.

Ms. PIERSON. That is correct, sir, over the last 2 years.

Mr. MEADOWS. Well, let me tell you why it is confusing. Because I am looking at your budget request for last year, and it says in here, in your request, that you plan to reduce the staffing by 376 full-time equivalents.

Why would you do that? If you're already short 500, why would you, in your budget request, request a 376 full-time equivalent reduction? I am confused. Wouldn't you be confused?

In your budget request, you also said that we need to be reducing the number of years of experience by 5 years over the next 4 years. I am confused.

Why would we want less-experienced Secret Service agents, Director? These are your numbers. Do you have an answer?

Ms. PIERSON. I do know that we have provided a human capital strategy to the Congress, at their request, that outlines the Secret Service's requirements—

Mr. MEADOWS. But these are your requests.

And let me tell you what is even more confusing then. I will go ahead a little bit further.

It says the committee—the congressional committee is concerned that the President's budget request creates a pay shortfall that will result in the reduction of at least 376 full-time equivalents and that this will fundamentally affect the dual mission within the Secret Service. The committee was recognizing this, not you.

Do you not think that that creates a cultural problem when you're seeking reductions and you're here testifying today that you have too few people? Do you see the hypocrisy in that?

Ms. PIERSON. I do see the difficulty in trying to operate a critical Federal Agency in times of fiscal constraint.

Mr. MEADOWS. Okay. Well, let's go, since you're talking about fiscal constraints—because I started looking real quickly—because I agree with Mr. Lynch. We need to do all we can to give you the tools to make sure that you can change the culture and protect our President.

So I started looking at it, but I was concerned to find a whistleblower came to us and said that you spent over \$1 million on an executive luxury suite—is that correct?—on the eighth floor. On your eighth floor, over \$1 million spent on a luxury suite since you've come to power.

Ms. PIERSON. I don't know what that is in reference to unless—

Mr. MEADOWS. Did you spend \$1 million or more on a conference room, outfitting it—a luxury suite—on the eighth floor? Yes or no?

Ms. PIERSON. No. What we have done is spent money to transform our Director's Crisis Center.

Mr. MEADOWS. Okay. The Director's Crisis Center, which is on the ninth floor. Now we've done it again on the eighth floor.

We've got locators on each one of those floors. Is that correct? That's what the whistleblower is telling me.

Ms. PIERSON. That information he has talks about the integration of both the Director's Crisis Center—

Mr. MEADOWS. How do you know? Because the whistleblower talked to us.

Ms. PIERSON. I know from what we have done in the way of installations within our office. I can't speak to what your individual is reporting—

Mr. MEADOWS. Okay. Do you have a locator on the eighth floor now?

Ms. PIERSON. We have multiple locators in the building.

Mr. MEADOWS. Do you have one on the eighth floor?

Ms. PIERSON. Yes.

Mr. MEADOWS. Okay. Is that a secure area?

Ms. PIERSON. Yes.

Mr. MEADOWS. Is the eighth floor a secure area where vendors that don't have classified—can they go in and out, if they don't have a clearance, on the eighth floor?

Ms. PIERSON. All of our vendors are either escorted or have clearance, and the locator itself is not a classified document.

Mr. MEADOWS. So—but it does tell you where the President and the Vice President and all relative people are. It is a locator. Right?

Ms. PIERSON. It is a reference point for our management team.

Mr. MEADOWS. Why would you need another one of these? When you already have two, why would you need another one one floor down in your luxury suite?

Chairman ISSA. The gentleman's time has expired.

The gentlelady may answer.

Go ahead and answer.

Ms. PIERSON. I am—we need to have instant information for us to be able to make informed decisions as a management team, and having quick access and enough people to leverage technology and look at camera views and look at information being provided to us realtime from our protective missions is critically important to me and critically important to my staff. This is one of the areas where some of those key decisions are made, and it is integrated in with other systems throughout the building.

Mr. MEADOWS. Mr. Chairman, I yield back. I think we need to explore this further, though.

Chairman ISSA. I thank the gentleman.

And for the Director, during the hearing, we are going to try and get more accurately the correct number because I have got to tell you, from the dais, I think all of us want to understand this 500.

We show 1,420 authorized uniformed officers, 1,300 on hand. And we don't show that is an appreciable drop during your tenure, as your budget has gone up, with 2,200 agents.

So we are trying to find where the 500 represents a shortfall in full-time equivalent other than a legacy of, perhaps, never filling the authorized slots.

I am going to give the additional time to the gentleman from Virginia.

But if you will answer just one question:

Isn't it typical that, although your budgets are increasing, that you plus-up going into the 2016 or a Presidential cycle and that's

when you want to peak and that you do have lesser requirements when you don't have Presidential candidates and so on?

Because I am very concerned about the—coming before Congress at a time when we are giving you more money than you're asking for and complaining about sequestration and limited resources.

So be prepared to answer that. I am not going to take the time right now. It is the gentleman from Virginia's time. But those questions are going to continue throughout this hearing, and we are going to follow up in writing afterwards.

The gentleman from Virginia, Mr. Connolly, is recognized.

Mr. CONNOLLY. Thank you. Thank you, Mr. Chairman.

Director Pierson, in light of the facts that have come out and in light of your own review thus far, had the First Family been in the family quarters or anywhere in the White House, would you conclude professionally that there was a threat to the First Family?

Ms. PIERSON. Yes. I think Mr. Gonzalez coming into the main floor mansion is a threat.

Mr. CONNOLLY. I think it is really important to remember—you know, I was a freshman in high school on November 22, 1963, and all of us who lived at that time remember where and when we were when we heard the terrible news from Dallas.

But, you know, in my mind is that Secret Service agent, Mr. Hill, who threw himself on the speeding car that contained the President and the First Lady and used his body to shield her. It is a sacred mission the Secret Service has. It is not an easy mission.

But it is very troubling to all Americans that our duly elected President and his family were actually potentially in real jeopardy on the White House grounds itself.

I wonder whether you would agree that, when you look at every aspect of this, sadly, it represents a comprehensive failure. They add up one by one. I think there was a failure, frankly, to take the Gonzalez threat seriously after the information provided by the Virginia State Police.

We knew he had a history of mental illness. We knew that he was loaded up with guns. We knew that he had a map of Washington. You indicate that that map was described as just a tourist map, looking at places he might go. That might make sense except for the fact that he was loaded up with ammunition and weapons in his car at the time.

Now, my friend from Utah has made headlines and made a statement here today that he believes your reaction should be one of maximum force. I guess we should read that to mean that he should be shot on sight when he crosses the fence, when he goes over the fence.

I am very reluctant to join him in that kind of advice to the Secret Service because there is a First Family in the White House. There are guests in the White House. It is a busy and bustling place. And the idea that we're going to have a shoot-out on the White House grounds seems to me a last resort, not a first resort. And I am not sure Members of Congress ought to be in the business of actually spelling out Secret Service protocols for you. I am not sure that's our competence.

But having said that, one can still conclude that the reaction of the Secret Service on sight was profoundly inadequate and, actu-

ally, potentially put the First Family in direct jeopardy, physical harm.

And I don't sense from you, Director Pierson, a sense of outrage about that, a sense of mission that you want to reform and correct this cascading set of mistakes that led to, potentially, a catastrophe for the United States.

Could you comment.

Ms. PIERSON. I am sorry you don't get that sense from me. I have spent a career in the United States Secret Service, protecting Presidents, their families, and the White House complex, in addition to our other missions.

There is nothing more sacred to any Secret Service agent, Uniformed Division officer or Administrative-Technical Professional Employee, than our responsibilities for mission success. We don't take it lightly.

But we do it under very difficult and challenging conditions. There is not a lot we can do in managing individuals with mental illness who do not commit a crime or who do not put themselves in a position where the Secret Service can take further actions against them. We are limited by the system that we have to work within, the laws of our country.

Mr. CONNOLLY. Ms. Pierson, I don't doubt for a minute your sincerity. What I said was I don't sense any sense of outrage about what happened.

Ms. PIERSON. We all are outraged within the Secret Service of how this incident came to pass, and that is why I have asked for a full review. It is obvious. It is obvious that mistakes were made. It is self-evident that mistakes were made.

We must identify what the facts are, learn from the facts, assess and make changes, enhance training, to ensure that this never happens again. The Secret Service has a proud history of making sure that we go back and look and do after-actions after every incident so that we can apply better security measures to ensure the protection of those we are bound to protect.

Mr. CONNOLLY. I think that's really important, and I think it is really important in this discussion and this hearing that we remember there are real human beings whose safety and security is at stake.

And it just so happens one of those human beings was elected not once, but twice, by a majority of this country to be its President, and that sacred responsibility has to be uppermost in our minds, even if that means that reputations fall, careers get interrupted, demotions occur, or people get fired. His safety and that of his family is the paramount concern here, and that's what we all need to be concerned about.

Thank you, Mr. Chairman. My time is up.

Chairman ISSA. Thank you.

We now go to a gentleman who served in what I think fairly is called difficult conditions both in Vietnam and in Iraq. And with all due respect, I think he will object to your calling working at the White House a difficult environment.

The gentleman from Michigan, Mr. Bentivolio, is recognized.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman.

Mr. Basham and Ms. Pierson, thank you very much for your service in the Secret Service, one of the premier law enforcement agencies, in my opinion, an aspiration many, many years ago, from investigating counterfeiters to protecting the President of the United States. I commend you all for your dedicated service in the past.

Mr. Basham—did I pronounce that right?

Mr. BASHAM. "Basham."

Mr. BENTIVOLIO. "Basham." Thank you very much.

In your introduction, you said you went from—well, we have an intruder that got into the White House and went 30 yards and was finally apprehended and we have a hearing about that right now. And you said we would have a hearing as well had we shot him once he jumped the fence. And you're absolutely right.

But I was trained that you only use as much force as is absolutely necessary to subdue or fix the problem, never any more undue force. And that's a difficult challenge in itself; is it not?

But we have dogs patrolling the White House, and you seem to have forgotten about 10 other, probably, protocols you could have used to subdue that person before they went into the White House. Correct?

Mr. BASHAM. You're absolutely correct.

Mr. BENTIVOLIO. All right. So in the after-action review, were any of those considered? And what other actions could they have taken to stop this intruder before he entered the White House?

Mr. BASHAM. Clearly, as the Director has stated, there were mistakes, there were failures, there were opportunities to take this individual down based upon the reactions of the officers that were in place at the time. And they clearly did not take those actions.

And that is why the Director has to—and the staff has to determine why they made those decisions or lack of making those decisions and understand what was going through their minds, what was going on on the White House grounds at the time, what was the clutter situation. They need to have the time to do the investigation to determine what the circumstances were on the ground.

Mr. BENTIVOLIO. But they had the opportunity to do an investigation when they—well, they found out that there was—Mr. Gonzalez had guns in his car, he had a map to the White House. I would have been asking a lot more questions other than just letting him go.

Why wasn't he brought in for further questioning by the Secret Service especially?

I mean, just the map alone—I think lawyers call that a preponderance of evidence, indicating that he had some intent in doing something wrong or illegal, jeopardizing the President of the United States and the White House.

Why wasn't he brought in for questioning then?

Mr. BASHAM. I believe the Director did state that the individual was interviewed and that the agents made a determination—which is a very difficult determination to make—as to whether the individual truly represents a threat to the President of the United States.

Mr. BENTIVOLIO. Are we privy to those questions and that report, Mr. Chairman? Do we have access to that report?

Chairman ISSA. In an appropriate setting, we'll make them available.

Mr. BENTIVOLIO. Great.

Mr. BASHAM. Even subsequent to that, when they interviewed him when he was at the White House, unless he is breaking the law, there is no power that the Secret Service has to take this individual into custody, and that is the difficulty that they face.

And, you know, I totally agree with the Representative, that I do not believe that we want the Secret Service's first action on the White House ground when someone climbs over the fence, what, 16 times in the last 5 years—that the Secret Service's first reaction is to kill that person. That is, in my mind, not acceptable to me or to the American people.

Mr. BENTIVOLIO. Well, I agree.

But there is an element of—there is responses that are well within the power of the Secret Service to protect the intruder when they jump the fence and come in, use of dogs, for instance, a mass going—a mass of Secret Service agents heading in that direction to take down that individual. But at the same time, they have to—it could be a diversion.

So there's a lot of things going on in the Secret Service's head, I am sure, when we have an intruder like that. But I just have a real—well, I think I am out of time.

Mr. BASHAM. But I will say, in 1976, there was an individual who came over the fence, apparently was carrying some type of device that was—appeared to be a weapon, but turned out to be a pipe, and they shot him. And there was criticism for that shooting in 1976. This is a difficult, difficult balance to strike.

Mr. BENTIVOLIO. I understand. And I am out of time.

Thank you very much, Mr. Chairman.

Chairman ISSA. I thank the gentleman.

We now go to the gentleman from Pennsylvania, Mr. Cartwright.

Mr. CARTWRIGHT. Thank you, Mr. Chairman.

Director Pierson, you have served in the Secret Service for 30 years. You have served under both Republican and Democratic administrations.

And so you know—and you have stated publicly that this recent security breach was unacceptable, and we've heard other adjectives here today from both sides of the dais: profoundly inadequate, shocking, disgraceful, outrageous.

Is there any one of those adjectives you disagree with?

Ms. PIERSON. No.

Mr. CARTWRIGHT. Thank you.

And there have been—there has been some discussion about what we knew about the person leading up to the incident where he jumped the fence and crashed the White House.

We actually had his medical records, did we not, before he jumped the fence?

Ms. PIERSON. I believe we had received the medical records and they were being reviewed prior to him jumping the fence.

Mr. CARTWRIGHT. So with everything else we knew—we stopped him, he had a carload of high offensive ammunition and guns, and he had a map to the White House—you know, he just about was wearing a hat saying "I am the most dangerous person who could

come to the White House,” and, yet, all of these things happened. And not to put too fine a point on it, Director Pierson, there were numerous layers of security that he was able to flummox.

A surveillance team outside the fence reportedly did not spot Mr. Gonzalez quickly enough to give an early warning. An officer stationed in a guard booth as well as a SWAT team on the North Lawn reportedly did not react in time. A dog trained to intercept intruders reportedly was not released. No officer reportedly was stationed outside the front entrance of the White House, and the door was left unlocked. And then just yesterday press accounts reported that Mr. Gonzalez made it all the way into the East Room and that the alarms had been silenced.

To me, all of those adjectives apply. This was a stunning, outrageous, disgraceful breach. And I know you can't discuss specific details and we are going to go into executive session so that you can be more forthcoming about tactics and procedures, but I want to start here with broader questions.

First, I assume that the Secret Service has a specific protocol—or multiple protocols for handling these types of breaches. Am I correct in that?

Ms. PIERSON. Yes, sir. We do.

Mr. CARTWRIGHT. And without getting into those protocols themselves and providing anybody at large a road map, can you tell us whether they were followed in this case.

Ms. PIERSON. No, they were not.

Mr. CARTWRIGHT. And why weren't they followed, Ms. Pierson?

Ms. PIERSON. I do not know. And that is going to be one of the main issues that I hope to resolve through the course of this investigation.

Mr. CARTWRIGHT. Well, I think it is—we have said multiple times here that you have been on the job, what, for about a year and a half now and you're on the job to reestablish the credibility and the reputation of the Secret Service as the finest, most formidable protective force on the face of the Earth. Is that a fair statement?

Ms. PIERSON. Yes, sir.

Mr. CARTWRIGHT. If someone wants to do us harm, it behooves all of us to remember that right now you are protecting the most threatened American President in our Nation's history.

It is kind of a bad time to have something like this happen, isn't it, Ms. Pierson?

Ms. PIERSON. It is never acceptable to have an individual breach the White House.

Mr. CARTWRIGHT. So would you please explain to me in terms that you can reveal in public what you have done since becoming the new Director of the Secret Service to turn this Agency around and prevent things like this from happening.

Ms. PIERSON. From the start of my appointment, I have made it perfectly clear to the workforce of my expectations for professionalism and accountability. How that was accomplished: by the establishment of a new Office of Integrity, the establishment of a new table of penalties for a discipline process that is more transparent and consistent and well known to the workforce as to what the expectations and the level of tolerance will be. I personally

have a zero tolerance level when it comes to misconduct, and we are addressing it accordingly.

In addition to that, training is critically important and developing leaders is critically important. This year we have established a lot of in-service training for our workforce as well as specialized training for our leadership. I have had a lot of personal engagement with my supervisors and the workforce.

When I became Director, I had over 70 professional supervisory positions that were vacant. I made those promotions. I offered orientation to those new supervisors, and I have continued to make sure that there is no doubt that we are going to be held to the highest standard that the American public expects.

I do understand, when you start to bring change into an organization, there is pushback. We're going to continue to improve. This incident is an operational incident. Although it is being addressed, it is very similar—or a side effect of some of the other cultural problems. I looked at this as a strict tactical concern. We have a security procedure that wasn't followed.

One week prior an individual had climbed the fence and was arrested within seconds. Why didn't that same activity happen on the night of the 19th? That is part of my concern, and that is what we're investigating. I agree that mistakes were made and the proper protocols were not followed. It is unacceptable.

Mr. CARTWRIGHT. Ms. Pierson, my time is up, and I look forward to closer questioning in the executive session.

I yield back the balance of my time.

Mr. MICA. [Presiding.] I thank the witness.

And I recognize the gentleman from Florida, Mr. DeSantis.

Mr. DESANTIS. Thank you, Mr. Chairman.

Director Pierson, you had just said that this was an operational failure. So I just want to be clear. Because there was talk about salaries, the number of personnel, budgets.

This September 19 failure was in no way related to a lack of funding or personnel. Is that accurate to say?

Ms. PIERSON. It is accurate to say that the officers on duty that night failed to execute the security protocols that they should have.

Mr. DESANTIS. But you're not saying it is a 100 percent operational failure. You're saying that it may be—you're not ruling out that this may be a resource issue. Correct?

Ms. PIERSON. I do believe that we need to look at our training protocols and our staffing protocols. And so, yes, that would refer back to resourcing.

Mr. DESANTIS. Okay. Because I think—and the budgets have been mentioned—the budget request for fiscal year 2014 from the Agency was \$822.6 million for salaries and expenses, but, yet, Congress appropriated \$846.7 million for salaries and expenses. So there is a disconnect here, and I think that—let me ask you this relating to this:

You have a guy, Gonzalez. All the agents know who he is by this time on September 19 because he had been arrested in Virginia. He had weapons, ammunition, a map with the White House circled. So this is clearly something that would have been disseminated to the agents. He's able to, of course, leap the fence and get deep inside the White House.

How many Secret Service agents stood between him penetrating that first fence and getting in? In other words, were there just not enough people there? How many people were there?

Ms. PIERSON. The White House complex is secured, and the building is defended by the United States Secret Service Uniformed Division, and I can provide you information in a different setting as to the location and numbers of personnel.

Mr. DESANTIS. Because I noticed for this hearing you—there was a request of the Sergeant at Arms for people to accompany you to this hearing, and I believe that they're probably sitting behind you.

How many people have accompanied you to this hearing today? Do you know?

Ms. PIERSON. I would believe 12 of my senior managers.

Mr. DESANTIS. Okay. Because we had a request for 18 personnel, but you say maybe only 12. So at least 12, maybe more, are accompanying you here for testimony, which is important, but it kind of cuts against this idea that we're at a manpower shortage, especially in some of the numbers that we have been doing.

Let me ask you this about the culture of the Agency. Now, a number of incidents have been raised. You had the celebrity crash the White House dinner a few years back; of course, the 2011 shooting incident, and the Agency's poor response to that has been talked about; you did have the 2013 May incident at the Hay-Adams Hotel involving an agent; a Miami 2014 car accident involving agents with alcohol suspected; in the Netherlands, 2014, excessive drinking by agents, and some had to be sent home; and, of course, what got the most publicity, probably, is the 2012 incident in Colombia.

So a lot of people look at this and I think they think that there are, obviously, a lot of good people in the Secret Service, but they think there may be a cultural problem. Now, you say you don't think that the September 19 breach is a result of that culture.

But let me ask you: How do you assess the health of the culture in the Secret Service right now?

Ms. PIERSON. Well, since becoming Director, we have established an Office of Integrity. I have made my position known on the level of professionalism that is expected, accountability at all levels.

I have met personally with every front-line supervisor up to my SES managers and have provided them some additional training to ensure that they know how to lead, that they know how to manage and they know how to work with this dedicated workforce.

At the same time, we are providing training for the workforce, but we are doing it at the same time that we are meeting very difficult protective requirements and investigative requirements around the world.

I believe that we have started to make a pretty significant transition within the organization in recognizing that we have made missteps and that we need to learn from these incidents and improve.

Mr. DESANTIS. And you think that the steps that you have taken have resulted in a discernible improvement in the culture?

Ms. PIERSON. I think these steps, along with continuing to promote and support new management, will help us in that process.

Mr. DESANTIS. Thank you.

Mr. MEADOWS. Will the gentleman yield for a follow-up?

Mr. DESANTIS. I yield to the gentleman from North Carolina.

Mr. MEADOWS. Let me just ask a follow-up because it gets back to this budget question.

So, under your direction, was there a reduction in the counter-surveillance manpower under your directorship?

Ms. PIERSON. Under my directorship?

Mr. MEADOWS. Yes.

Ms. PIERSON. I established a new permanent division—

Mr. MEADOWS. Was there a reduction? Yes or no?

Ms. PIERSON. I don't believe there was a reduction. No.

Mr. MEADOWS. Okay. Because the whistleblower seemed to indicate that there is a study that recommended that there should be 100 people for counter-surveillance and that you personally made the decision to cut that by a third. Is that not correct?

Mr. MICA. The witness can answer. And the time has expired.

Would you answer, please.

Ms. PIERSON. Yes.

I would like to review that study. I know that we have asked for a study in the past that related to counter-surveillance and counter-surveillance methodologies to be employed by the Secret Service in the context of the National Capital Region, and we earlier this year established a counter-surveillance division and staffed it with what we believe are the appropriate resources for this time. And we'll continue to go back and look at that process and see how we need to continue to resource it as appropriate.

Mr. MICA. I thank the witness.

I recognize the gentlewoman from Illinois, Ms. Duckworth.

Ms. DUCKWORTH. Thank you, Mr. Chairman.

I have tremendous respect for the members of the Secret Service, and I can't believe that I am about to begin this line of questioning as a Member of Congress because it should never have gotten to this point where I have to ask you these questions.

Specifically, I would like to touch on your AAR process, the after-action review process.

Do you conduct AARs? You mentioned that you did earlier. But do you?

Ms. PIERSON. Yes. We do refer to them as fact-finding.

Ms. DUCKWORTH. Okay. Do you conduct fact-finding at all levels? For example, following the Hernandez shooting incident, were there fact-finding sessions conducted at every level, for example, with the personnel that were on the White House grounds that night, maybe during the shift change brief, maybe the next morning at the next shift change and then all the way up the region and then all the way up to the director level? Would that be a normal course of action?

Ms. PIERSON. Yes, it would.

Ms. DUCKWORTH. So, at the fact-finding sessions, once you discover something that is deficient, do you then change your procedures based on what you learn at the fact-finding sessions?

Ms. PIERSON. Yes, we would.

Ms. DUCKWORTH. Have you changed your procedures for when the White House comes under a shooting incident?

For example, if the shooting happened at 9 p.m. at night and it was too dark then, I am not sure why you don't have access to flashlights and spotlights to check the White House in the evening. But okay. It was too dark.

Do you now have a procedure for checking the entire building, including the third floor, either at night or the next day? Is that now part of the new procedures?

Ms. PIERSON. Yes, it is. And, again, that night—it is a three-story building. So oftentimes it would require lift trucks and such. But we do have a better protocol now to ensure that proper sweeps are done across the complex as a result of that after-action.

Ms. DUCKWORTH. It is the people's house and the President of the United States. I think the American public would begrudge a lift truck at night to go check the outside of the building, I would imagine, but you have that procedure in place.

So if there is a suspected shooting incident, it would be sooner than 3 or 4 days and the housekeeper before we find the bullets in the side of the White House because of the new procedures. Correct?

Ms. PIERSON. Yes, ma'am. Lessons learned.

Ms. DUCKWORTH. Okay. Post-Hernandez, the first—I am sorry. The—not Hernandez—the recent breach that just happened—after he was initially apprehended with the ax in his waistband and he had this story, were information of that apprehension or that discussion that those agents had with him—was that shared—would have been shared as part of the fact-finding the next day at a shift?

Would pictures of him have been shown to the officers coming on shift—on the next shift, “Hey, we stopped this guy. He had an ax in his waistband. He had all this ammo in his car. Watch out for him. He may come by”? Was that ever done?

Ms. PIERSON. It is my understanding that he was initially observed by members of our counter-surveillance division. So I am assuming—and I would have to get back to the committee—that that would be part of the protocol of our counter-surveillance division as well as our Uniformed Division officers that are frequently seeing these people come along the south fence line.

Ms. DUCKWORTH. Okay. Would that have been shared with all of the officers stationed along the south fence line or who might have contact with passersby, “This guy's been by a couple times. He's”—you know, “keep an eye out for him”? Is that a standard thing that would now happen as part of your procedures every shift?

Ms. PIERSON. I would assume it is discussed, but I don't know to what specificity it is physically reported amongst Uniformed Division. But the information that Mr. Gonzalez had appeared on the south fence line, was interviewed, his car was—he consent to a search to his vehicle—all of that was in a written report provided and supplemented a part of Mr. Gonzalez's contact.

Ms. DUCKWORTH. What about any results from fact-finding that spoke to the lack of communications between the agents who were safeguarding the First Daughters being on a different frequency as the agents who were taught responding to the 2011—the shooting incident?

My understanding is that the agent inside did not know—because she did not hear traffic—that the suspected shooting had

happened and did not find out about it until through a third party, another agent.

Has that been fixed? Now are all the agents listening to multiple frequencies?

Ms. PIERSON. Our protocol would require that all agents are notified regardless of their assignment for that type of incident with a shooting on the complex. So, yes, I would say that information is now passed through our joint operations system.

Ms. DUCKWORTH. I am running out of time.

I am just very concerned that we're not learning from lessons learned, that these things are happening—whether or not the fact-finding sessions are happening, this information is not disseminated in some way.

And I would love to maybe end up in executive session or something to touch more on how you're fixing and updating your protocols because this seems pretty standard to me.

With that, I yield back, Mr. Chairman.

Mr. MICA. Well, thank you.

And I am going to recognize myself.

Welcome, Director Pierson. There has been a lot of chest-beating, and there has been a lot of beating up of the Director today.

And I want to give you an opportunity to talk about not just what took place, but also what we can do to make certain that the White House is safe, the First Family is safe, and these incidents don't happen again.

There are basically two things that we deal with to do that. One would be personnel, your personnel, and the second would be technology. I would believe those two would resolve the problem in the future.

Since you came in sort of to clean up some of the mess—the problems with performance, the problems with morale—I will say, too, that you're the first Director in 22 years to ever call me personally and ask for some assistance.

Before this incident took place, folks, she actually called and she said, "I want to improve the quality of our personnel," and she asked for, actually, two things. And they are still pending before this committee, interestingly enough. I just checked.

But one was to improve the standards for the agents. I know there had been a lack of academy training and not a lot of folks trained.

But you were also—and you formerly headed HR, concerned about the agents. Is that correct?

Ms. PIERSON. Yes, sir.

Mr. MICA. Okay. And then, also, the ability to hire and fire. We saw in the VA scandal the hands tied to hire and fire.

And you asked for—I guess to create—to call the service an exempt service. Is that correct?

Ms. PIERSON. Yes, sir. It is referred to as excepted service.

Mr. MICA. Yes.

And that would be—would give you more ability to discipline.

I asked the staff the status of those, and it is still pending. There has been some objection from the other side of the aisle even to take them up. So I thank you for stepping forward and, also, for recommending that.

Little things like technology—now, you weren't the Director in 2011 when the bullets hit the White House, were you?

Ms. PIERSON. No, sir, I was not.

Mr. MICA. Well, you got beat up pretty good on that one today.

But it is kind of interesting that the White House—and, really, they discovered some concrete or something that had been chipped out of a balcony that isn't examined and was—the surface area of the White House is quite a bit, and you would want to examine some of it. And that wasn't done at 9:50 at night, whatever it was.

But the fact remains that a window was broken. Now, that concerns me because, at my house, I have a security system. If a window is breached—actually, when I left this morning, I didn't want to disturb my wife quite early, but the security alarm sort of notifies you that someone's coming in or going out. I don't have a very sophisticated system.

But a window breaking in the White House in 2011, it seems like that should—and I know there are two barriers. One is bulletproof, and the other is the original—or antique glass. That should have been taken care of.

Has that been taken care of? Do you know?

Ms. PIERSON. I know that the windows have been replaced.

Mr. MICA. No. I am talking about security for breaching that.

Again, a simple thing. If someone opens a window or a window is broken at my house, I have an alarm. Have you ever heard of these guys? It is not very costly. You can subscribe. But that can be installed. It is a simple technology device and company, private system, that can do that. So I don't think we have to spend a lot of money.

I think, one, we have got to improve the quality and professionalism, which you're trying to do. You have got to be able to hire and fire people. And you have to put some technology in place. We don't have to put cement trucks and barriers in front of the White House. It is the people's house.

Now, do you know when the current 7-foot, 6-inch fence was installed?

Ms. PIERSON. 1965.

Mr. MICA. 1965.

And I don't want to go through some outrageous things. I know the taxpayers have to fund this. But maybe we could raise that a little bit.

The other thing, too, is you are part of the—you have lived in Florida. We could even put some vegetation barriers, simple things like—how about Spanish bayonet? You jump that fence and you get quite a greeting when you hit the ground. Inexpensive vegetation barriers.

But there is a whole host of things that we can do cost effectively. So I hope you will consider some of them as we look at some solutions.

Jumping the fence at the White House is not new. Is that right?

Ms. PIERSON. That is correct, sir.

Mr. MICA. But what has happened is they went beyond the barrier.

The other thing, too, is I understand the President and the First Family were not at the White House when this took place and

sometimes the security personnel and Secret Service do get re-focused to address where the President is.

And he had just departed. Is that correct?

Ms. PIERSON. That is correct.

Mr. MICA. Okay. Well, again, welcome to the Government Reform and Oversight Committee. It is good to have you here today. Thank you.

Mr. TIERNEY. Mr. Chairman, can I just make an inquiry?

Mr. MICA. Sure.

Mr. TIERNEY. You made some reference during your remarks that the Director had made two requests and some—there was some objection from this side.

Could you expand on that for us. Because we're not aware of that, as far as I know.

Mr. MICA. She told you the two requests that were made.

Mr. TIERNEY. Right.

Mr. MICA. She actually contacted me. We contacted staff. And we have asked staff to look at it. I asked the staff just now.

I said, "Well, what is the status of that?"

And they said there was—I said, "Have we moved forward on her request?"

They said, "No."

I said, "Why?"

They said, "Because some of the staff"—or "some of the Members on the other side of the aisle objected to that."

And, I mean, you can object to it—

Mr. TIERNEY. Well, I don't think anybody has. That is my point. We're not aware of that.

Mr. MICA. The Director has taken steps to improve both the performance—

Mr. TIERNEY. Mr. Chairman, we understand that and we are willing to accept that.

Mr. MICA. And the qualifications and the status of one of the most respected law enforcement services in the world, not just—

Mr. TIERNEY. We're appreciative of that. I think—and we don't disagree that she did that.

Mr. MICA. I am just telling—

Mr. TIERNEY. Where we disagree is nobody on this side knows what you are talking about.

Mr. MICA. I have got to tell it like it is, and that is how it is.

Mr. TIERNEY. No. You are telling us like somebody told you it was.

Mr. MICA. Well, that is the facts.

So, again, she testified under oath that she did contact me in that regard. I asked staff. And that is the status of that.

Mr. CUMMINGS. Would the chairman yield just for a moment, please?

Mr. MICA. Yes.

Mr. CUMMINGS. Would the chairman yield just for a moment?

Mr. MICA. Yes.

Mr. CUMMINGS. I just want to make something very, very clear. On this side of the aisle, we will do everything in our power to make sure that the Secret Service has everything it needs—

Mr. MICA. There, too, I—

Mr. CUMMINGS. Let me—may I finish, please?

Mr. MICA. Yes. Go right ahead.

Mr. CUMMINGS. —it needs to protect the President, his family, the Vice President, his family, the families of—and the President—and our former Presidents.

This is extremely important to us. And I don't want this hearing or anybody to get the impression that we are not a million percent supportive of making sure that the Secret Service has what it needs legislatively or financially.

Mr. MICA. Well, I thank the gentleman. And I know he'll work with us to try to accommodate the request of the Director.

Does the gentleman from—

Chairman ISSA. [Presiding.] Would the chairman yield?

Mr. MICA. Yes.

Chairman ISSA. Perhaps just to clear the record, I think that the entire committee needs to be aware that there have been requests to have personnel standings of exempt changed, in some cases, to make them easier to terminate. Now, that is a debate we can certainly have.

I do believe today that, although that is something the committee should consider—and I am certainly supportive of at this level people being subject to disciplinary action if they're unable to fulfill their mission easier—I don't believe today that is the basis under which these various failures occurred. So—and I am happy to have a discussion later on the details of the personnel changes, but that was the limit.

And, again, for the Director, I did receive that.

I did not—because we can't immediately act on it unilaterally, but I don't believe it has anything to do with today's—the number of failures. It may have something to do with low morale. But, then again, if you make people easier to fire, that also sometimes leads to low morale.

Mr. MICA. Well, respectfully stating my point on this, I think the Director has taken on the responsibility of improving the performance, and very key to that is also the educational qualifications, which she asked, and the ability to hire and fire people.

And I think they are relevant because, when you don't have discipline, you don't have good performance. And when the Director doesn't have the tools to accomplish that, then we don't get what we should.

With that, Mr. Horsford, the gentleman from Nevada, is recognized.

Mr. HORSFORD. I want to thank Chairman Issa and the ranking member, Mr. Cummings, for holding this extremely important hearing.

Director Pierson, let me be frank. I believe that you have done a disservice to the President of the United States. Not only have you compromised his safety and security, you have compromised the safety and security of his family and the staff of the White House. The pattern of lax security and following basic protocols indicate a culture at the Secret Service that needs to change.

Now, while the President may not be in a position to publicly criticize this failure to adequately protect his needs, I will. This President has far too much to worry about both here and around

the world. He should not have to also be concerned with his personal safety and security and that of his family.

So my question, Director, is: Why should we have confidence in the Secret Service's ability to protect the President of the United States and the First Family when there has been such a pattern of lax security?

Ms. PIERSON. I believe the incident on September 19 is not representative of pattern. As I have stated, there have been others that have attempted to gain access to the property that were immediately arrested. My biggest concern is that security plan—that effective security plan was not properly executed on the night of the 19th.

Mr. HORSFORD. Beyond September 19, which is the most recent incident, the fact that we are just now learning from the Washington Post that ran a story about the 2011 shooting incident where Ortega-Hernandez fired at the White House, it took 4 days for the Secret Service to realize that bullets actually hit the White House residence, and that only occurred after a housekeeper and an usher identified the concern because of a broken window.

Can a broken window be observed visibly from both the inside of the White House as well as the outside?

Ms. PIERSON. In this case, the location of the broken window, up against the mansion facade, along the trim and balcony, it was not visible from the exterior.

Mr. HORSFORD. From the exterior.

What about the interior?

Ms. PIERSON. The interior, in the private residence of the President and the First Lady, there were indications that the ballistic glass had a dimple, or actual damage to the ballistic glass. It was not recognized by the housekeeping staff until the curtains had been pulled in preparation for the President and First Lady's return.

Mr. HORSFORD. And so how was it that the Secret Service personnel, prior to the housekeeper finding that—they did not do the proper assessment, inspection of that location in order to identify that until 4 days later?

Ms. PIERSON. I will be happy to have a discussion with you in a private session. But, typically, the private residence of the President and First Lady is just that. It is their private residence.

Mr. HORSFORD. Well, I understand that you are not able to discuss all of the exact details of some of the security protocols in this open hearing, and I look forward to asking you more detailed, step-by-step questions about the exact protocols that failed, the missteps by individual agents, and the depth and breadth of this review that the investigation of this incident covers.

Has there been any disciplinary action pursued against any of the personnel who failed to follow proper protocol to date?

Ms. PIERSON. That is pending, based upon the conclusion of the investigation to determine exactly what the facts are, and, appropriately, enhancements will be made and personnel actions will be taken.

Mr. HORSFORD. And that is where I tend to differ a little bit. Because of this pattern of lax security not just from the most recent incident, but from prior incidences, someone should be held ac-

countable. The security of the President of the United States is serious and his family is serious, and we don't need a long, lengthy review for someone to be held accountable.

So I look forward to getting more facts about this in our executive briefing. But, ultimately, Director, we need to make sure that people are held accountable. There are men and women in the Secret Service that do a great job, and they are to be commended for that job. But when an individual fails to do their job properly, they need to be held accountable.

Ms. PIERSON. I agree with that statement. People make mistakes. They need to be held accountable.

Chairman ISSA. Thank you.

For all members, as we near the end of this hearing, we will be going into executive session upstairs at the subcommittee room immediately following this.

The gentlelady from New Mexico, Ms. Grisham, is next.

Ms. LUJAN GRISHAM. Mr. Chairman, thank you very much.

I want to do a couple of things. I want to go back to many of the statements that have been made today, and I want to try to fast-forward to the situation that we're all dealing with. And then I have got a very specific question about a protocol that I am hoping not in executive session you can answer.

So we're all trying to figure out what we can do in this hearing to understand this incredible breach but, at the same time, recognize that this is a—the people's house, a public building, and to work on those balances.

And you have heard many Members be concerned about the thought that we would have sort of a shoot to kill first. And, of course, I think about earlier—I think in this year we had a toddler breach the fence.

And so it is clear, for me, at least, that that is too far and want to create an environment where we all feel that there is a public safety aspect here.

But I think in your earlier testimony you said that we have had 60 individuals try to breach the fence this year. So that is, roughly, one a week.

Ms. PIERSON. 16 over 5 years. Six individuals this year.

Ms. LUJAN GRISHAM. This year.

In any event, so this—we know that folks, whether it is a mental illness issue or something in addition to that—we know that we have an issue.

And I also heard you earlier in your testimony talk about part of your career in the Secret Service, that you were, at one point in time, working on some of the IT issues. Is that correct?

Ms. PIERSON. Yes, ma'am.

Ms. LUJAN GRISHAM. So I am going to now go back to the 2011 incident, and I am going to read to you what the Washington Post said about that shooting incident. And I know that we have said this several times. It bears repeating.

“Back in the White House, key people in charge of the safety of the President's family were not initially aware that a shooting occurred. Because officers guarding the White House grounds communicate on a different radio frequency from the ones used by agents who protect the First Family, the agent assigned to Sasha

learned of the shooting a few minutes later from an officer posted nearby.”

Now, while communications and radio dispatch in and of themselves may not be narrowly construed as IT, I construe communications efforts, particularly in the context of interoperability, to be definitely inside that realm.

Since 2011, have you resolved those communication issues?

Ms. PIERSON. Yes. And as a result of the incident, we have ensured that information is passed—even if agents, officers or others are operating on different radio frequencies, that that same information is passed—that emergency information is passed to all people who have a need to know.

Ms. LUJAN GRISHAM. So all of the radio frequencies are now—you are communicating on a single or—and that may be an inappropriate statement about how that works—but they’re all interoperable. All those communications techniques are working collectively and so are the alarms?

Ms. PIERSON. The radio systems are operating with commonality, and that is controlled through our joint operations center. So agents and officers are allowed to operate on particular frequencies based upon their work.

The alarm systems are now becoming more and more integrated with some of our radio systems, but we are still in that transition phase.

Ms. LUJAN GRISHAM. Because I’m really—among all of the other issues, I’m really struggling with the communications and the unilateral efforts by any personnel to decide not to have an alarm, such as the door, by the ushers or anybody else.

And I’m really trying to understand that, if you are doing this continuous improvement, training, investments and making sure that this elite protective force is, in fact, just that—state of the art, effective, elite—how that miscommunication could occur without anyone having any idea. And, for me, it is gross neglect.

How does that occur? How does somebody at that level interfere with the protocol established by the Secret Service?

Ms. PIERSON. I think the concern was, when these alarms were put into place, the proximity to other activities within the White House, it could be an interference, such as the tour lines or other public events.

Ms. LUJAN GRISHAM. So an interference. And I said that I think that you need to be able to address the balances of the public visiting, utilizing, meeting at the White House.

But it is stunning to me that that would trump your own protocols from making sure that you have alarms whose purpose is to trigger a threat so that you can have an effective, global within the Secret Service, both interior and exterior—a communications plan that would allow you to effectively execute a protocol. Otherwise, you can’t.

And I know I’m out of my time. But something is wrong with this idea—

Chairman ISSA. We will be going into a classified session. I think that is going to help. I thank the gentlelady.

The chair would announce that we now have two members who have been waved on that will ask their questions. That will complete the full round.

With the indulgence of the ranking member, we're going to have an additional 5 minutes per side divided by whoever Mr. Cummings would like to recognize, myself, and then we will go upstairs into an executive session.

So 5 minutes a side for our two guest members, then 5 minutes a side, which will include closing. So that will give everyone an understanding that roughly 10 minutes—or 20 minutes from now we will conclude, for anyone—any staff who want to make sure their Members are available upstairs.

And, with that, the gentleman from Missouri, Mr. Long.

Mr. LONG. Thank you, Mr. Chairman.

Director Pierson, are your agents that are charged with guarding the White House and guarding the occupants of the White House—are they allowed to use smartphones while on duty—and I'm talking about personal smartphones—texting, tweeting, playing games? Are they allowed to use personal smartphones while on duty?

Ms. PIERSON. No. They would not be.

Mr. LONG. And that is strictly enforced? You are confident?

Ms. PIERSON. I know that they have access to a Blackberry, which is part of the tools that we give our officers and agents to receive information and pass information.

Mr. LONG. That is an official phone, to me.

Ms. PIERSON. Yes.

Mr. LONG. That is something that they need in their day to day to say go this gate or that or watch for this guy. But I am talking about personal smartphone usage.

You say they are not allowed to do that while on duty, guarding the White House and its occupants?

Ms. PIERSON. It is possible that some employees have a personal cell phone for emergency contact by their family, but they are discouraged from using any kind of technology—

Mr. LONG. They are discouraged from using. Okay.

A week before someone was caught jumping a fence. A week later someone was not. Correct?

Ms. PIERSON. Yes, sir.

Mr. LONG. Okay. Were you at the White House picnic this year?

Ms. PIERSON. No, I was not.

Mr. LONG. Okay. I am sure you are familiar with it.

Do you know when it was? I'll answer that. It was 2 days before the event.

At the White House picnic, it was Senators, Congressmen, Republicans, Democrats. Everyone is invited. Our families were invited. We took our families. We get stopped at the street. We have to show an ID, Members of Congress, Senators, our families.

They are checking the books, making sure everything is in order to let us go another—I want to say 70 yards. I don't know exactly, but just down the sidewalk a little tiny ways.

And then they check our ID again, "Get your driver's license out. We need to check your ID again before you can go onto the premises of the White House." So we go into the picnic. Several hundred people there. I don't know—200, 300, 400—what it was.

The President and the First Lady are normally there. On the 17th of September this year, the First Lady was out of State. The President of the United States was there at that event.

We have had four assassinations in this country. We have had about 2 dozen attempted, including the shooting of Theodore Roosevelt and Ronald Reagan. We just heard my friend, Ms. Holmes Norton, earlier in her questioning say that this President has received approximately three times the number of threats on his life of any other President. I was surprised to hear that.

The President of the United States was there that night among 300 people, let's say, 400, whatever it was. I shudder to think—he was behind a rope. Those of you old enough to remember clotheslines, it was about a three-quarter-inch—looked like a clothesline rope was his protection that evening from 300, 400 people.

I shudder to think if this gentleman would have come 48 hours earlier, jumped the fence that night, run into the crowd, or say he had eight or ten friends with him.

The President of the United States was behind a clothesline rope that night. I've got pictures on my cell phone of him having—letting people take selfies with him, holding babies, taking pictures. It is a great gesture from the President. We want to be close to the President. We want to be able to talk to him, reach out to him.

But if you don't take anything else away from this hearing today, take that picture in your mind. You weren't there, but 48 hours earlier we could be having a whole different conversation here today, and that is very, very upsetting to me.

I love first-responders. I've got a great deal of admiration, respect for first-responders, police, whether it is the local police, the sheriff, the highway patrol, the Secret Service, the FBI, the people that protect us.

Let me ask you another question: Are there people with automatic weapons patrolling the White House grounds inside or out, standing there with their finger on a trigger of an automatic weapon in plain sight that might be a deterrent?

Ms. PIERSON. We do have a number of tactical assets that are deployed at the White House routinely.

Mr. LONG. Are they in plain sight with an automatic weapon with their finger on the trigger, like they are outside of this building and next door here at the Capitol?

And I was driving down the street yesterday here. There was a Capitol Hill policeman with an automatic weapon, finger on the trigger, very, very observe—we were stopped at a stop sign, and I said, "I wonder if they have an extra threat today or something because this guy is really on point."

But I think that—if we had something like that and I am thinking about jumping the fence, whether I have my full mental faculties or not, and I see someone there with an automatic weapon, their finger on the trigger, do you think I am not going to think two or three times about—just like I would about doing something at the Capitol because I see all these people around with automatic weapons guarding us, safeguarding our lives?

But, again, I shudder to think what could have happened 48 hours earlier, if that guy would have wanted to jump the fence that night and run out in the middle of 300 or 400 people or have two

or three friends with him and the President is behind a clothesline rope.

I appreciate you being here. Appreciate your testimony.

With that, I yield back.

Chairman ISSA. I thank the gentleman.

I would second his point, that I've seen Senators wait 2 hours after the Salahi incident to get into the White House in 9-degree temperatures.

I certainly hope that we won't have the kind of craziness that you can take 2 hours to get in the White House as a member of the House or Senate, but somebody can just jump the fence and be inside in a matter of seconds. That is, I think, what this hearing is all about.

And I thank the gentleman.

We now go to the patient gentlelady from Texas, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you very much for your courtesy.

And to the ranking member, Mr. Cummings, thank you for your courtesy and thank you for acknowledging that Homeland Security and this committee has worked together on a number of issues.

Before I started, I want to put into the record by reading it the words expressed by Mr. Obama, our President, just last week, as, Madam Director, you made it very clear that, at the General Assembly, you protected not only the President, but 140 Heads of State.

And the President said, "The Secret Service does a great job. I am grateful for all the sacrifices they make on my behalf and on my family's behalf."

I wanted to just add that because the President has confidence.

I also want to acknowledge that your storied history equates to the storied history of the Secret Service starting in 1865, and we recognize that it has continued in that service.

And I hope this hearing, as my colleagues have said, between Republicans and Democrats, would alter this headline that I hold up that says "The Secret Service opens door to ridicule." I disagree with that and say it opens the door to restructuring and revamping because I think you have been very honest with us today.

And I also hold, since it was mentioned, documents, which I would ask, if I am able to put into the record, unanimous consent. I don't know if that—

Chairman ISSA. Without objection, the entire document will be put into the record.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

The list of assassinated presidents, four dead—too many—and six was attempted. That is the basis of our passion.

I also want to acknowledge the Homeland Security Inspector General report on three headlines that I'll read—and maybe we will get into this because I have some specific questions—in the classified.

But it had three points: Policies and procedures for proposing and issuing discipline are insufficient; United States Secret Service is not always in compliance with Federal disciplinary rules; inter-

nal controls are insufficient to ensure discipline is aligned with agency.

Now, you would probably say that a lot of this has been corrected, and I look forward to those questions. But let me go specifically to my concern.

On July 19, the State Virginia Police found a man that had any number of indictable things—and when I say that, sawed-off shotguns, rifles, a number of items that are not the normal course—even though he is under the Second Amendment. And then, on August 25, our officers stopped this gentleman.

I am going to say to the American people, since this President is documented, maybe because he is different, maybe because of the policies, that he has had more threats than others.

I am going to say to the American public maybe someone should have known the gentleman who jumped the fence on the 19th. Maybe his family should have reported him.

But I do believe that it was unacceptable that he was stopped on August 25 with the information and there could not have been some basis upon which this gentleman could have been referred to an institutional hold or referred to call family members in and to address the question. Yes. Individuals have that.

My question to you is: Why was this gentleman that jumped on September 19, stopped on August 25 with a background of the enormous amount of guns and other threatening items—why wasn't he taken into custody?

Let's not say that law didn't allow us. Why wasn't there a way that he could have been held, his family could have been called, the military's an ex-retiree—or an ex-officer of the military could not have been called?

And I have another question. So maybe I should ask it out of courtesy to my colleagues.

The other egregious thing that I thought was particularly outrageous is, in the 2011, when it was either—it either was a car backfiring or gang fights—which I have never heard of gang fights at the White House—I am asking you this question on the one that happened on the 19th. The most egregious that I could ever think is that the individuals surveying the White House on that day failed to stop him.

And we have a picture, which you cannot see, of—one, two, three, four, five—six uniformed officers—I wonder if there is a fitness problem here—chasing this gentleman who could not capture him. All six of them in this picture could not capture him.

And so my question is: What in the open domain stopped them from getting him before he jumped the fence? This is on September 19. What stopped them from getting him when he jumped over the fence with six or more officers chasing him—uniform officers?

And why would in the September 2011 event you think that it was a gang fight instead of a more serious investigation into the fact that there was gunfire?

Ms. PIERSON. We are looking into why Mr. Gonzalez was not stopped when he came over the fence, I've stated publicly, and I'll continue to work with my workforce to understand why he was allowed to make access to the mansion and why he wasn't detained earlier, as soon as he jumped the fence.

I need to understand why he was not recognized earlier in the day and further surveillance put on him as to further analysis as to why he was there and why he had returned to the White House. I cannot explain those questions today.

In regard to the shooting back in November of—11 of 2011, all's I can advise is that, in collaboration with the U.S. Park Place, the Metropolitan Police Department, the Secret Service, the conflicting witness statements, at—that night at that time there was confusion about whether there were shots at the White House or shots from car to car.

It appears to me that those are also documented in the police reports. I regret the confusion. It occurred 3 years ago. I know that we have learned from that incident and the Secret Service would react differently today than it did 3 years ago.

Ms. JACKSON LEE. Mr. Chairman, let me just conclude by saying, in the light of ISIL and Corazon, with direct interest and commitment to attacking the United States and maybe the President, I think this hearing highlights the serious need for revamping and restructuring that is so key when we all are working together for the ultimate good of protecting the First Family's life. I hope you agree with me.

Ms. PIERSON. Yes, ma'am.

Ms. JACKSON LEE. I yield back.

Chairman ISSA. Thank you.

Ms. JACKSON LEE. I yield back.

Chairman ISSA. Pursuant to the agreement, chairman and ranking member will divide 10 minutes equally, 5 minutes per side.

I will now yield 4 of those minutes to the gentleman from Utah, Mr. Chaffetz.

Mr. CHAFFETZ. I thank the gentleman and, again, appreciate this hearing.

Director, anytime there is a breach of protocol or the President's personal security has been jeopardized or the White House security perimeter has been breached, is there an internal review?

Ms. PIERSON. Yes.

Mr. CHAFFETZ. And are you aware—are you—can you assure the committee that you are informed anytime those things happen?

Ms. PIERSON. I am expected to be informed. Yes.

Mr. CHAFFETZ. Is the President of the United States informed?

Ms. PIERSON. I would assume that the President of the United States is informed. I don't know.

Mr. CHAFFETZ. You are the head of the Secret Service. Explain to me why you wouldn't know that.

Ms. PIERSON. Well, your question was subjective as to whether or not I would know.

Mr. CHAFFETZ. Well, who briefs—do you brief the President or don't?

Ms. PIERSON. If your question is when are—there are incidents that involve the President of the United States or the First Family and security concerns, yes.

Mr. CHAFFETZ. Then, you do brief the President?

Ms. PIERSON. Yes.

Mr. CHAFFETZ. Do you brief the President if there has been a perimeter breach at the White House?

Ms. PIERSON. I have confidential conversations with the President.

Mr. CHAFFETZ. Do you brief the President if he has—his own personal security has in any way been jeopardized?

Ms. PIERSON. I have confidential conversations with the President, and those would be the topics that we would cover, in addition to other things.

Mr. CHAFFETZ. What percentage of the time do you inform the President if his personal security has been breached?

Ms. PIERSON. I would say in proximity to the incident.

Mr. CHAFFETZ. No. I asked you: What percentage of the time do you inform the President if his personal security has in any way, shape or form been breached?

Ms. PIERSON. Percent of the time? 100 percent of the time we would advise the President.

Mr. CHAFFETZ. You would advise the President?

Ms. PIERSON. Yes.

Mr. CHAFFETZ. In calendar year 2014, how many times has that happened?

Ms. PIERSON. I have not briefed him, with the exception of one occasion for the September 19 incident.

Mr. CHAFFETZ. So the only time you have briefed the President on perimeter security, the President's personal security, the First Family's security, has been one time in 2014?

Ms. PIERSON. That is correct.

Mr. CHAFFETZ. Mr. Chairman, as we kind of wrap up here, I think there is a bipartisan call for change, to change. I would like to ask for an independent review. I think there needs to be a top-down review of not only security but, also, the culture. And I want to refer our colleagues to this.

And, Madam Director, I don't understand why Special Agent Basic Classes, in 2012, there were zero and, in 2013, there was one. In the Uniformed Division Basic Classes, in 2012, there was one and, in 2013, there was one. I don't understand that.

I also want to again go back to this Inspector General's report because I think there is a serious, serious problem here.

Let me read some questions in how the Secret Service agents themselves responded:

"If a senior manager engages in misconduct or illegal activity, he or she is held accountable." Less than half of the respondents said that that was true.

"I can report a suspected violation of any rule, regulation or standard of conduct without fear of retaliation." Only 55.8 percent of the respondents said that that statement was true.

Again, Secret Service agents themselves in a confidential survey, when asked, "The Secret Service's disciplinary process is fair," only 40.3 percent said "yes."

"Disciplinary actions within the Secret Service are applied consistently for similar offenses." Only 30 percent said "yes."

"Disciplinary actions within the Secret Service are at the appropriate level of severity, given the offense." Only 36.6.

This demands an independent investigation and review team—the FBI, military, whatever it takes—but they need to look at the

management, they need to look at the leadership, they need to look at the culture and the security.

I thank the chairman.

Chairman ISSA. I thank the gentleman.

The entire IG report will be included in the supplemental of the hearing.

Chairman ISSA. I am going to reserve that last minute and yield to the ranking member.

Mr. CUMMINGS. Ms. Pierson, I just—Director Pierson, I just want to follow up on some of Ms. Jackson Lee's questions.

Going back to Mr. Gonzalez, you confirm that the Secret Service did an extensive interview of him. Is that right? Is that right?

Ms. PIERSON. Yes, sir.

Mr. CUMMINGS. And I believe you testified that you requested his medical files, which documented his medical illness, and he agreed that you could have them. Is that what you told us?

Ms. PIERSON. Our procedures are, in consultation with the individual, Mr. Gonzalez, the scope of the investigation would include a confidential release of their medical records, and he complied. Yes.

Mr. CUMMINGS. So you actually—Secret Service had his medical files. Is that right?

Ms. PIERSON. Yes. That is part of their investigation.

Mr. CUMMINGS. Here is my question. Federal law prohibits certain people with mental illnesses from possessing firearms. That statute is 18, USC, 922(g).

Now, the statute is detailed, but the prohibition covers people who have been "adjudicated as a mental defective" or who have been committed to an institution for mental illness.

Are you aware of that statute?

Ms. PIERSON. Yes, I am.

Mr. CUMMINGS. According to press reports, Gonzalez had severe mental illness. He was apparently seeing a military psychiatrist, who diagnosed him with severe mental illnesses, and his family confirmed the same thing.

What steps did the Secret Service take to prevent this individual from possessing firearms after he was arrested in July and after the Secret Service interviewed him?

Ms. PIERSON. Ranking Member Cummings, he was interviewed by the Virginia State Police. We notified the Alcohol, Tobacco and Firearms, who interviewed Mr. Gonzalez, who notified the Secret Service, based on their discussions with Mr. Gonzalez, to have a further discussion with him. So many Federal agencies have been in contact with Mr. Gonzalez.

Mr. CUMMINGS. But—so you consulted with ATF?

Ms. PIERSON. ATF was the initial investigators, first responded to Virginia State Police's inquire of his weapons.

Mr. CUMMINGS. When the Secret Service spoke to the family, didn't they also say he had a mental illness and needed help?

Ms. PIERSON. The family concurred that he exhibited signs of PTSD.

Mr. CUMMINGS. The statute says the prohibition applies when any lawful authority has made a determination that the person, as a result of mental illness, is a danger to himself or to others.

Don't you think that applies here?

Ms. PIERSON. It would be worth having further investigation in concurrence with his interview. Yes.

Mr. CUMMINGS. Let me just conclude.

You know, the question has come up—and every time I step out in the hall just for a minute, I have got reporters coming up to me, asking me, “Do you think that Ms. Pierson—Director Pierson can correct the situation?” And what I have said is that the jury is still out.

And let me tell you why I say that. You were talking about internal review a little bit earlier. And again I go back to that whole culture question. If your Secret Service members don't feel comfortable sharing information, I don't know how you get the information that you need to address the kind of concerns that you might have because you won't even have the information.

And then it hit me, as I was thinking about this whole thing, if I have got Secret Service members who are more willing to be whistleblowers and come before the Congress, what that tells me is that they don't trust each other. There is a problem of trust within an agency—and correct me if I am wrong on this point—that really needs to have trust within it.

Is that right? Wouldn't you agree with that piece?

Ms. PIERSON. Yes. We do need to have confidence and trust with each other. That is correct.

Mr. CUMMINGS. So—so—

Chairman ISSA. Gentleman, I think she answered to the negative of your question of: Isn't there a lack of trust? And she said: Yes. There is trust. I will restore the time.

Mr. CUMMINGS. Yeah.

Do you believe that there is a lack of trust?

Ms. PIERSON. No. I do believe that employees trust each other.

Mr. CUMMINGS. But—so, then, help me. Please help me with this. Help me with this.

How do you—and I—and I know—I think you have the greatest of intent. You have given us 30 years, and I appreciate it.

How do you get past that—it is hard for me to get past that whole issue of folks not being willing. Members of the Secret Service are coming to Members of this committee—not to me, but to others—telling them things that—and they don't even seem to discuss them with you all, their higher-ups. And it goes back to the lady back—the agent, back to 2011, when she was apparently afraid or thought that nobody would listen to her.

Help me. Just tell me how you are going to deal with that.

Ms. PIERSON. Ranking Member Cummings, I have made a number of changes in our management and our leadership team. I am going to continue to make changes in our leadership team for promoting individuals, for spending a lot of time helping them become leaders and supervisors or holding them accountable.

We are holding the workforce accountable. We are providing more opportunities for training. We are spending time doing engagement sessions with the workforce to find out what are some of the inherent problems.

Mr. CUMMINGS. You said a little bit earlier you are going to support new leadership.

So you are constantly bringing in new leadership. Is that right?  
 Ms. PIERSON. When I took this position, we were down 70 special agent supervisory positions. Those positions have now been filled.  
 Mr. CUMMINGS. Thank you very much for your testimony. I look forward to talking with you in the classified briefing.

Chairman ISSA. I thank the gentleman.

I now yield 1 minute to Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman.

I want to come back because, in testimony here, you have been very specific. You have said 500 to 550 employees. Chairman Issa asked you that again, and you continued to stay with that. So I went and asked for what you were requesting this year, and you should have a copy of that. We have given that to your staff right there.

How is it that, if you are down 550 full-time employees, that you are only asking for 61 more? Why would you not ask for 500?

These, again, are your numbers. And I am just trying to find—you know, in all of this, it is all about trust and integrity, and some of your testimony just doesn't seem to line up with the facts.

Ms. PIERSON. Well, it is challenging when you start to talk about operational positions and—

Mr. MEADOWS. Well, it is challenging, from an oversight standpoint, to get to the truth, and that is what we are trying to do. We are giving you this opportunity.

Ms. PIERSON. Thank you.

If you would, it is challenging to talk about an FTE in a full-time position. The FTEs represent 50 percent in that first year that they would be hired.

Part of the challenge that we have had and part of what I have presented to the committee and asked for their support on, both from the chair and the ranking member, is authority for the Secret Service to pursue accepted service legislation. Hiring is a challenge for me, and trying to hire in a process that is cumbersome is more difficult.

The agents in the Uniformed Division, officers and personnel that we hire within the Secret Service, require a robust background investigation. They require a lot of security clearance.

Mr. MEADOWS. But why don't you request the funds to do that?

Ms. PIERSON. I requested legislation to support me and to be able to identify new efficiencies in the hiring process.

We put out a vacancy announcement for special agents, received 45,000 applications, and because of the cumbersome processes that I have to comply with, we have only been able to onboard 72 this year.

Mr. MEADOWS. So how long will it be before the President is safe, then? Under your scenario, you have got to wait for legislation. You have got to wait for an act of Congress. That doesn't make sense.

Ms. PIERSON. Well, we are currently trying to work with the Office of Personnel Management and identify every efficiency that we possibly can to assist us in being able to bring on these personnel that we critically need.

Mr. MEADOWS. So is the President safe today, then?

Ms. PIERSON. The President is safe today. And we are going to continue to migrate our resources to every place that we need to

ensure the President, his family, those others that we protect, as well as the White House complex, are safe.

Mr. MEADOWS. I am troubled you didn't ask.

I will yield back. Thank you, Mr. Chairman.

Chairman ISSA. I thank the gentleman.

As promised, we will now recess and go into executive session.

Briefly, before we do, I want to make sure that the Director in open hearing understands and our other witnesses who we are going to dismiss at this time it is the considered view of the chair—and, I believe, with—in concurrence with the ranking member—that an internal investigation by the Secret Service is not sufficient—I repeat—is not sufficient to provide the kind of confidence back to the American people.

So I will be working with the ranking member to send a letter to the Secretary of Homeland Security, asking for a far greater and more independent investigation of the assets needed and the changes needed to bring back the kind of confidence the American people and the President deserve.

We stand in recess. And we will reconvene in a secure location.

[Whereupon, at 1:31 p.m., the committee proceeded in closed session.]

## **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD

.SP-165A-

07/22/14

Virginia Department of State Police  
Inventory of Property Acquired as Evidence  
Evidence List

Page 1

LEAMS: 1410205-

Title:  
Character:  
Case Agent:  
Offense Date: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_

Item: 1 - Mossberg, Maverick, Model 88 12ga. Pump Ser. MV269325 (black)  
 Acquired: 07/19/2014 (10:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 2 - Springfield Armory MIA 308 WIN. With Scope and bipod. Ser. 259924  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 3 - ADLER Italy, Model Jager AP-85 22lr. With red dot scope. SER. 1990  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 4 - Tri Star 12ga. shotgun. SER. TSA-NXC-MD  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 5 - DPMS 223 A-15 Ser. FH91091 with flashlight and scope.  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 6 - Weatherby Vanguard 270cal. Bolt Action Rifle with scope and bipod. Ser VS2831  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 7 - Smith And Wesson 380 cal. automatic, Black in color. 2 loaded mags. Ser. EBB4  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 8 - Glock 30, 45automatic. Ser. RUK070 w/one empty mag.  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

SP-165A  
07/22/14

Virginia Department of State Police  
Inventory of Property Acquired as Evidence  
Evidence List

Page 2

LEAMS: 1410205-

Item: 9 - Taurus 357 Magnum revolver Ser. EU475054  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 10 - Metro Arms Corp. American Classic, 45cal. Ser. A1202669 w/ one loaded mag.  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 11 - Taurus 1911, 45 auto. w/two loaded mag. Ser. NAP63705  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (12:59) Storage in Bulky Floor  
 Received From: [REDACTED] Received By: [REDACTED]

Item: 12 - one map of washington DC with writing and a line drawn to the White House.  
 Acquired: 07/21/2014 (13:30) from Suspect by [REDACTED]  
 Last Move: 07/22/2014 (13:00) Storage in Bulky Shelf 4  
 Received From: [REDACTED] Received By: [REDACTED]

End of Evidence List

Chain of Custody

Date	Purpose	Received From	Received By
07/22/2014 (12:59)	Storage	[REDACTED]	[REDACTED]
Items: 1 2 3 4 5 6 7 8 9 10 11			
07/22/2014 (13:00)	Storage	[REDACTED]	[REDACTED]
Items: 12			

End of Chain of Custody

**Opening Statement**  
**Ranking Member Elijah E. Cummings**

**Hearing on “White House Perimeter Breach:  
New Concerns About the Secret Service”**

**September 30, 2014**

Thank you, Mr. Chairman. We begin today’s hearing with an obvious premise—no individual should be allowed to scale the fence of the White House, sprint across the North Lawn, and burst into the residence of the First Family with a weapon. Our goal today is also clear—to determine how this happened and make sure it does not happen again.

This incident unfortunately causes many people to ask whether there is a much broader problem with the Secret Service. Last night, the *Washington Post* reported that Omar Gonzalez made his way into the East Room, much further than previously known.

Another report in this weekend’s *Post* about a shooting incident in 2011 raises even more questions about the competency and the culture of this agency. The Secret Service is supposed to be the most elite protective force in the world, yet according to this report, they did not discover for days that the White House had been shot seven times.

And although the prostitution scandal in Colombia in 2012 has little to do with these tactical protection issues, it seriously damaged the agency’s credibility.

Our witness today, Julia Pierson, was appointed as the Director of the Secret Service last year in part to help restore the agency’s standing. She has a distinguished 30-year career with the agency, and to her credit, she immediately ordered an internal review and agreed to testify before our Committee.

With respect to the recent incident, I have key questions that are shared by people across the country. Did the Secret Service have specific protocols for handling this type of perimeter breach? If so, were those protocols followed in this case? If they were followed, do those protocols need to be changed in light of what happened? If the protocols were not followed, why were they not followed? And how can we make sure they will be followed in the future?

I also want to understand what happened prior to this incident. Gonzalez was arrested in Virginia two months earlier, on July 19. Mr. Chairman, I would like to enter into the record an inventory sheet that was provided by the Virginia State Police. It lists the contents of his car, which included a small arsenal of 11 firearms—including sniper rifles and a sawed-off shotgun. It also included a map of Washington D.C. with “a line drawn to the White House.”

According to the Virginia State Police, the Bureau of Alcohol, Tobacco, Firearms and Explosives concluded that there was no information in Gonzalez's history that prohibited him from owning these firearms and, apparently, driving around with them in his car. Yet, he was severely mentally ill, and a military psychiatrist reportedly treated him for post-traumatic stress disorder and paranoid schizophrenia.

I hate to imagine what could have happened if Gonzalez had been carrying a gun instead of a knife when he burst into the White House.

Today, our work faces two challenges. First, the Secret Service has not yet completed its internal review. I understand that Director Pierson will provide us with a status update, but the final results are not yet in.

Second, some of the information is classified and law enforcement sensitive, so obviously we cannot discuss it in public. This does not mean the Committee cannot obtain the information. Director Pierson sent a letter to the Committee on Friday offering not only to testify here today in this public setting, but also to provide all of us with a classified briefing. The Chairman has now agreed to hold this classified session in a separate room directly after this hearing concludes.

The Chairman also personally assured me that today's proceedings will be conducted in a bipartisan manner. This is not a Democratic issue or a Republican issue, but an American issue. I urge my colleagues to refrain from inflammatory attacks against Director Pierson, who will not be able to discuss specific tactical issues in open session. Obviously, the last thing we want to do is give people like Gonzalez a road map for how to attack the President or other officials who are protected by the Secret Service.

Let me close by making a final point. The vast majority of men and women who serve in the Secret Service are dedicated, experienced public servants who are willing to lay down their lives for their country. Director Pierson is one of them. They have an extremely difficult job, and like others in similar positions, they are required to make instant life-and-death decisions in extremely stressful situations.

Last year, for example, the Capitol Police shot and killed an unarmed woman with a one-year-old girl in the back seat of her car. Although some praised their quick response, others criticized their actions. But they acted based on their first-hand experience right here in the Capitol when another deranged individual burst through the doors and killed two Capitol Police officers, Detective John Gibson and Officer Jacob Chestnut.

We recognize that Secret Service agents have a high-profile job, but it is critically important, and it requires accountability, so the spotlight is rightly on their actions today. I look forward to the public testimony, as well as the classified session, and I thank the Chairman for calling this important hearing.

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Contact: Jennifer Hoffman, Communications Director, 202-226-5181.

**Opening Statement of Congresswoman Eleanor Holmes Norton****House Oversight and Government Reform Committee****“White House Perimeter Breach: New Concerns about the Secret Service”**

September 30, 2014

I have had deep respect for the Secret Service from the time I was a child growing up in the District of Columbia. I recognize Director Pierson for her 30 years of service, rising through the ranks to become the first woman to serve as the U.S. Secret Service Director.

Recent unprecedented events call for an unprecedented response. First, there has been an increasing number of White House fence jumpers, including the most recent this month, who was able to get deep into the interior of the White House. Before that, in 2011, multiple shots were fired into the living quarters of the First Family, discovered only four days later not by a Secret Service investigation, but by happenstance by White House staff. Beyond these failures in its core mission to protect the White House and the First Family is an unsettling failure to disclose, perhaps even to understand, what has occurred and to promptly investigate. Together, this combination of failures suggests strongly that the time is ripe for a 21st-century makeover of the Secret Service.

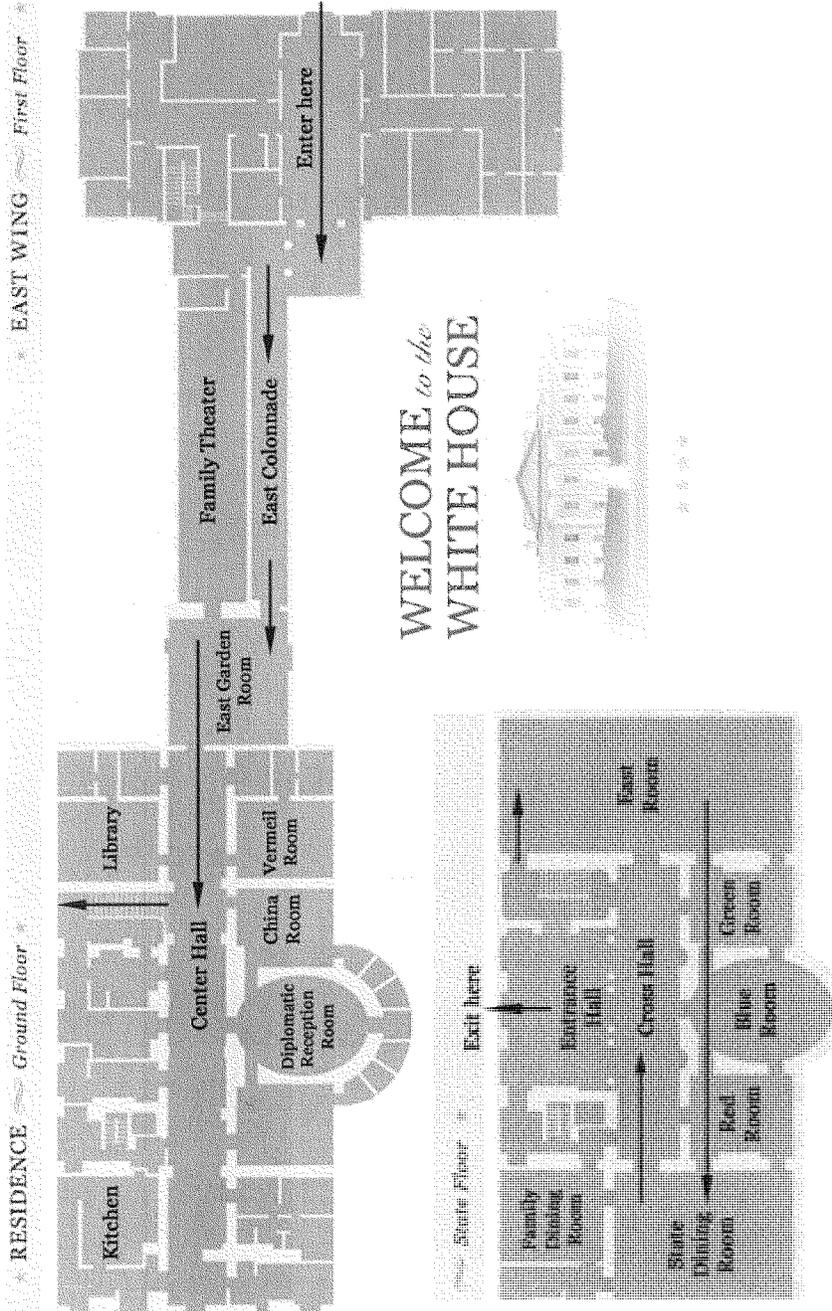
Moreover, these stunning events have occurred during a period when the United States and, by definition, the White House, even the President, are being targeted by domestic and international terrorists. According to threat assessments, this President has had three times as many threats as his predecessor.

Just as troubling have been indications of unwarranted secrecy in the Secret Service. The Secret Service is not a secret society. If there is a willing avoidance of needed transparency, that in itself would pose a danger to the White House. For example, when noise is heard that some believe could be gunfire directed at the White House, others believe is automobile backfire, and still others think is gang gunfire, isn't it the job of the Secret Service to presume a gun has been fired at the White House and to do an immediate investigation? When line officers close to the sound have to become whistleblowers, has the suppression of needed information itself become a threat to the White House? Worse, do such failures show that some in the Secret Service are in denial of the danger, posing perhaps the greatest risk to the White House?

Particularly troubling in light of such unanswered questions would be a rush to quick fixes such as suppression of public access to the area around the White House without a thorough investigation. In light of the seriousness of recent breaches, an investigation in the first instance by the Department of Homeland Security should go well beyond the details of these events. They are merely the most recent raw data for a top to bottom investigation of Secret Service operations at the White House. This is not a question of personnel. We must learn whether today's Secret Service as structured, for example, could

stop five or six fence jumpers intent on harm to the White House and the President, not just a mere mentally ill war veteran, who even alone might have succeeded. All options should be on the table for the needed 21st-century study of Secret Service operations in the age of terrorism.

The heroism of the Secret Service is beyond debate. Indeed, the White House intruder was brought down by an agent. However, the White House and the President have been thrust into a new era of danger. The Secret Service should welcome an outside investigation to ensure it has the appropriate resources and expert backup to do its job.



JASON CHAFFETZ  
3RD DISTRICT, UT-14H

COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM  
CHAIRMAN  
SUBCOMMITTEE ON NATIONAL SECURITY

COMMITTEE ON  
THE JUDICIARY

COMMITTEE ON  
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August 20, 2014

The Honorable Julia Pierson  
Director  
U.S. Secret Service  
950 H Street, N.W.  
Washington, D.C. 20223

Dear Director Pierson:

In March of this year Oscar Ramiro Ortega-Hernandez was sentenced to 25 years in prison for shooting at least eight rounds from an AK-47 assault rifle at the White House in 2011. Mr. Ortega was initially charged with attempting to assassinate the President but the charge was dropped as part of a plea deal that found him guilty for "terrorism and weapons offenses."<sup>1</sup>

As you know, Mr. Ortega fled the scene, crashed and abandoned his car a short distance later, and eventually drove to Pennsylvania. He was captured five days later. At this time, the USSS released a statement indicating that a bullet and another round found on the exterior of the White House had "not been conclusively connected to Friday's incident, and an assessment of the exterior of the White House is ongoing."<sup>2</sup>

While I am relieved Mr. Ortega has finally received justice, it is perhaps more important to understand how this man was able to fire eight rounds from an assault rifle at the White House and evade capture for five days. It is also unclear why the USSS, five days following the shooting, was unable to link bullets found on the exterior of the White House to Mr. Ortega. Most troubling, it has been brought to my attention that perhaps USSS leadership downplayed the incident in the immediate aftermath and did not believe rounds had been shot at the White House.

<sup>1</sup> U.S. Attorney's Office, District of Columbia, "Idaho Man Sentenced to 25 Years in Prison for November 2011 Shooting at the White House, March 31, 2014. Available at <<http://www.fbi.gov/washingtondc/press-releases/2014/idaho-man-sentenced-to-25-years-in-prison-for-november-2011-shooting-at-the-white-house>>.

<sup>2</sup> Paul Duggan and Jerry Markon, *White House shooting suspect arrested in Pa.*, WASH POST, November 16, 2011. Available at <[http://www.washingtonpost.com/local/white-house-shooting-suspect-arrested-in-pa/2011/11/16/gIQAdK3PSN\\_story.html](http://www.washingtonpost.com/local/white-house-shooting-suspect-arrested-in-pa/2011/11/16/gIQAdK3PSN_story.html)>.

Although these events transpired three years ago, it is important to revisit them to ensure that corrective actions have been taken to prevent, prepare and respond to similar acts of terrorists in the future. In a continued effort to ensure the security of the President, please provide the below information to my office as soon as possible but by no later than September 5, 2014.

1. A summary of the USSS response to the 2011 events referenced above, including when USSS leadership realized a shooting had occurred at the White House and direction given to on duty agents and officers.
2. Any after action reports of the incident, including transcripts and communications detailing the response.
3. Any gap analyses or other reviews conducted by or for the USSS over the past five years reviewing the security of the White House. Provide a distribution list of recipients, corrective actions taken as a result, and outstanding gaps in security... identified in reviews.

Thank you for your attention to this important matter and I look forward to receiving your response.

Sincerely,  


Jason Chaffetz  
Member of Congress



DIRECTOR

U. S. Department of Homeland Security  
UNITED STATES SECRET SERVICE

*Washington, D.C. 20223*

September 12, 2014

The Honorable Jason Chaffetz  
2464 Rayburn House Office Building  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chaffetz:

Thank you for your interest in the U.S. Secret Service's (Secret Service) protective mission. We continually strive to provide the highest level of service to those persons and facilities under our protection.

Your letter dated, August 20, 2014, requested information regarding the Secret Service's response to the Oscar Ramiro Ortega-Hernandez shooting incident on November 11, 2011. The Secret Service took immediate and decisive action when this incident occurred and has been an integral partner in the multi-agency investigation and successful prosecution of Mr. Ortega-Hernandez.

On November 11, 2011, a Secret Service Uniformed Division (UD) officer assigned to a post near 15<sup>th</sup> Street and E Street reported hearing gunshots in the area of 16<sup>th</sup> Street and Constitution Avenue. Many UD officers posted near the White House did not hear the gunshots or did not recognize the sound of gunshots due to probable sound attenuation, or the diminished intensity of sound as it travels a distance. Other UD officers who heard the gunshots could not ascertain the direction from which they originated due to probable echoing of the sounds between the buildings around the White House.

An initial witness account indicated that shots were fired from a black vehicle towards another vehicle on Constitution Avenue. Immediately following the incident, the Secret Service made notification to the U.S. Park Police (USPP) and the Metropolitan Police Department (MPDC), as well as initiated a protective sweep around the outer perimeter of the White House Complex. UD officers found no suspect, injured persons, or property damage.

This same evening, UD and USPP located an unoccupied black Honda Accord at 23<sup>rd</sup> Street and Constitution Avenue. The officers observed an assault rifle on the front passenger seat of the car, and conducted a vehicle registration inquiry, which indicated that the car was registered to Mr. Ortega-Hernandez. The vehicle was searched and the officers located spent bullet casings inside. The Secret Service's Protective Intelligence Division performed a database inquiry and determined that the suspect was not of record with our agency. At this point, with no indication of an attack on the White House, USPP assumed control of the crime scene given that the suspected shooting occurred within USPP jurisdiction.

Over the next few days, the Secret Service continued to provide investigative assistance to USPP by following up on social media accounts of the incident, as well as providing forensic analysis, executing search warrants, and conducting personal interviews. Based on these interviews, the Secret Service learned that Mr. Ortega-Hernandez had previously made derogatory and threatening comments regarding the President.

On November 15, 2011, damage was discovered to one of the windows on the third level of the White House. Upon examination, it appeared that two rounds struck the window, but neither round penetrated the ballistic glass. The Secret Service and Federal Bureau of Investigation collaboratively processed the scene and continued combined efforts to locate Mr. Ortega-Hernandez. Immediately upon learning that Mr. Ortega-Hernandez was located at a hotel in Pennsylvania, the Secret Service's Pittsburgh Field Office requested that the Pennsylvania State Police respond and arrest him. Later that day, the Pennsylvania State Police took Mr. Ortega-Hernandez into custody.

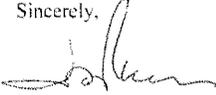
For a detailed time line of events related to this incident, I am enclosing the Secret Service's Spot Report on the November 11, 2011 incident for your personal review. This report, which is designated For Official Use Only, will provide a clear picture of the extensive efforts expended by Secret Service personnel in this matter.

As with any incident involving a person or facility protected by the Secret Service, a post-incident review was conducted to determine appropriate security enhancements to reduce the likelihood of a similar incident. The Secret Service implemented both personnel and structural enhancements following the review, and other physical and technical enhancements continue to be pursued.

It is important to note that while such reviews are made in response to incidents, they are also proactively performed on a continual basis by the Secret Service. Our Technical Security Division is constantly evaluating and testing state-of-art security technology to counter emerging threats, and blends new technologies into the myriad security features in and around the White House Complex and other protected sites. Likewise, our Office of Protective Operations, in conjunction with our James J. Rowley Training Center, consistently examines the protective methods employed by our personnel, in areas such as manpower deployments, in order to enhance the operational protective mission.

The Secret Service is also working with the Department of Homeland Security and the Office of Management and Budget to obtain the necessary FY2016 funding to continue personnel, structural and technical enhancements to the White House Complex and surrounding areas.

The Secret Service is willing to provide a briefing regarding any protective reviews relating to the security of the White House Complex. Due to the sensitive and classified nature of several of these discussion topics, we recommend this briefing be conducted at the Top Secret level to appropriately designated personnel. To arrange this briefing, please contact Deputy Assistant Director for Congressional Affairs, Robert Novy, via email at [Robert.Novy@usss.dhs.gov](mailto:Robert.Novy@usss.dhs.gov) or by phone at (202) 406-5676.

Sincerely,  
  
Julia Pierson

The White House

Office of the Press Secretary

For Immediate Release

September 22, 2014

## Remarks by the President at Signing of America's Promise Summit Declaration

Oval Office

2:35 P.M. EDT

THE PRESIDENT: Hello, everybody. All right, don't knock anything over. (Laughter.) It's always a little hazardous.

It is a great pleasure for me to welcome the leadership and some of the key participants in America's Promise. I think as many of you know, this is something that the Powell family and others helped to initiate, and a number of Presidents have participated in it.

The concept is simple -- that our greatest asset are our children. And it is absolutely critical for us as a nation to continually find ways in which we can make sure that they are safe; that they are getting the kind of education they need to succeed in the 21st century; that they're healthy; that they are on the track not only to be successful but also to be good citizens. And the companies and organizations and non-for-profits that are represented behind me, under Alma's leadership, have contributed in so many ways, but this is just a small sampling of the hundreds of organizations around the country that are doing great work every single day and are learning from each other, and creating a network of concern and nurturing for our children in every walk of life.

And so I'm very proud to be the latest President to sign on to America's Promise. It is consistent with a number of the initiatives that we've been putting forward in the administration, whether it's through our efforts in Race to the Top and the Department of Education or, more recently, the work that we're trying to do around My Brother's Keeper, and making sure that every young person in America gets a chance at success.

And so in addition to the symbolic act of signing on to this declaration, this also gives us an opportunity to collaborate and learn more about some of the great work that's being done out there and figuring out how the government, private sector and non-profits can all work together to achieve the same goal.

So thank you very much for your outstanding work, all of you. And I will now affix my name to this. There you go.

Thank you, guys.

Q Do you still have confidence in the Secret Service?

THE PRESIDENT: The Secret Service does a great job, and I'm grateful for the sacrifices that they make on my behalf -- and my family's behalf.

Thank you very much, everybody.

END

2:37 P.M. EDT

Department of Homeland Security  
**Office of Inspector General**

**Adequacy of USSS Efforts to Identify,  
Mitigate, and Address Instances of Misconduct and  
Inappropriate Behavior**

(Redacted)



OIG-14-20

December 2013



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

December 17, 2013

MEMORANDUM FOR: The Honorable Julia Pierson  
Director  
United States Secret Service

FROM:   
Carlton I. Mann  
Acting Inspector General

SUBJECT: *USSS' Efforts To Identify, Mitigate, and Address Instances of Misconduct and Inappropriate Behavior - Redacted*

Attached for your action is our final report, *USSS' Efforts To Identify, Mitigate, and Address Instances of Misconduct and Inappropriate Behavior - Redacted*. We incorporated the formal comments from the United States Secret Service in the final report.

The report contains 14 recommendations aimed at improving processes for identifying, mitigating, and addressing instances of misconduct and inappropriate behavior. Your office concurred with all recommendations. Based on information provided in your response to the draft report and supporting documentation, we consider recommendations #1 through #10, and #13 closed. We consider recommendation #12 resolved and open. Once your office has fully implemented this recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please email a signed PDF copy of all responses and closeout requests to [OIGInspectionsFollowup@oig.dhs.gov](mailto:OIGInspectionsFollowup@oig.dhs.gov).

We consider recommendations #11 and #14 open and unresolved. As prescribed by the *Department of Homeland Security Directive 077-01, Follow-Up and Resolutions for Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your corrective action plan and target completion date for recommendations #11 and #14. Also, please include responsible parties with any supporting documentation necessary to inform us about the current status of the recommendations.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.



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Department of Homeland Security

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Please call me with any questions, or your staff may contact Deborah Outten-Mills, Acting Assistant Inspector General, Office of Inspections, at (202) 254-4015.

Attachment



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### Abbreviations

ATSAIC	Assistant to the Special Agent in Charge
CBP	U.S. Customs and Border Protection
CSO	Chief Security Officer
DHS	Department of Homeland Security
ERB	Employee Relations Branch
FBI	Federal Bureau of Investigation
FFN	female foreign national
ICE	U.S. Immigration and Customs Enforcement
ISP	Inspection Division (USSS)
MSPB	Merit Systems Protection Board
NCCA	National Center for Credibility and Assessment
OCC	Office of Chief Counsel (USSS)
OIG	Office of Inspector General
PRWG	Professionalism Reinforcement Working Group
RES	Office of Professional Responsibility
The Board	Security Appeals Board
SAIC	Special Agent in Charge



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SCD	Security Clearance Division
TSA	Transportation Security Administration
USSS	United States Secret Service



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## **Executive Summary**

In April 2012, United States Secret Service (USSS) employees were preparing for a Presidential visit to the Summit of the Americas in Cartagena, Colombia. While off duty, several employees were suspected of soliciting prostitutes and consuming excessive amounts of alcohol. We assessed the adequacy of the agency's efforts to identify, mitigate, and address instances of misconduct and inappropriate behavior. To satisfy our review objectives, we (1) interviewed more than 200 USSS supervisors, managers, and senior officials; (2) administered an electronic and in-person survey with a combined response rate of 41 percent; (3) reviewed USSS internal affairs cases; (4) analyzed discipline records; and (5) analyzed personnel security records.

Although individual employees have engaged in misconduct or inappropriate behavior, we did not find evidence that misconduct is widespread in USSS. Furthermore, we did not find any evidence that USSS leadership has fostered an environment that tolerates inappropriate behavior. Of the 2,575 employees who responded to our electronic survey, 2,144 (83 percent) indicated they were not aware of USSS employees engaging in any of six behaviors that were displayed in Cartagena. Additionally, 61 percent of survey respondents believed management does not tolerate misconduct.

Some of the employees involved in the Cartagena incident claimed that the Secret Service did not afford them due process, mistreated those involved in the incident, and did not adjudicate their case consistent with comparable prior incidents. Of the 13 employees suspected of soliciting prostitutes, 3 employees returned to duty, 6 either resigned or retired, and 4 had their clearances revoked and were removed. We determined that Secret Service's security clearance actions were consistent and based on facts from internal inquiries.

We are making 14 recommendations to improve the Secret Service's processes for identifying, mitigating, and addressing instances of misconduct and inappropriate behavior. Specifically, it needs to (1) enhance policies related to reporting and investigating employee misconduct and security concerns; (2) strengthen procedures for proposing and issuing discipline; (3) ensure compliance with Federal disciplinary regulations; (4) ensure discipline is aligned with agency disciplinary principles; and (5) ensure appointments to the Security Appeals Board are made according to policy. Prior to the initiation of our field work, USSS began implementing and taking action on the recommendations from an outside group of experts assembled by the former Director.



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## Background

The USSS is a Federal law enforcement agency within the Department of Homeland Security (DHS), with headquarters in Washington, DC, and more than 150 offices throughout the United States and abroad. It has a dual mission: (1) to safeguard the Nation's financial infrastructure and payment systems, and (2) to protect national leaders, visiting heads of state and government, designated sites, and high-profile events.<sup>1</sup> At the time of our field work, USSS employed approximately 3,200 Special Agents, 1,300 Uniformed Division officers, and more than 2,000 technical, professional, and administrative support personnel.

USSS appoints Special Agents, Uniformed Division officers, Special Officers, Protective Support Technicians, and Physical Security Specialists in the excepted service under Schedule B.<sup>2</sup> Executive Order 11203 allows USSS to convert employees appointed under Schedule B to career status after completing at least 3 years of continuous service if they are in positions concerned with the protection of the life and safety of the President, members of his immediate family, or other persons for whom similar protective services are required. If the appointments made under Schedule B are not converted to career status 120 days after meeting 3 years of continuous service, the appointment will expire. The expiration of that appointment is not an adverse action that is subject to appeal.<sup>3</sup> Most other administrative, professional, and technical employees are hired as career status employees.

### Addressing Misconduct

All USSS employees must maintain a Top Secret security clearance,<sup>4</sup> which grants the employee access to information which reasonably could be expected to cause exceptionally grave damage to the national security if disclosed without authorization.<sup>5</sup> When employees who possess a Top Secret security clearance engage in misconduct, agencies may address their misconduct in two ways. First, the behavior may violate agency standards of conduct and warrant disciplinary action. Second, the behavior may cause a security concern, and an agency can review the employees' access to classified information in light of their

<sup>1</sup> 18 U.S.C. § 3056.

<sup>2</sup> The excepted service consists of those civil service positions which are not in the competitive service or the Senior Executive Service (See 5 U.S.C. § 2103). Excepted positions under Schedule B are those other than a confidential or policy-determining character for which it is not practicable to hold a competitive examination (See 5 CFR § 5.2).

<sup>3</sup> 5 CFR § 752.401(b)(11)

<sup>4</sup> USSS designated full-time employees at least Critical Sensitive, requiring that they hold at least a Top Secret security clearance per DHS Instruction, 121-01-007, *Personnel Suitability and Security Program* (Revision 00). See SCD-02(01): Special Security Clearances Requirements and Reporting.

<sup>5</sup> Executive Order 13292 Sec. 1.2(1)



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misconduct.

A disciplinary action seeks to correct employee conduct and improve the efficiency of the agency. The goal of a security clearance evaluation is to determine whether a person's access to classified information is clearly consistent with the interests of the national security. A security clearance evaluation is not a disciplinary action. Disciplinary actions and security clearance adjudications are separate processes.

However, because USSS employees must maintain a Top Secret security clearance, USSS prefers to resolve security concerns before considering disciplinary action. USSS may still discipline an employee even after a security clearance concern is resolved in the employee's favor. Employees have different appellate rights under each process.

#### **Disciplinary Actions**

Federal agencies take disciplinary actions to correct employee misconduct that adversely affects the efficiency of the service and to encourage employee conduct in compliance with standards of conduct, policies, goals, work procedures, and practices of the agency. USSS employees may be disciplined for a wide range of policy violations including time and attendance, misuse of government property or vehicles, sexual misconduct, or alcohol and drug-related incidents. Managers are responsible for administering matters and rendering decisions resulting in disciplinary or adverse action.

The USSS Employee Relations Branch (ERB) is responsible for advising on matters including, but not limited to:

- the advisability of taking an action;
- the basis for taking an action;
- the appropriate action to be taken;
- the ensuring of adherence to all procedural requirements; and
- the preparation of all documentation necessary to effect an action so as to ensure conformance to prescribed regulations and procedures.<sup>6</sup>

Any official contemplating an action against an employee must contact the ERB for guidance before initiating that action. Additionally, ERB prepares letters of reprimand and notices of proposal and decision. Managers then issue the letters,

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<sup>6</sup> USSS Human Resources and Training Manual PER-11 (01)



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proposals, or notices to employees.

According to *USSS Human Resources and Training Manual* section PER-11(01), the intent of discipline is to correct unacceptable behavior and should only be as severe as is necessary to bring about the desired change. However, the discipline should also be consistent with past administered discipline for the same offense.

There are three levels of disciplinary actions: informal, formal, and adverse. Informal actions, such as oral counseling or a memorandum of counseling are the least severe forms of discipline at USSS. There are no Federal or USSS policies guiding the use of informal discipline. Employees can grieve a memorandum of counseling.

A formal action at USSS is a letter of reprimand. There are no Federal policies guiding the use of letters of reprimand. However, USSS policy requires that they be maintained in the employee's official personnel folder for a minimum of 1 year and a maximum of 3 years. Managers must consult ERB officials before issuing a letter of reprimand. ERB officials prepare the letter for the manager's signature. The letter notifies the employee of his or her right to challenge the action by filing a grievance. Employees can also request all materials relied upon as a basis for the letter of reprimand.

Adverse actions are suspensions without pay, reductions in pay or grade, and removals. Before management can impose an adverse action on an employee, the employee has a right to due process under procedures set forth in Federal law and regulations.<sup>7</sup> These provisions do not apply to excepted or competitive service employees serving a probationary or trial period.<sup>8</sup> An employee against whom a suspension for 14 days or less is proposed is entitled to:

- a notice of proposed action that states specific reason(s) for the proposed action, and informs the employee of his or her right to review the material which is relied on to support the reasons for action given in the notice;
- a reasonable time, but not less than 24 hours, to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer;
- be represented by an attorney or other representative;
- the consideration by the agency of only the reasons specified in the

<sup>7</sup> 5 U.S.C. Chapter 75 and 5 CFR Part 752

<sup>8</sup> 5 U.S.C. § 7511(a)(1)(C) and 5 U.S.C. 7501(1)



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- notice of proposed action and any answer of the employee or his or her representative, or both, made to a designated official; and
- a written notice specifying the reason(s) for the decision and an advisement of any grievance rights.<sup>9</sup>

Similar procedures exist for employees to whom a suspension of more than 14 days, a reduction in grade or pay, or removal is proposed.<sup>10</sup> Additionally, certain employees are entitled to appeal to the Merit Systems Protection Board (MSPB).<sup>11</sup> MSPB is an independent, quasi-judicial agency in the Executive branch that hears appeals of adverse actions, among other agency actions. USSS policies provide additional guidance for administering adverse actions.

#### **Security Clearance Evaluations**

Security clearance adjudications evaluate employees' reliability, trustworthiness, and ability to protect classified information. An agency's decision to evaluate whether an employee should retain a security clearance and access to classified information is triggered by employee behavior that causes a security concern under one or more of 13 Adjudicative Guidelines for Determining Eligibility for Access to Classified Information (Adjudicative Guidelines):<sup>12</sup>

- Guideline A: Allegiance to the United States
- Guideline B: Foreign Influence
- Guideline C: Foreign Preference
- Guideline D: Sexual Behavior
- Guideline E: Personal Conduct
- Guideline F: Financial Consideration
- Guideline G: Alcohol Consumption
- Guideline H: Drug Involvement
- Guideline I: Psychological Conditions
- Guideline J: Criminal Conduct
- Guideline K: Handling Protected Information
- Guideline L: Outside Activities
- Guideline M: Use of Information Technology Systems

<sup>9</sup> 5 CFR §752.203

<sup>10</sup> 5 U.S.C. § 7511

<sup>11</sup> 5 U.S.C. § 7511(a)(1)

<sup>12</sup> Memo from Stephen Hadley on December 29, 2005, Attachment A: "Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information".



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For more information on behaviors that cause a security concern under these guidelines, see appendix F.

During the adjudication process, the agency considers a number of variables known as the “whole person” concept. This concept requires that the agency must evaluate the behavior that could cause a security concern because of both favorable and unfavorable information about a person’s past and present.<sup>13</sup> USSS’ Security Clearance Division (SCD) initiates, coordinates, monitors, and adjudicates all security clearance evaluations. SCD is also responsible for policies and procedures relating to the suspension, denial, and revocation of access to classified information. Federal, DHS, and USSS policies guide the process for the revocation of security clearances.<sup>14</sup> After conducting an initial evaluation, the Chief of SCD either warns the employee that future incidents of a similar nature may result in revocation of access, or issues a Notice of Determination to the employee stating that his or her access to classified information has been revoked.

The employee may appeal a security clearance revocation to USSS’ Chief Security Officer (CSO). If there is an appeal, the CSO reviews case documentation, considers the employee’s reply, and informs the employee of the decision to reverse or uphold the revocation in a Notice of Review. If the revocation is reversed, the Notice of Review states the basis for the action. If the revocation is upheld, the Notice of Review describes the process for filing an appeal with the DHS Security Appeals Board (the Board). The Board consists of three senior-level USSS officials. The Board makes decisions by majority vote, and its decisions are final. The Board considers each case on its own merits using the Adjudicative Guidelines.

#### **USSS’ Internal Investigation of Misconduct in Cartagena**

In April 2012, USSS employees were in Cartagena, Colombia, preparing for a Presidential visit to the Summit of the Americas. While off duty, several USSS employees solicited prostitutes. We analyzed the adequacy of USSS’ internal investigation of misconduct in Cartagena in our report, *Adequacy of USSS’ Internal Investigation of Alleged Misconduct in Cartagena, Colombia (OIG-13-24)*, January 2013. We determined that USSS responded expeditiously and

<sup>13</sup> Memo from Stephen Hadley on December 29, 2005, Attachment A: “Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information,” Section 2.

<sup>14</sup> Memo from Stephen Hadley on December 29, 2005, Attachment A: “Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information”; DHS Instruction, 121-01-007, *Personnel Suitability and Security Program (Revision 00)*; and USSS *Human Resources and Training Manual RPS- 02(02)*



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thoroughly to the allegations. We did not address the disposition of individual employee administrative proceedings related to their conduct in Cartagena.

**Professionalism Reinforcement Working Group Report**

In May 2012, in response to the Cartagena incident, the former USSS Director established the Professionalism Reinforcement Working Group (PRWG). The group was co-chaired by the Directors of the Office of Personnel Management and the Federal Law Enforcement Training Center, and had senior representatives from the Federal Bureau of Investigation (FBI), Department of Defense, and USSS. The former Director tasked the PRWG with reviewing USSS' internal controls on professional conduct; benchmarking the agency against the best practices of peer organizations; and identifying areas in which the USSS is best in class and areas that require improvement.

The peer organizations that the USSS was benchmarked against include the FBI, U.S. Immigration and Customs Enforcement (ICE), Joint Special Operations Command, a component of the U.S. Special Operations Command, and the Bureau of Diplomatic Security at the Department of State. The PRWG made 17 recommendations, including recommendations to improve USSS' disciplinary system. USSS accepted these recommendations and created an action plan for their implementation. We reviewed the PRWG Report and the associated USSS action plan created to meet the working group's recommendations.



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## Results of Review

We found no evidence that USSS employees frequently engage in behaviors contrary to conduct standards or that could cause a security concern. Although some employees engaged in certain misconduct during a foreign assignment in Cartagena, we did not discover evidence that similar misconduct is widespread throughout the Secret Service. Disciplinary and security clearance cases show that, while not widespread, USSS should continue to monitor and address excessive alcohol consumption and personal conduct within its workforce. USSS is planning to identify and address trends in misconduct through the new position of Chief Integrity Officer.

We conducted a survey of the USSS workforce to obtain employees' views on misconduct and security clearance concerns.<sup>15</sup> We also sought to determine the adequacy of management controls in place to report misconduct or behaviors that could cause a security concern, whether management's efforts and perceived attitudes encourage the reporting of misconduct and behaviors that could cause a security concern, and the adequacy of USSS' process for adjudicating and administering discipline and security clearances. We invited 6,447 employees to complete the survey electronically; 2,575 employees (39.9 percent) did so.

Our survey asked USSS employees the extent to which they agreed that violations of any law, rule, regulation, or standard of conduct were not tolerated within USSS. While 61 percent of survey respondents believed management does not tolerate misconduct, 18 percent of respondents disagreed.

We also surveyed the USSS workforce to determine whether employees perceive that the six behaviors displayed by some employees in Cartagena are prevalent in USSS. Of the 2,575 employees who responded to our electronic survey, 2,144 (83 percent) indicated they were not aware of USSS employees engaging in

- Solicitation of prostitutes;
- Criminal sexual behavior;
- Other sexual behavior that can cause a security concern;
- Excessive alcohol consumption that can cause a security concern;
- Contact with foreign nationals that causes a security concern; and
- Personal conduct that can cause a security concern.

USSS policy requires employees to report any behaviors that (1) violate the standards of conduct or (2) cause a security concern under the Adjudicative Guidelines. Survey

<sup>15</sup> The survey results in our report are unweighted and represent only USSS employees who completed surveys.



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responses indicate that employees are knowledgeable of their responsibility to report such violations. The majority of electronic survey respondents (84 percent) indicated that they would report individuals whom they suspected of violating conduct standards. However, of those employees who indicated that they personally observed any of several behaviors that could cause a security concern, a small percentage of the respondents indicated that they reported the incident. USSS conduct policy requires that employees promptly and directly report to USSS' Office of Professional Responsibility (RES), Inspection Division (ISP) or Office of Inspector General (OIG). In contrast to policy, 85 percent of electronic survey respondents believe the correct process is to report misconduct through their chain of command.

USSS policy does not define which infractions would, at a minimum, require formal discipline. Because a manager's obligation to contact ERB is based on the manager's intention to administer formal discipline or adverse action, this obligation can be interpreted differently, leading to different approaches to misconduct across the agency. In addition, it is unclear whether ERB's current tools are sufficient for recommending reasonable and consistent discipline.

We determined that USSS complied with Federal requirements for an advance written notice and a reasonable timeframe for the employee to reply. However, summaries of employee oral replies to proposed actions were missing from more than 76 percent of the case files reviewed despite Federal law requiring agencies maintain such documentation.<sup>16</sup> Additionally, written replies were missing from 10 percent of these files.

Although USSS policy states managers must give due consideration to applicable mitigating and aggravating circumstances, it does not provide managers guidance on how to consider these factors in the majority of cases. USSS policy also states that formal disciplinary and adverse actions should be consistent with other such actions taken by USSS for similar infractions. ERB maintains historical records of disciplinary and adverse actions. Therefore, for a manager to comply with USSS' principle of consistency, the manager should propose and decide discipline in line with what ERB advises is consistent with the agency's past disciplinary actions. In 28 percent of cases reviewed, the amount of discipline was outside the range of what ERB had recommended. Furthermore, USSS policy does not require managers document their consideration of the factors they use in determining the reasonableness of non-appealable disciplinary actions.

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<sup>16</sup> 5 U.S.C. § 7513(e)



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According to USSS policy, a more severe disciplinary action than would otherwise be taken may be imposed upon an employee whenever that employee has previously received a written reprimand or a suspension. All prior discipline may be considered regardless of when it was administered. However, 55 percent of cases reviewed, the employees received a harsher discipline for their subsequent offense.

USSS often administers penalties that are less severe than the range of recommended penalties at other DHS law enforcement components. The PRWG recommended that USSS consider establishing a table of penalties. USSS is currently reviewing its discipline data to identify common infractions and penalties, as well as other Federal law enforcement entities' tables of penalties.

We determined that security clearance actions for employees implicated in the Cartagena incident were based on facts gathered during the management inquiry in Cartagena and the ISP investigation. There was no evidence of bias during the security clearance revocation process.

The Board is the third-level deciding authority for all DHS employees or applicants who are determined not to meet the standards for access to classified information. The Board is comprised of three USSS officials. Appointments to the Board and the composition of the Board have not been made in accordance with current policy.

**We Did Not Discover Evidence that Misconduct or Inappropriate Behavior Is Widespread in USSS**

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The USSS expects its employees to comply with rules and standards of ethical conduct when on or off duty. Employees should also avoid any behavior that could cause a security concern under one of the adjudicative guidelines. We found no evidence that USSS employees frequently engage in behaviors contrary to conduct standards or that could cause a security concern. Although some employees engaged in certain misconduct during a foreign assignment in Cartagena, we did not find evidence that similar misconduct is widespread throughout the Secret Service. We based our conclusions on (1) interviews with more than 200 USSS supervisors, managers, and senior officials; (2) an electronic survey completed by 2,575 USSS employees, and an in-person survey administered to 161 USSS employees; (3) reviews of USSS internal affairs cases; (4) analysis of discipline records; and (5) analysis of personnel security records.

Disciplinary and security clearance cases show that, while not widespread, USSS should continue to monitor and address excessive alcohol consumption and personal conduct within its workforce. USSS is planning to identify and address



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trends in misconduct proactively through the new position of Chief Integrity Officer.

**Case Data Indicates that USSS Employees Do Not Frequently Engage in Behavior that Violates Conduct Standards**

Standards of conduct are documented in various manuals maintained within the USSS Directives System and cover areas such as general employee responsibilities and ethics; use of government systems and information technology; use of social media; use of government vehicles; firearms policies; and specific Uniformed Division officer requirements. The policies also include post-Cartagena reinforcements of conduct standards and specific guidance regarding off duty conduct on foreign assignments. USSS policy dictates that the absence of a specific published standard does not mean that such an act is condoned, permissible, or would not result in corrective or disciplinary action.

From January 2004, to February 2013, USSS ERB tracked 824 incidents of employee misconduct. Excluding partial-year data from 2013, pending cases and cases with incomplete date information, there were 791 misconduct cases between 2004 and 2012 (see figure 1). During this period, USSS' workforce has averaged 6,600 employees.

Figure 1: USSS Misconduct from 2004–2012

Year	USSS Misconduct Cases
2004	74
2005	105
2006	58
2007	96
2008	93
2009	102
2010	100
2011	76
2012	87

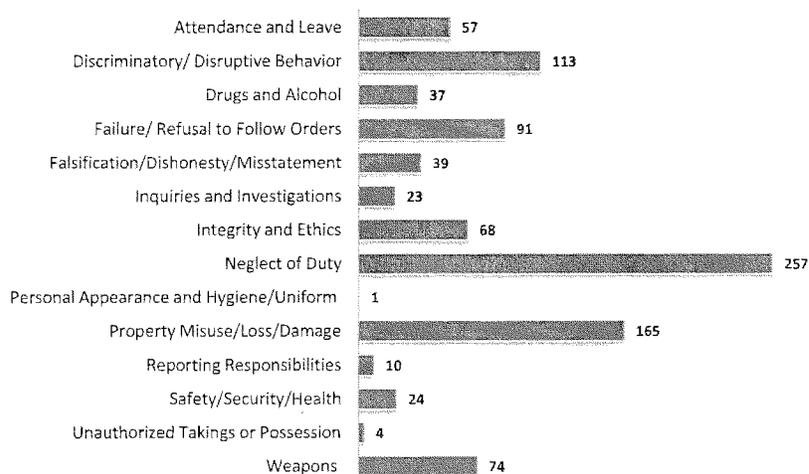
Source: USSS ERB



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In these 824 cases, ERB specialists identified 963 offenses (some employees were charged with more than one offense). However, since ERB specialists do not categorize offenses consistently, we grouped the 963 offenses by 14 general misconduct categories in tables of penalties used by U.S. Customs and Border Protection (CBP), ICE, and the Transportation Security Agency (TSA) (see figure 2).

**Figure 2: 963 Offenses by Category**



Source: USSS ERB provided offense data which OIG grouped into the categories shown.

In the past nine years, USSS has characterized offenses as Neglect of Duty (257 offenses) more often than other categories. Specific offenses under Neglect of Duty can include:

- delay in carrying out orders;
- failure to follow applicable laws, rules or regulations;
- sleeping on the job;
- inattention to duty;
- negligent or careless performance of assigned duties; and
- intentional or reckless disregard of rules governing arrests, searches, or seizures.



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**Security Clearance Data Indicates USSS Employees Do Not Frequently Engage in Behavior that Causes a Security Concern**

From January 2004 to February 2013, SCD suspended security clearances 195 times as a result of derogatory information received about employee behavior related to an adjudicative guideline. Excluding partial-year data from 2013, this is an average of 21 suspensions per year. After SCD evaluated the information, it reinstated 64 security clearances, revoked 67 security clearances, and sustained 64 suspended clearances. A security clearance can remain suspended if an employee's access to classified information is under review, or if the employee leaves USSS while his or her clearance was suspended. During the same period, SCD also issued 67 security clearance warning letters to employees. These letters explain that future incidents of a similar nature may result in a security clearance revocation.

Our conclusion that USSS employees do not frequently engage in behavior that causes a security concern is based on suspension data provided by SCD. The information in figure 3 does not reflect those instances when SCD was informed by someone who believed they had derogatory information about an employee, and SCD determined that the information was not a potential security concern. SCD does not track that information.

Figure 3: USSS Security Clearance Actions from 2004–2012

Year	USSS Security Clearance Suspensions	USSS Security Clearance Warnings
2004	4	0
2005	18	0
2006	14	0
2007	13	5
2008	13	5
2009	19	6
2010	22	9
2011	37	11
2012	45	28

Source: USSS SCD

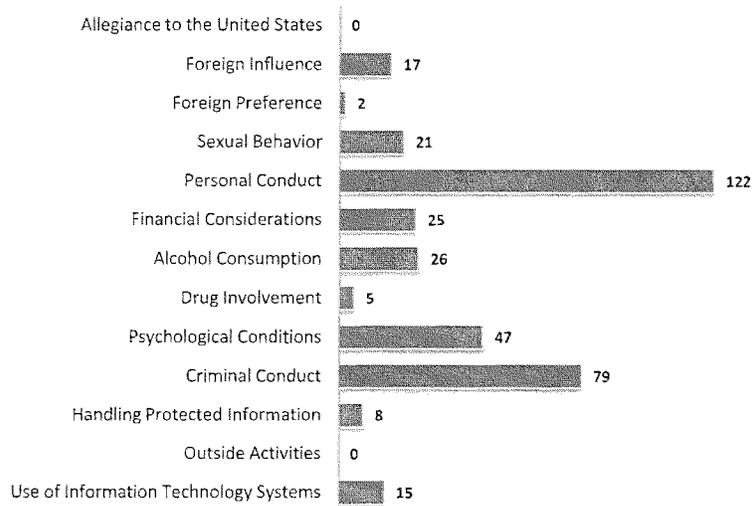
Note: We excluded SCD actions from 2013.



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Figures 4 and 5 show how often reported employee behaviors caused a security concern under the 13 adjudicative guidelines.

**Figure 4: Use of Adjudicative Guidelines for 195 Security Clearance Suspensions**



Source: USSS SCD

Note: Total Adjudicative Guidelines used exceeded 195 because a suspension can be based on more than one Adjudicative Guideline.



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Figure 5: Use of Adjudicative Guidelines for 67 Security Clearance Warnings



Source: USSS SCD

Note: Total Adjudicative Guidelines used exceeded 67 because a warning can be based on more than one Adjudicative Guideline.

In April 2012, USSS employees were in Cartagena, Colombia, preparing for a Presidential visit to the Summit of the Americas. While off duty, several USSS employees drank heavily and solicited female foreign national prostitutes. After (1) reviewing ISP records and other allegations; (2) reviewing security clearance data; (3) surveying USSS employees; and (4) interviewing USSS employees, we did not find evidence that the behavior exhibited in Cartagena is widespread in USSS.

We reviewed ISP's records and other allegations to determine whether other employees have engaged in solicitation of prostitutes. ISP's records did identify instances of related behaviors. Because of how matters are reported to ISP (we discuss this further on page 45), we were unable to confirm that these instances represent a comprehensive account of all alleged or confirmed activities related to sexual contact in exchange for money.

We also analyzed security clearance data to determine the extent to which USSS employees have engaged in behavior that can cause a concern under the



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Adjudicative Guidelines. Based on derogatory information obtained during USSS' preliminary fact-finder and investigation of the Cartagena incident, USSS considered the following four Adjudicative Guidelines to evaluate the security clearances of employees implicated in the Cartagena incident:

- Guideline B: Foreign Influence;
- Guideline D: Sexual Behavior;
- Guideline E: Personal Conduct; and
- Guideline G: Alcohol Consumption.

Because the USSS may have disciplined employees in the past for behaviors similar to those exhibited in Cartagena, we examined ERB disciplinary records and misconduct cases to identify prior instances of misconduct that involved alcohol or sex.

We also surveyed the USSS workforce to determine whether employees perceive that the following specific behaviors that are contained within the four Adjudicative Guidelines listed above are prevalent in USSS:

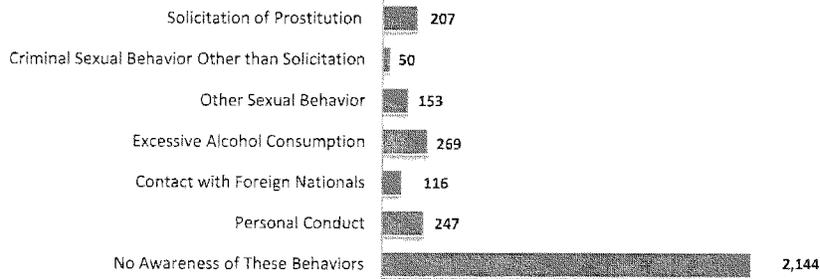
- Solicitation of prostitutes;
- Criminal sexual behavior;
- Other sexual behavior that can cause a security concern;
- Excessive alcohol consumption that can cause a security concern;
- Contact with foreign nationals that causes a security concern; and
- Personal conduct that can cause a security concern.

Respondents answered a minimum of 34 questions regarding their awareness of these behaviors. Of the 2,575 employees who responded to our electronic survey, 2,144 (83 percent) indicated they were not aware of USSS employees engaging in these behaviors. For the in-person survey, 95 out of 161 respondents (59 percent) indicated they were not aware of these behaviors.



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**Figure 6: Electronic Survey Results - USSS Employees' Awareness of Behaviors**  
[Respondents indicating awareness of any behavior could select more than one]



Source: OIG electronic survey results for Question 28

In addition, we interviewed more than 200 USSS supervisors, managers, and senior officials. The results of our fieldwork as they relate to each of the six behaviors we measured are discussed below.

Solicitation of Prostitutes

According to the Adjudicative Desk Reference, solicitation of prostitutes involves offering or agreeing to pay for a sex act.<sup>17</sup> Our review of internal affairs records and the electronic and in-person survey indicated solicitation of prostitutes is isolated in USSS.

Review of Internal Affairs Records and Allegations

We verified 14 instances where USSS employees engaged in sexual activity in exchange for money.

- Based on evidence from ISP's investigation into the Cartagena incident, 10 employees had sexual contact with a foreign national in exchange for money (see appendix G for additional details).<sup>18</sup>
- A [REDACTED] special agent, who solicited a prostitute in Cartagena, admitted to OIG investigators that he solicited prostitutes [REDACTED]

<sup>17</sup> The *Adjudicative Desk Reference for Determining Eligibility for Access to Classified Information* is a job aid created by the Department of Defense to assist in identifying and evaluating behaviors and circumstances that are relevant to security decisions.

<sup>18</sup> In addition, one employee retracted an admission made to polygraph examiners that he vaguely remembered discussing payment for sex with the prostitute. He [REDACTED]



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- A Uniformed Division officer attempted to solicit an [REDACTED] in 2008 in Washington, DC. The officer resigned from the agency in [REDACTED].
- A Uniformed Division officer solicited a prostitute in 2013 while [REDACTED]. USSS revoked the officer's security clearance.

In addition, we learned of four cases of alleged misconduct related to prostitution. Three cases were not substantiated and USSS did not adequately investigate the fourth.

- The media reported an allegation involving the solicitation of prostitutes by USSS employees in El Salvador in 2011. A 2012 USSS investigation concluded that the allegation was unfounded.
- ISP investigated an allegation that an [REDACTED] harassed [REDACTED] and attempted to coerce [REDACTED].
- During OIG's investigation of misconduct in Cartagena, employees alleged that a senior official had sexual contact with a female foreign national (FFN) while in Colombia for the 2012 Summit of the Americas. The senior official denied these allegations when questioned by OIG investigators.
- An employee [REDACTED] while on a protective-duty assignment in [REDACTED] in 2010. We heard allegations that he may have engaged in solicitation while [REDACTED]. We did not find evidence that prostitutes were involved; however, USSS did not fully investigate this matter. We discuss this case in more detail on page 45.

*Electronic Survey Results*

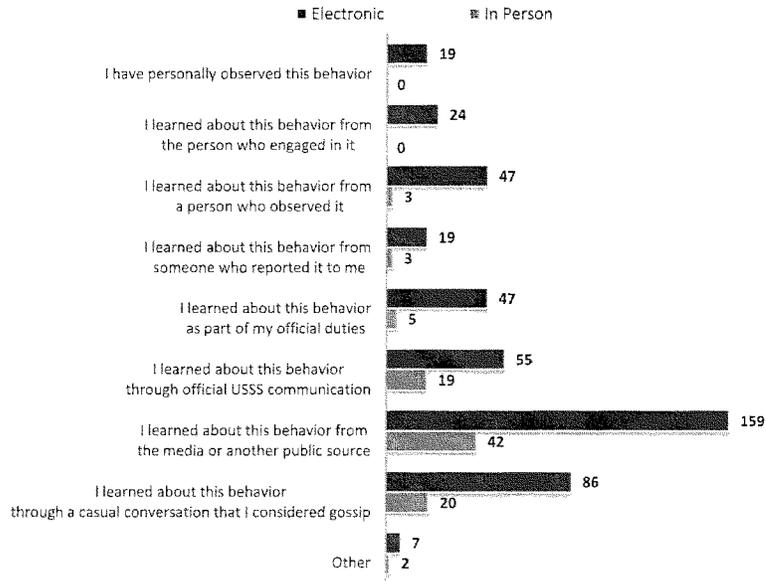
Electronic and in-person survey respondents do not believe the solicitation of prostitutes is widespread in USSS. Out of 2,575 electronic survey respondents, 207 respondents (8 percent) indicated they were aware of USSS employees engaging in solicitation of prostitutes. Of the 207 respondents, 19 indicated they personally observed this behavior.<sup>19</sup> Figure 7 shows how respondents became aware of this behavior.

<sup>19</sup> We referred information about these survey responses to OIG's Office of Investigations.



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**Figure 7: Survey respondent indications of how they became aware of solicitation of prostitutes in USSS**  
[More than one could be selected]



Source: OIG electronic and in-person survey results for Question 28a (solicitation of prostitutes)

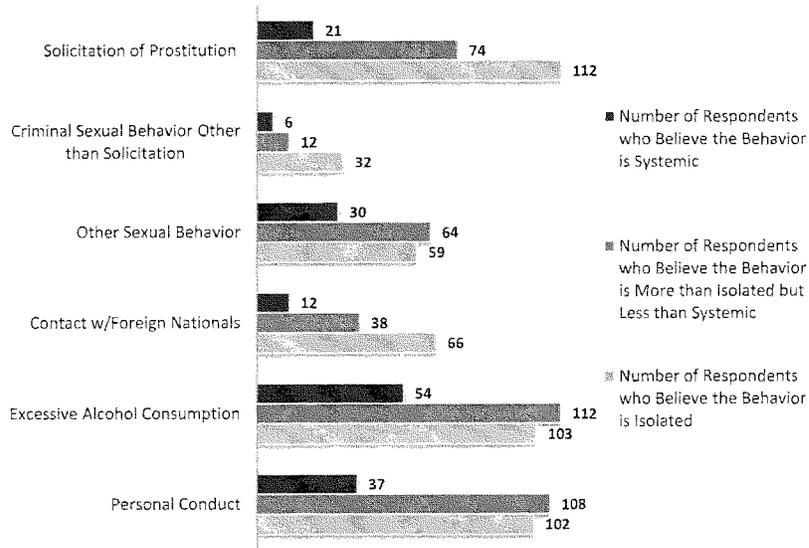
Of the 19 respondents who personally observed solicitation of prostitutes, 14 (74 percent) indicated the behavior occurred during a protective assignment.

When asked to describe their perception of USSS employees engaging in the solicitation of prostitutes, 112 of the 207 respondents (54 percent) indicated the behavior was isolated (see figure 8).



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**Figure 8: Electronic Survey – USSS Employees’ Perception of Behaviors**



Source: OIG electronic survey results for Question 28e (all behaviors)

*In-Person Survey Results*

Of 161 in-person respondents, 44 (27 percent) indicated that they were aware of USSS employees engaging in solicitation of prostitutes. Of these 44 respondents, 42 (95 percent), learned about USSS employees engaging in solicitation through the news, media, or another public source. None of the in-person respondents personally observed the solicitation of prostitutes.

In-person survey respondents who indicated an awareness of solicitation of prostitutes were asked to describe their perception of the behavior in the USSS. Forty-two of the 44 respondents (95 percent) believe solicitation is isolated.



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*Criminal Sexual Behavior Other than Solicitation*

According to the Adjudicative Desk Reference, criminal sexual behavior can include rape; incest; sexual relations with children; possession of child pornography; voyeurism; exhibitionism; obscene phone calls; and sexual harassment. Few survey respondents were aware of criminal sexual behavior other than solicitation.

*Review of Internal Affairs Records and Allegations*

USSS provided a list of all special investigations, fact finders and complaints between January 2004 and February 2013. We were unable to identify the prevalence of investigations of criminal sexual behavior in USSS from this data alone.

*Electronic Survey Results*

The results of our electronic survey showed that of all behaviors listed, respondents were least aware of criminal sexual behavior other than solicitation (see figure 6). Fifty of 2,575 respondents (2 percent) were aware of USSS employees engaging in criminal sexual behavior other than solicitation. Of the 50 respondents, 4 indicated they personally observed this behavior.<sup>20</sup> Figure 9 shows how respondents became aware of this behavior.

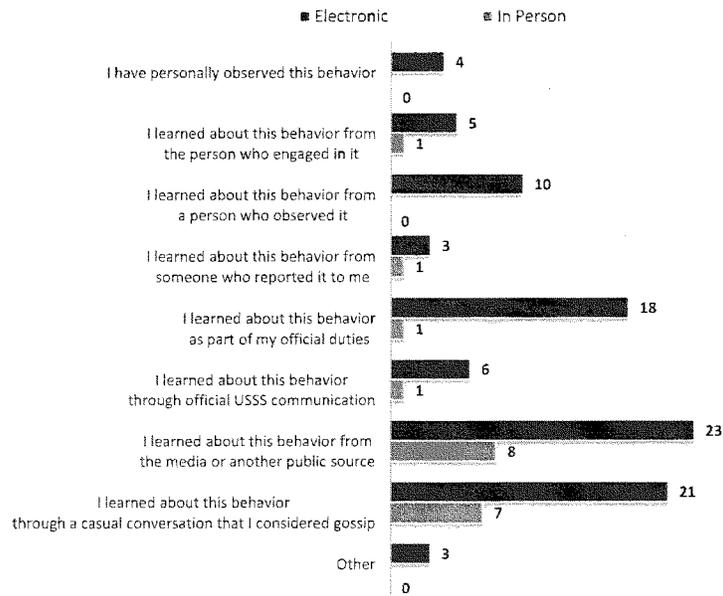
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<sup>20</sup> We referred information about these survey responses to OIG's Office of Investigations.



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**Figure 9: Survey respondent indications of how they became aware of criminal sexual behavior other than solicitation**  
[More than one could be selected]



Source: OIG electronic and in-person survey results for Question 28a (criminal sexual behavior other than solicitation)

Of the four respondents who personally observed criminal sexual behavior other than solicitation, three indicated the behavior occurred during a protective assignment. When asked their perception of USSS employees engaging in criminal sexual behavior, 32 out of the 50 electronic survey respondents (64 percent) believed this behavior is isolated within USSS (see figure 8).



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*In-Person Survey Results*

Of 161 in-person survey respondents, 12 (8 percent) indicated they were aware of USSS employees engaging in criminal sexual behavior other than prostitution. No respondents indicated they personally observed criminal sexual behavior other than solicitation. All 12 respondents perceived the behavior as isolated within the USSS.

*Other Sexual Behavior that Causes a Security Concern*

According to the Adjudicative Desk Reference, sexual behavior is a security concern when the behavior reflects lack of judgment or discretion, or subjects the individual to undue influence or coercion, exploitation or duress. Security clearance files and electronic and in-person survey results indicate that this category of sexual behavior occurs very infrequently within USSS.

*Security Clearance File Review*

Of the 195 instances where SCD suspended an employee's security clearance, 21 (11 percent) involved sexual behavior that could cause a security concern. Of these 21 cases, 15 (71 percent) either led to a revocation or continued suspension. Of the 67 instances where SCD issued a warning to an employee, 3 (4 percent) involved sexual behavior that could cause security concerns.

*Discipline Data Review*

Misconduct cases in the ERB database involving sex were a small percentage of total misconduct from 2004 through 2013. Of the 751 ERB misconduct cases where there was enough information to determine whether sexual misconduct was involved, 53 cases (7 percent) involved sexual misconduct.

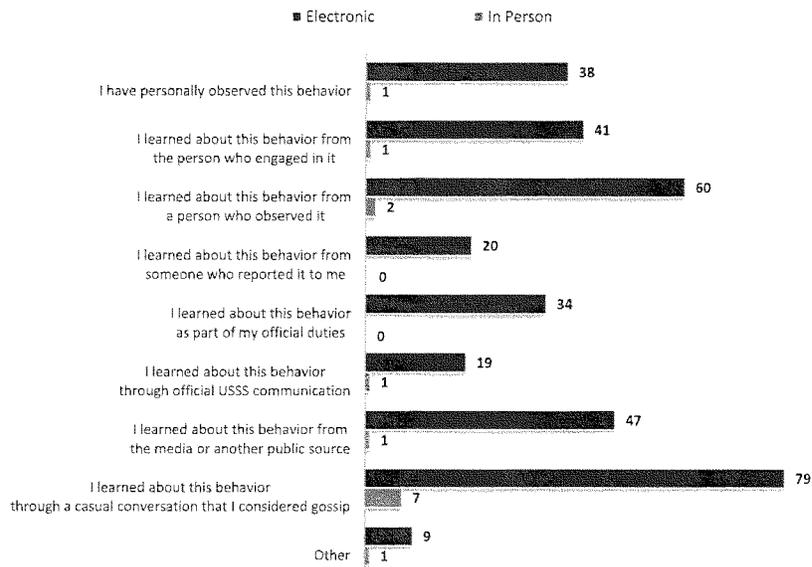
*Electronic Survey Results*

Survey results showed that 153 respondents out of 2,575 (6 percent) were aware of USSS employees engaging in other sexual behavior that causes security concerns. Of the 153 respondents, 38 (25 percent) indicated they personally observed the behavior. Figure 10 shows how respondents became aware of this behavior.



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**Figure 10: Survey respondent indications of how they became aware of other sexual behavior that can cause a security concern**  
[More than one could be selected]



Source: OIG electronic and in-person survey results for Question 28a (other sexual behavior that causes a security concern)

Of the 38 respondents who personally observed other sexual behavior that could cause a security concern, 29 (76 percent) indicated the behavior occurred during a protective assignment. Of the 153 respondents, 59 (39 percent) believed the behavior is isolated within USSS, and 30 (20 percent) respondents believed the behavior is systemic (see figure 8).

*In-Person Survey Results*

In-person survey respondents were least aware of other sexual behavior that causes security concerns. Nine respondents (6 percent) indicated an awareness of the behavior. Of these, one respondent personally observed the behavior.



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*Excessive Alcohol Consumption*

According to the Adjudicative Desk Reference, excessive alcohol consumption is a security concern when it leads to impaired judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness. Security clearance data and electronic and in-person survey results indicate excessive alcohol consumption is not widespread in USSS. However, USSS survey respondents expressed a greater awareness of excessive alcohol consumption in comparison to the other five categories of behavior that we measured. Of the 269 survey respondents who indicated awareness of excessive alcohol consumption, 138 personally observed it.

USSS officials told us that excessive alcohol consumption by employees often leads to questionable judgment and misconduct. For example, USSS' investigation into the activities of 13 employees in Cartagena revealed they consumed between 2 to 13 alcoholic beverages before engaging in questionable behavior. After the Cartagena incident, USSS officials took steps to address on- and off-duty alcohol consumption by enhancing USSS' policy. USSS policy now states that while on a temporary duty assignment, alcohol may only be consumed in moderate amounts while off duty. Also, USSS extended the period before duty that employees must abstain from alcohol from 6 to 10 hours. Furthermore, alcohol cannot be consumed at the protectee's hotel once the protective visit has begun.

*Security Case File Review*

Of the 195 instances where SCD suspended an employee's security clearance, 26 (13 percent) involved excessive alcohol consumption. Of these, 15 cases (58 percent) resulted in a revocation or continued suspension. Of the 67 instances where SCD issued a warning, 21 (31 percent) involved alcohol consumption.

*Discipline Data Review*

Misconduct cases in the ERB database involving alcohol were a small percentage of total misconduct from 2004 through 2013. Of the 751 ERB misconduct cases where there was enough information to determine whether alcohol was involved, 62 (8 percent) involved alcohol.

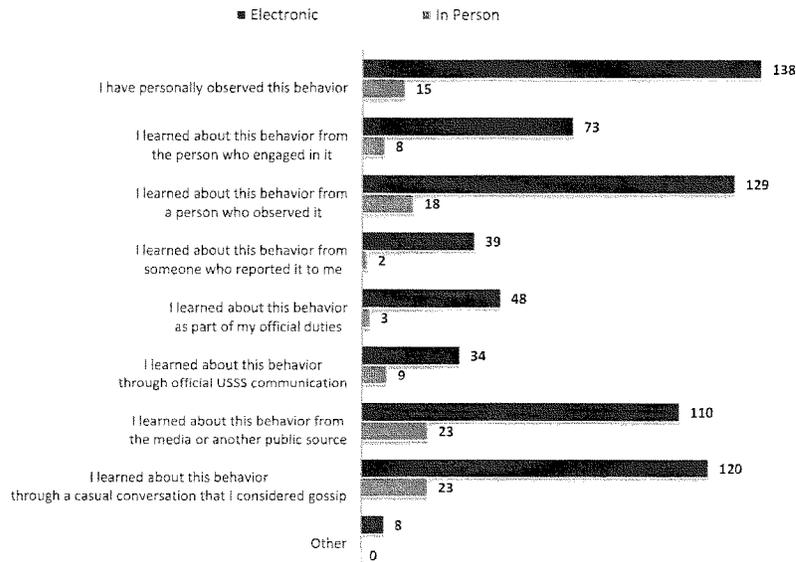


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*Electronic Survey Results*

Excessive alcohol consumption was the most identified behavior in the electronic survey (see figure 6). Of the 2,575 respondents, 269 (10 percent) indicated they were aware of USSS employees engaging in excessive alcohol consumption. Of the 269 respondents, 138 (51 percent) indicated they personally observed excessive alcohol consumption. Figure 11 shows how respondents became aware of this behavior.

**Figure 11: Survey respondent indications of how they became aware of alcohol consumption that can cause a security concern**  
[More than one could be selected]



Source: OIG electronic and in-person survey results for Question 28a (excessive alcohol consumption that causes a security concern)



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Of the 138 respondents who personally observed excessive alcohol consumption, 100 (73 percent) indicated the behavior occurred during a protective assignment. Of the 269 respondents who were aware of excessive alcohol consumption, 103 (38 percent) believe the behavior is isolated; 112 (42 percent) believe the behavior is more than isolated but less than systemic; and 54 respondents (20 percent) believe the behavior is systemic (see figure 8).

*In-Person Survey Results*

Of the 161 in-person respondents, 40 (25 percent) indicated they were aware of excessive alcohol consumption. Of these, 15 (38 percent) personally observed this behavior.

*Contact with Foreign Nationals*

According to the Adjudicative Desk Reference, contact with foreign nationals is a security concern when the contact creates a heightened risk of foreign exploitation, manipulation, pressure, or coercion. Security clearance data and electronic and in-person survey results do not indicate this behavior is widespread.

*Security Clearance File Review*

Of the 195 instances where SCD suspended an employee's security clearance, 17 cases (9 percent) involved foreign influence. Of the 17 cases, 13 cases (76 percent) resulted in the revocation or continued suspension of an employee's security clearance. Furthermore, of the 67 instances where SCD issued a warning to an employee, 3 instances (4 percent) involved foreign influence.

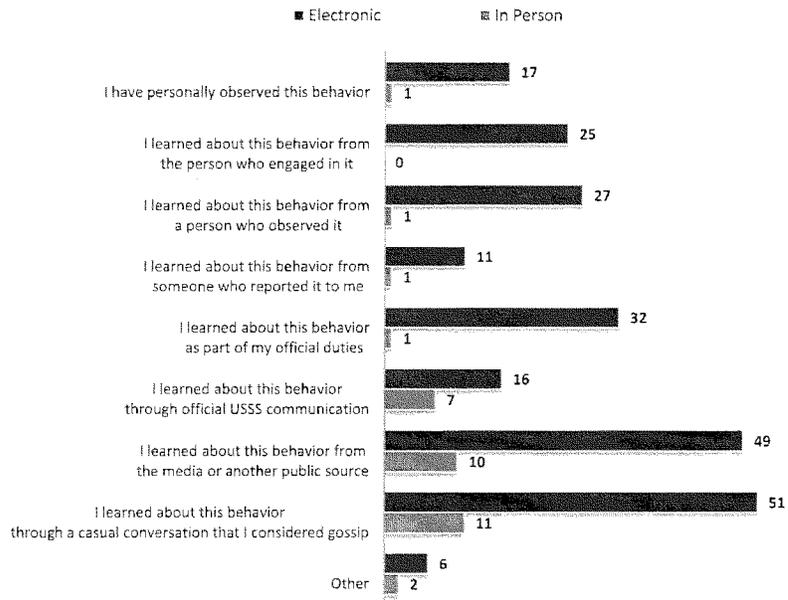
*Electronic Survey Results*

Respondents to our electronic survey indicated that 116 respondents out of 2,575 (5 percent) were aware of USSS employees engaging in contact with foreign nationals that cause security concerns (see figure 6). Of the 116 respondents, 17 (15 percent) personally observed the behavior. Figure 12 shows how respondents became aware of this behavior.



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**Figure 12: Survey respondent indications of how they became aware of contact with foreign nationals that can cause a security concern**  
[More than one could be selected]



Source: OIG electronic and in-person survey results for Question 28a (contact with foreign nationals that causes a security concern)

Of the 17 respondents who personally observed contact with foreign nationals that caused a security concern, 15 (88 percent) indicated the behavior occurred during a protective assignment. When asked their perception of USSS employees engaging in contact with foreign nationals that cause security concerns, 66 out of the 116 electronically surveyed (57 percent) believe this behavior is isolated within USSS (see figure 8).



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*In-Person Survey Results*

Eighteen of 161 in-person respondents (11 percent) said they were aware of the behavior. All 18 respondents believe contact with foreign nationals that causes a security concern is isolated within the USSS.

*Personal Conduct*

According to the Adjudicative Desk Reference, personal conduct is a security concern when it involves questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations, including standards of conduct. Security clearance data, as well as electronic and in-person survey results, indicate that personal conduct that can cause a security concern has occurred infrequently in USSS.

*Security Clearance File Review*

Personal conduct was the adjudicative guideline SCD cited most frequently when suspending employees' clearances or providing written warnings about their behavior. Of the 195 instances where SCD suspended an employee's Top Secret security clearance to review his or her access to classified information, 122 (63 percent) described personal conduct that could cause security concerns. Of these, 95 cases (78 percent) resulted in a revocation or continued suspension. Of the 67 instances where SCD issued a warning to an employee, 25 (37 percent) described personal conduct that could cause security concerns.

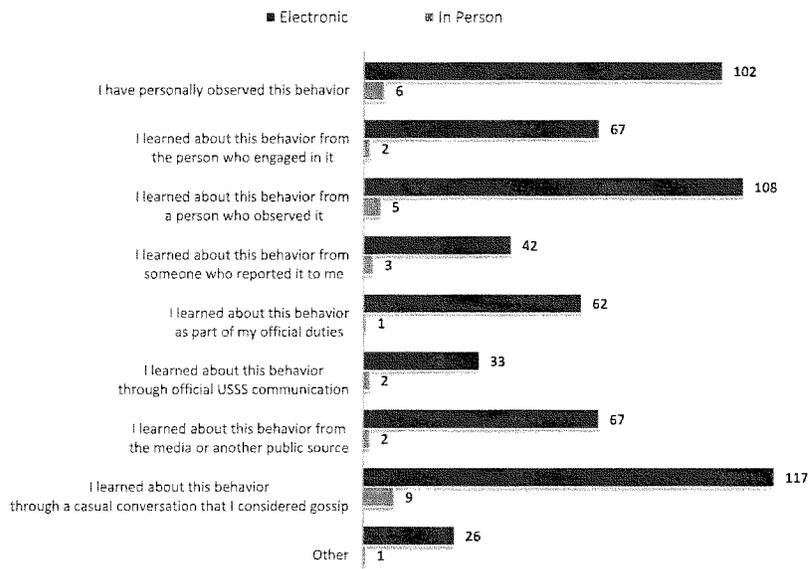
*Electronic Survey Results*

Although the electronic and in-person surveys indicate personal conduct that causes a security concern as one of the most identified behaviors, employees who responded to our survey do not feel that this behavior is common. Of the 2,575 respondents, 247 (10 percent) were aware of USSS engaging in personal conduct that could cause a security concern (see figure 6). When asked how they became aware of the personal conduct that caused a security concern, 102 of 247 respondents (41 percent) personally observed this behavior. Figure 13 shows how the respondents became aware of this behavior.



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**Figure 13: Survey respondent indications of how they became aware of personal conduct that can cause a security concern**  
[More than one could be selected]



Source: OIG electronic and in-person survey results for Question 28a (personal conduct that causes a security concern)

Of the 102 respondents who personally observed this behavior, 56 respondents (55 percent) indicated the behavior did not occur during a protective assignment, while 46 respondents (45 percent) indicated that it did. Of the 247 respondents, 102 respondents (41 percent) believe the behavior is isolated within USSS (see figure 8).

*In-Person Survey Results*

Twelve of 161 in-person respondents (7 percent) indicated awareness of personal conduct which could cause a security concern. Six said they personally observed personal conduct that can cause a security concern. Nine (75 percent)



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believe the behavior is isolated within USSS.

**USSS Is Planning To Identify and Address Trends in Misconduct More Aggressively**

The PRWG recommended that USSS establish a separate office reporting to the Director on issues of integrity and professional standards. The PRWG envisioned this office assessing risk to professional standards and developing plans to mitigate this risk. For example, the PRWG suggested that USSS evaluate how team formation, operation, and leadership provide opportunities for misconduct on protective assignments.

In response, USSS assigned a Chief Integrity Officer to lead the new Office of Integrity. Although USSS has not formalized its roles and responsibilities, USSS management expects the Chief Integrity Officer will conduct risk assessments to identify emerging trends or unique disciplinary cases that USSS management feels must be addressed. The Chief Integrity Officer would create education campaigns to address those conduct issues. The Chief Integrity Officer may have difficulty conducting risks assessments because information about misconduct resides in several offices throughout USSS.

**Survey Respondents Have Varying Perceptions of Whether Management Tolerates Misconduct and Holds Employees Accountable**

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Our survey asked USSS employees the extent to which they agreed that violations of any law, rule, regulation, or standard of conduct were not tolerated within USSS. While a majority of survey respondents believed management does not tolerate misconduct, a noteworthy number of employees disagreed.

Of the 2,575 electronic survey respondents, 1,575 (61 percent) indicated that such violations are not tolerated. Of the 161 in-person respondents, 126 (78 percent) said they do not believe they are tolerated. Conversely, 463 electronic survey respondents (18 percent), and 15 in-person respondents (9 percent) believe management tolerates violations of misconduct. Of the 463 respondents, 89 were supervisors.

Our survey also asked USSS employees the extent to which they agreed that employees in various occupational specialties are held accountable if they engage in misconduct or illegal activities. Similar numbers of electronic survey respondents believe that special agents (1,599 or 62 percent), Uniformed Division officers (1,587 or 62 percent), and administrative, professional, and



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technical support employees (1,565 or 61 percent) are held accountable. Fewer respondents believe that senior managers (1,285 or 50 percent) and supervisors (1,410 or 55 percent) are held accountable.

High percentages of in-person survey respondents perceive that most employees are held accountable if they engage in misconduct or illegal activity. Fewer in-person respondents felt that administrative, professional, and technical support employees are held accountable:

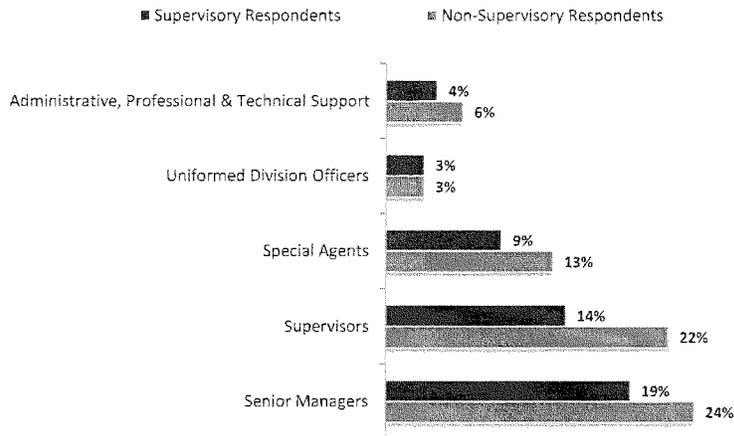
- 103 of 161 respondents (64 percent) believe senior managers are held accountable;
- 124 (77 percent) believe supervisors are held accountable;
- 110 (68 percent) believe special agents are held accountable;
- 131 (81 percent) believe Uniformed Division officers are held accountable; and
- 93 (58 percent) believe administrative, professional, and technical support employees are held accountable.

Using demographic data from our survey, we separated supervisors' responses from non-supervisors'. Figure 14 illustrates the percentage of electronic survey respondents' (supervisors and non-supervisors) who perceive individuals in each occupational series are not held accountable when they engage in misconduct or illegal activity. A low percentage of both supervisors and non-supervisors felt that administrative, professional, and technical support employees and Uniformed Division officers are not held accountable when they engage in misconduct or illegal activity. However, higher percentages of both supervisors and non-supervisors believe that supervisors and senior managers are not held accountable. For example, one in every five non-supervisor respondents believes that supervisors are not held accountable. Almost one in every five respondents who is a supervisor believes that senior managers are not held accountable.



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Figure 14: Percentage of respondents who believe the following occupational specialties and managerial levels are not held accountable when they engage in misconduct or illegal activity, by response of supervisors and non-supervisors.



Source: OIG electronic survey results for Questions 6-10

Survey results show a noteworthy number of respondents who perceive that (1) management tolerates misconduct (463), and (2) senior managers in the organization are not held accountable (587). Individual interviewees gave insights into this segment of the workforce’s perceptions that management fosters an environment that tolerates misconduct. For example, a supervisory special Agent stated that he was aware of instances of underreporting misconduct and misconduct that was not addressed adequately by the agency. Another employee told us that “disciplinary cases are always handled differently, and that the manner in which a misconduct case is managed depends on who you are and who you know.”

Survey results suggest that the majority of employees trust their supervisor to respond appropriately to reported misconduct. Asked whether they trust their immediate supervisor to respond appropriately to reported misconduct, 1,967 electronic survey respondents (76 percent) and 138 in-person respondents (86 percent) indicated that they do trust their immediate supervisor. Supervisors, managers, and senior leaders we interviewed at USSS headquarters and in field offices described how they have responded, or would respond, if alleged misconduct was brought to their attention. However, they pointed out that



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there are valid reasons why the disciplinary process may not seem transparent to those not involved in it. The challenge for supervisors in demonstrating accountability to those employees who do not trust them—269 electronic survey respondents (10 percent) and 8 in-person respondents (5 percent) indicated they do not trust their immediate supervisor to respond to reported misconduct—is that they may not openly discuss how they respond to instances of misconduct.

The PRWG recommended USSS take every opportunity to reinforce the core values of the agency to promote an atmosphere where misconduct is not tolerated. In response to this recommendation, USSS implemented an annual Director's Award recognizing employees who represent agency values. The agency is also developing a messaging campaign that draws upon USSS history to reinforce core values.

In addition, based on a PRWG recommendation, USSS was considering whether to publish disciplinary outcomes, and if so, how. USSS senior leadership stated that USSS has the challenge of balancing the workforce's apparent need to know disciplinary outcomes with privacy concerns, especially given the small size of the agency relative to other law enforcement agencies such as FBI. Our survey showed that some employees perceive that USSS tolerates misconduct, does not hold employees accountable, and does not take appropriate action against supervisors and senior managers. These announcements would aid USSS' credibility in responding to reported misconduct and remind the workforce of the consequences of engaging in misconduct.

**Survey Respondents Believe that Supervisors Respond Appropriately to Behavior that Causes a Security Concern**

Our survey also included questions related to USSS' response to reports of misconduct or behaviors that cause a security concern, and the consequences of those behaviors. Of the 2,575 electronic survey respondents, 2,094 (81 percent) indicated they trust their immediate supervisor to respond appropriately to security concerns. Similarly, of the 161 in-person survey respondents, 139 (86 percent) indicated they trust their immediate supervisor to respond appropriately to security concerns regarding a USSS employee.

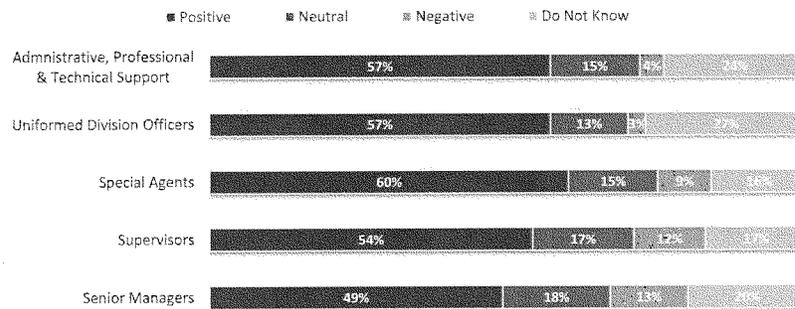
Electronic survey results indicate that respondents believe USSS takes appropriate action if individuals in various occupational specialties engage in behavior that causes a security concern. For example, 1,542 out of 2,575 respondents (60 percent) believe that USSS takes appropriate action if a special agent engages in behavior that causes a security concern. Electronic survey



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respondents provided similar responses for USSS' managerial levels. For example, 1,381 out of 2,575 respondents (54 percent) believe that USSS takes appropriate action if a supervisor engages in behavior that causes a security concern. Figure 15 further illustrates whether survey respondents believed that individuals in various occupational specialties were held accountable for behavior that causes a security concern.

Figure 15: Percent of electronic survey respondents who believe USSS takes appropriate action if employees in specific occupational specialties and managerial levels engage in behavior that causes a security concern.



Source: OIG survey results for Questions 21-25

In-person survey responses were similar:

- 96 of 161 respondents (60 percent) believe senior managers are held accountable;
- 119 respondents (74 percent) believe supervisors are held accountable;
- 100 respondents (62 percent) believe special agents are held accountable;
- 121 respondents (75 percent) believe Uniformed Division officers are held accountable; and
- 82 respondents (51 percent) believe administrative, professional, and technical support employees are held accountable.

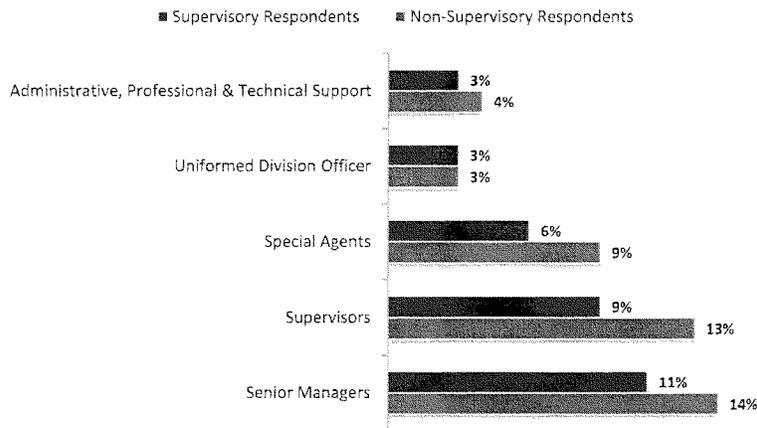
Also of note, is the percentage of respondents who are supervisors who believe that supervisors and senior managers are not held accountable if they engage in behavior that causes a security concern (9 and 11 percent, respectively). Figure 16 illustrates the perceptions of supervisors and non-supervisors as to whether USSS takes appropriate action when employees in specific occupational



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specialties engage in behavior that causes a security concern.

**Figure 16: Percent of electronic survey respondents who believe USSS does not take appropriate action when employees in specific occupational specialties and managerial levels engage in behavior that causes a security concern, by response of supervisors and non-supervisors.**



Source: OIG survey results for Questions 21-25

**Survey Results for Reporting Inappropriate Behaviors Related to Conduct Standards and Adjudicative Guidelines**

All DHS employees, including those in USSS, are required to report suspicions of violations of law or regulation to the DHS Office of Inspector General or the appropriate offices in their agency.<sup>21</sup> In USSS, the appropriate office is RES ISP. Further, USSS policy requires its employees to report any behaviors that could cause a security concern under the Adjudicative Guidelines to SCD. Survey responses indicate that employees are knowledgeable of their responsibility to report such violations. The majority of all electronic and in-person survey respondents (87 and 94 percent, respectively) confirmed their knowledge of how to report misconduct. The majority of survey respondents indicated that they would report individuals whom they suspected of violating conduct standards. However, respondents indicated that they did not report personally observed behaviors that could cause a security concern 80 percent of the time. USSS must ensure that employees understand the importance of reporting misconduct and

<sup>21</sup> Management Directive 0810.1 Section V(B)



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behaviors that cause a security concern, and are able to do so without fear of reprisal.

Our survey results showed that 2,316 of 2,736 total survey respondents (85 percent) indicated they would report coworkers or managers whom they suspect of violating conduct standards. In addition, 2,485 of 2,736 total survey respondents (91 percent) indicated they would report coworkers or managers whom they suspected were engaged in behaviors that could cause a security concern.

As discussed on page 16, USSS' Security Clearance Division used 4 of the 13 Adjudicative Guidelines to evaluate the security clearances for those employees involved in the Cartagena incident. Our survey asked employees about their awareness of six specific behaviors contained under the four guidelines: solicitation of prostitutes; criminal sexual behavior other than solicitation; other sexual behavior; personal conduct; contact with foreign nationals; and excessive alcohol consumption. Our survey asked employees how they became aware of the behaviors. Those respondents who indicated that they personally observed the behaviors that could cause a security concern were also asked whether they reported the behavior. These respondents indicated they reported 69 of 341 such behaviors, or 20 percent of the time (see figure 17).

**Figure 17: Reporting of Personally Observed Behaviors that Caused a Security Concern**

Behavior that caused a security concern	Electronic Survey Respondents		In-Person Survey Respondents	
	Personally Observed the Behavior	Reported the Behavior	Personally Observed the Behavior	Reported the Behavior
Solicitation of Prostitutes	19	0	0	N/A
Criminal Sexual Behavior Other than Solicitation	4	1	0	N/A
Other Sexual Behavior	38	6	1	1
Excessive Alcohol Consumption	138	20	15	1
Contact with Foreign Nationals	17	3	1	0
Personal Conduct	102	34	6	3
<b>Total</b>	<b>318</b>	<b>64</b>	<b>23</b>	<b>5</b>

Source: OIG electronic and in-person survey results for Questions 28a and b (all behaviors)



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If respondents indicated they did not report the behavior, our survey asked the respondents to select the reason(s) why they did not report it. The reasons respondents cited most frequently for not reporting the behaviors were (1) they did not believe management was supportive of employees reporting these types of behaviors; (2) the behavior occurred off duty; and (3) they feared reprisal and retaliation. Respondents also perceived that employees who were reported would not be investigated. The reasons respondents gave for not reporting each behavior are summarized in the following sections.

*Solicitation of Prostitutes*

Of the 19 electronic survey respondents who indicated they observed solicitation of prostitutes, none of them reported the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:

- 12 respondents (63 percent) did not believe that management is supportive of employees reporting the behavior;
- 11 respondents (58 percent) indicated that the employee engaged in the behavior while off-duty;
- 9 respondents (47 percent) indicated they were afraid of reprisal or retaliation for reporting the behavior;
- 9 respondents (47 percent) indicated that they did not believe that employee would be investigated even if reported;
- 7 respondents (37 percent) indicated that management was already aware of this behavior; and
- 5 respondents or (26 percent) indicated that someone else reported the behavior.

None of the in-person survey respondents indicated that they personally observed solicitation of prostitutes, and therefore, none of the respondents were asked whether they reported the behavior.

*Criminal Sexual Behavior Other than Solicitation*

Four electronic survey respondents observed criminal sexual behavior other than solicitation. Three respondents (75 percent) indicated that they did not report the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:



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- 2 respondents did not believe that management is supportive of employees reporting the behavior;
- 2 respondents were afraid of reprisal or retaliation for reporting the behavior;
- 2 respondents did not believe the employee would be investigated even if reported; and
- 1 respondent indicated that management was already aware of this behavior.

No in-person survey respondents indicated that they personally observed criminal sexual behavior other than solicitation.

*Other Sexual Behavior*

Of the 38 electronic survey respondents who indicated they observed other sexual behavior that caused a security concern, 32 (84 percent) indicated they did not report the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:

- 18 respondents (56 percent) did not believe that management is supportive of employees reporting the behavior;
- 16 respondents (50 percent) indicated that the employee engaged in the behavior while off-duty;
- 14 respondents (44 percent) indicated that they did not believe the employee would be investigated even if reported;
- 10 respondents (31 percent) indicated that management was already aware of this behavior; and
- 4 respondents (13 percent) indicated that someone else reported the behavior.

One in-person survey respondent indicated that they personally observed other sexual behavior and did report it.

*Excessive Alcohol Consumption*

Of the 138 electronic survey respondents who personally observed excessive alcohol consumption, 118 (86 percent) indicated they did not report the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:



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- 66 respondents (56 percent) indicated the employee engaged in the behavior while off-duty;
- 55 respondents (47 percent) did not believe that management is supportive of employees reporting the behavior;
- 47 respondents (40 percent) were afraid of reprisal or retaliation;
- 40 respondents (34 percent) indicated that management was already aware of this behavior; and
- 20 respondents (17 percent) indicated that someone else reported it.

Furthermore, 15 in-person survey respondents indicated personally observing excessive alcohol consumption; 14 (93 percent) did not report it. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:

- 10 respondents (71 percent) indicated the employee engaged in the behavior while off-duty;
- 7 respondents (50 percent) indicated the behavior was not serious enough to report;
- 4 respondents (29 percent) indicated that management was already aware of this behavior; and
- 2 respondents (14 percent) indicated that someone else reported it.

*Contact with Foreign Nationals*

Seventeen electronic survey respondents observed contact with foreign nationals that caused a security concern, and 14 (82 percent) did not report the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:

- 7 respondents (50 percent) did not believe that management is supportive of employees reporting the behavior;
- 7 respondents (50 percent) believed that management was already aware of the behavior;
- 6 respondents (43 percent) feared reprisal or retaliation; and
- 2 respondents (14 percent) indicated that someone else reported it.

One in-person survey respondent indicated that they personally observed contact with foreign nationals that caused a security concern and did not report it because someone else did.



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*Personal Conduct*

Of the 102 electronic survey respondents who indicated they observed personal conduct that caused a security concern, 68 (67 percent) did not report the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:

- 45 respondents (66 percent) indicated that they did not believe management is supportive of employees reporting the behavior;
- 35 respondents (51 percent) were afraid of reprisal or retaliation for reporting the behavior;
- 34 respondents (50 percent) did not believe that the employee would be investigated even if reported;
- 29 respondents (43 percent) indicated that management was already aware of this behavior; and
- 10 respondents (15 percent) indicated that someone else reported the behavior.

Six in-person survey respondents personally observed the behavior. Three respondents did not report the behavior. Each respondent could select multiple reasons for not reporting the behavior. Some frequently cited reasons include:

- 3 respondents indicated that management was already aware of this behavior;
- 2 respondents indicated that someone else reported the behavior;
- 2 respondents were afraid of reprisal or retaliation for reporting the behavior; and
- 2 respondents indicated that the employee engaged in the behavior while off-duty.

**Some Employees Are Hesitant To Report Off-Duty Behavior**

More than half of survey respondents who observed excessive alcohol consumption, solicitation of prostitution, or other sexual behaviors that may cause a security concern did not report the behaviors because the employee engaged in the behavior while off-duty. Agency officials stated that certain behaviors that employees may consider as a personal matter, such as alcohol consumption or sexual behavior, becomes an agency's concern if it can cause a security clearance holder to be coerced, exploited, or otherwise manipulated. This concern is heightened in the USSS because of its protective mission.



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Some of the supervisors that we interviewed said that they explain to employees their responsibilities while on and off duty to maintain the reputation of the agency. Another supervisor told his employees that the consequences for misconduct are the same while on or off duty, and the rule they should follow is "if it does not look good, it's not good."

The USSS has taken several steps to increase employees' awareness of the codes of conduct that apply both on and off duty including reiterating employees' responsibilities to conduct themselves in a manner that reflects the highest standards; issuing a plain-language ethics desk guide; providing enhanced agency-wide ethics training; providing in-person ethics training; and providing "Professional Conduct" briefings to personnel prior to all protective assignments.

#### **Some Employees Fear Reprisal and Retaliation**

Employees consistently cited fear of reprisal or retaliation as a reason for not reporting solicitation of prostitution, criminal sexual behavior other than solicitation, excessive alcohol consumption, foreign contacts, or personal conduct. While 1,438 of 2,575 electronic survey respondents and 105 of 161 in-person respondents (56 and 65 percent respectively) indicated that they could report misconduct without fear of retaliation, a greater proportion of respondents indicated they could report suspected security concerns without fear of retaliation: 1,768 of 2,575 electronic survey respondents (69 percent) and 124 of 161 in-person respondents (77 percent).

During interviews, supervisors and employees described the USSS as a small and competitive agency, which can make fear of retaliation or alienation an issue. One supervisor explained that fear of retaliation and alienation applies even when trying to take measures to prevent a colleague from initially engaging in misconduct, which leads to the concept of "big boy/big girl rules." A supervisor described this concept as personal accountability where everyone knows the rules and his or her responsibilities.

The PRWG recommended USSS reinforce that a safe environment exists for employees to report misconduct. In response, USSS added prominent links to the ISP hotline on the USSS Intranet site, where employees can report misconduct. At the end of our fieldwork, ISP had not received any hotline reports from employees.



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**USSS Needs To Clarify When Misconduct Cases Should Be Handled by Managers and Supervisors**

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USSS conduct policy requires that employees promptly and directly report to RES ISP or OIG any violations of the codes of conduct or any other misconduct not ordinarily addressed by management.<sup>22</sup> However, because USSS policy does not clearly define misconduct issues not ordinarily addressed by management, each manager uses his or her own discretion either to handle misconduct issues or elevate them in the chain of command.

In contrast to policy, employees appear to believe the correct process is to report misconduct through their chain of command. During in-person interviews, 73 of 112 supervisors said that the process for reporting misconduct was through the chain of command. Furthermore, our survey results showed:

- Of 2,575 electronic survey respondents, 2,177 respondents (85 percent) said they would report misconduct or illegal activities to their direct supervisor, as would 152 of 161 (94 percent) of all in-person survey respondents.
- In contrast, 577 of 2,575 electronic survey respondents (22 percent) and 31 in-person respondents (19 percent) indicated they would report misconduct to the RES ISP.

A RES senior official said guidance on referring misconduct through the chain of command, and eventually to RES, is at the discretion of each directorate. This discretion minimizes the level of consistency among managers for reporting misconduct. For example, 51 of 101 supervisors we interviewed said they would report all instances of misconduct through the chain of command. Eighteen of these supervisors were either an ATSAIC or Sergeant, which is the first level of supervisor within USSS. In contrast, a higher-level supervisor provided examples of minor misconduct, such as tardiness or equipment issues, that subordinate supervisors should handle without elevating through the chain of command.

When an allegation is elevated through the chain of command, directorate leadership can decide whether to refer it to RES or conduct its own fact-finder. If the directorate conducts its own fact-finder, it is likely the information will not be provided to RES. The former Director told the directorates that their fact-finder reports must be provided to RES. However, this requirement is not in any written policy, and the extent to which the directorates provide those reports is

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<sup>22</sup> USSS PER-05(11) *Investigations of Alleged Employee Misconduct*, p. 1.



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unclear. RES has only received five fact-finders from the directorates since 2010.

Given the chain-of-command culture of the Secret Service, employees may be more apt to report misconduct to their supervisor. Many supervisors explained that USSS leadership would not want to be caught off guard by receiving allegations of misconduct from headquarters offices such as RES, but would rather be notified initially by their subordinates.

From first-line supervisors to the organization's executives, individuals make decisions regarding whether an incident (1) can be handled at their level; (2) must be referred through the chain of command; or (3) should be referred back down to a subordinate supervisor. In the absence of sufficient guidance, misconduct is addressed based on managerial style, the experience level of the supervisor, and individual interpretations of what constitutes serious misconduct. USSS guidance should provide sufficient direction to staff and managers to ensure greater consistency in decision making.

#### **Recommendations**

We recommend that the Director, USSS:

**Recommendation #1:** Clarify USSS' conduct policy for reporting allegations of misconduct. At a minimum, the policy should define misconduct issues that are not ordinarily addressed by management, and clarify reporting procedures for referring misconduct issues through the chain of command, RES ISP, and OIG.

**Recommendation #2:** Establish a written policy requiring directorate offices to report the results of fact-finders to RES.

#### **Management Comments and OIG Analysis**

**Management Response to Recommendation #1:** The Director of USSS concurred with this recommendation. In its response, USSS said it has created a new policy, PER-05(13), which identified a specific table of offenses and states: "Employees are encouraged and expected to report through their chain of command, or Inspection Division Hotline, or DHS office of Inspector General Hotline, information that indicates another employee may have engaged in misconduct described in the table of penalties." In addition, USSS said PER-05(13) also requires supervisors to report through their chain of command any misconduct committed by their subordinates included in the table of penalties and identifies examples of items that warrant informal discipline.



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**OIG Analysis:** We reviewed USSS' new policy, PER-05(13). The new policy is responsive to the recommendation. It clarifies reporting allegations of misconduct and requires supervisors to report through their chain of command any misconduct omitted by their subordinates included in the table of penalties. This recommendation is Resolved – Closed.

**Management Response to Recommendation #2:** The Director of USSS concurred with this recommendation. In its response, USSS said a new policy, RES-02, requires that fact-finding results be forwarded to the Office of Professional Responsibility via a standard form within ten days of the completion of investigation.

**OIG Analysis:** USSS' new policy, RES-02, is responsive to the recommendation. RES-02 outlines the circumstances under which directorates must forward fact-finding results to the Office of Professional Responsibility and instructs them to use the Fact Finding Form 4093, which is attached to the policy. This recommendation is Resolved – Closed.

**USSS Did Not Fully Investigate Allegations that an Employee Engaged in Misconduct While on Official Travel in a Foreign Country**

Officials stated that the process of referring allegations is sufficient, and they normally do not have difficulty getting necessary information or access to personnel. However, we identified one case that highlights how the combination of managerial discretion and weak internal controls affected multiple areas of the misconduct adjudication process. In this case, USSS did not adequately investigate an allegation of employee misconduct, despite the incident raising security concerns under the adjudicative guidelines.

In 2010, an employee traveling in [REDACTED] in support of a Presidential visit went into the local town with other employees during a stop. The employee failed to [REDACTED]. The [REDACTED] resource intensive response by USSS personnel, military, and American civilian personnel [REDACTED]. The employee [REDACTED] arrived at the airport [REDACTED]. The employee was observed arriving at the airport with unknown local residents and smelled of alcohol.

When the ATSAIC questioned the employee about the incident, [REDACTED]. The ATSAIC told the employee to [REDACTED].



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provide a written statement [REDACTED] Upon returning to the United States, the employee provided a written statement to his Special Agent in Charge (SAIC), [REDACTED]

[REDACTED] In his statement to the SAIC, the employee explained that [REDACTED].

**Directorate Leadership Did Not Refer the Incident to RES for Investigation**

When an allegation of misconduct is reported, a directorate may choose to initiate its own fact-finder or refer the case to RES. RES' ISP is responsible for investigating violations of any provision of the agency's minimum standards of conduct, and incidents which cast doubt upon the integrity of an employee. In this case, the employee's Deputy Assistant Director, who would be responsible for referring alleged employee misconduct to internal investigations and security clearance officials, was advised of the incident but did not refer it to RES. RES and ISP officials said that they were unaware of this incident. The employee's field office conducted its own fact-finder.

This fact-finder was not thorough. The supervisor assigned to conduct the fact-finder did not collect a statement from the ATSAIC who remained in [REDACTED]. Consequently, the supervisor did not gather pertinent information about the employee's ability and willingness to account for the events. What the ATSAIC learned was never part of the record and potentially important information was not included for SCD's consideration. In addition, the supervisor conducting the fact-finder collected statements from five witnesses. However, (1) one of the five individuals who was interviewed did not witness the employee's behavior and provided no relevant information, and (2) there were potentially more than five witnesses who could have been interviewed.

The [REDACTED] incident was similar to Cartagena but was not thoroughly investigated. Both incidents occurred while employees were off duty supporting a Presidential protective visit in a foreign country. Individuals consumed alcohol; interacted with FFNs; and were untruthful when initially questioned by managers. Both incidents required managers to divert their attention to address potential misconduct.

**SAIC Did Not Charge the Employee with Lack of Candor**

The employee's supervisor sent ERB and SCD a memorandum from the SAIC summarizing the incident and requesting a recommendation for disciplinary action. ERB and SCD requested the employee's statement as well as any witness



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statements collected during the field office's inquiry. The field office provided these documents. After comparing the incident to similar cases and reviewing the employee's discipline history, ERB identified [REDACTED] and [REDACTED]. The SAIC recommended that the SAIC [REDACTED]. The SAIC initially proposed [REDACTED] based on the following charges:

- failure to report to duty as scheduled;
- being less than candid with a USSS supervisor; and
- conduct unbecoming a USSS special agent.

The employee retained legal counsel and [REDACTED]

A lack of candor charge can lead to Giglio impairment, which affects the employee's future ability to testify as a witness in criminal cases.<sup>23</sup> [REDACTED]

Before issuance of the new suspension proposal, an ERB specialist asked the SAIC whether he thought the charge was not supported by the preponderance of evidence. The SAIC advised the ERB specialist that he did not want to affect the employee's future ability to testify in criminal cases, and explained that once the employee cleared his head and had time to reflect fully on the events, the employee acted in good faith. ERB specialists informed their manager about their concern about changing the proposal. After a discussion with the employee's Deputy Assistant Director, the manager told the ERB specialists to remove the charge. The ERB specialists noted in their files that the employee's Deputy Assistant Director mandated that they remove the charge.

It is unclear whether a supervisor is permitted to change the basis of a proposed penalty once it has been issued to the employee. During the appeal process, the proposed discipline is issued, and the employee may respond. If the employee successfully argues to have a charge removed, this would be removed in the

<sup>23</sup> Ultimately, a "Giglio-impaired" law enforcement officer could be deemed unable to testify as a witness in a criminal case and thus unable to perform a critical element of his or her job. Pursuant to *Giglio v. United States*, 405 U.S. 150 (1972) and *Brady v. Maryland*, 373 U.S. 83 (1963), the defense in a Federal criminal case is entitled to any information or evidence that tends to undermine the credibility or truthfulness of a witness. When the United States Attorney's Office makes a Giglio request, a Federal agency has an affirmative duty to conduct a pretrial examination of each testifying law enforcement officer's personnel file for any such derogatory information, *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991). Because a lack of candor charge against a Federal law enforcement officer relates to his or her propensity for truthfulness, this material would have to be provided to the United States Attorney's Office and could potentially undermine the Government's case.



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decision letter, which would state that the charge is not supported by the evidence. In this case, the SAIC did not justify removal of a charge due to a lack of evidence.

**SCD Could Not Inquire About Security Clearance Concerns**

The thoroughness of a fact-finder directly affects the adjudicative process. SCD depends on the thorough development of facts when addressing instances of misconduct. When SCD does not have sufficient information to identify and resolve security concerns, the office may request further information from RES ISP or the directorate. However, there is no policy requiring that either office provide additional information to SCD or make the employee available to SCD for additional questioning.

SCD has minimal investigative capabilities, and it cannot request that RES ISP conduct an investigation without approval of the directorate where the employee is assigned. If SCD and the directorate disagree whether further investigation is needed or whether the case should be referred to RES, it is unclear what recourse SCD has to resolve outstanding security concerns.

These issues were apparent in this case. Using the information in the fact-finder, the SCD Counterintelligence Branch conducted a counterintelligence review on the employee to assess possible security concerns related to foreign intelligence. The Counterintelligence Branch produced a report identifying several security concerns and developed a 56-question template to ascertain additional information from the employee. The counterintelligence report identified several security concerns including that the employee was possibly (1) concealing damaging information; (2) drugged by locals; (3) concealing damaging information to avoid taking a drug test; and (4) omitting other pertinent information. However, the employees' Deputy Assistant Director would not authorize SCD to question the employee even after the CSO explained the security concerns to this official.

SCD maintains the authority to suspend an employee's security clearance while it reviews derogatory information affecting an employee's ability to maintain a Top Secret clearance. However, in this instance, SCD was not able to suspend the employee's security clearance because it did not have sufficient credible evidence and was not allowed to seek this evidence. [REDACTED]



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[REDACTED]

In this case, managerial discretion interfered with the agency's ability to resolve potential security concerns. Because SCD did not vet counterintelligence concerns related to the employee's conduct, counterintelligence vulnerabilities may exist. A senior USSS official familiar with the incident acknowledged that when it occurred in 2010, the employee's directorate typically performed its own fact-finding investigations. The official explained that prior to the Cartagena incident USSS had less reason to be concerned about employee misconduct during foreign travel.

USSS suspended clearances of those employees implicated in the Cartagena incident, and in some cases, revoked employees' clearances or terminated them in part due to a lack of candor. Truthfulness when questioned about events, regardless of how embarrassing or personal, is a concern of the agency's when the security clearance holders and the security of the President are involved.

[REDACTED]

Other senior officials familiar with the case said that in light of the Cartagena incident, USSS would handle this incident differently now and it would likely be referred to RES. USSS should take steps to ensure that allegations of misconduct are consistently identified, thoroughly investigated, and fully reviewed for security concerns.

**Recommendations**

We recommend that the Director, USSS:

**Recommendation #3:** Establish a written policy granting the Chief Security Officer unfettered access to employees to obtain information relating to potential security concerns.

**Recommendation #4:** Establish a written policy identifying the circumstances under which managers may conduct their own fact-finders.

**Recommendation #5:** Create and document procedures for collecting and recording facts by managers who conduct fact-finders.



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**Management Comments and OIG Analysis**

**Management Response to Recommendation #3:** The Director of USSS concurred with this recommendation. In its response, USSS said it revised policy SCD-02(01) to clarify that the Chief Security Officer has direct access to employees in order to obtain information relating to potential security concerns.

**OIG Analysis:** We reviewed SCD-02(01). USSS' revision of its policy to specifically state that the Chief Security Officer has direct access to employees in order to obtain information relating to potential security concerns is responsive to this recommendation. This recommendation is Resolved – Closed.

**Management Response to Recommendation #4:** The Director of USSS concurred with this recommendation. In its response, USSS said it established a policy, RES-02, to provide additional clarity for managers.

**OIG Analysis:** We reviewed RES-02. USSS' new policy clarifies for managers actions that are not considered fact-finding investigations, as well as circumstances under which directorates are authorized to conduct a fact-finding. The policy is responsive to this recommendation. This recommendation is Resolved – Closed.

**Management Response to Recommendation #5:** The Director of USSS concurred with this recommendation. In its response, USSS said its policy, RES-02, now outlines the procedures for collecting and recording facts by managers who conduct fact-findings.

**OIG Analysis:** USSS' new policy, RES-02, outlines procedures for collecting and recording facts by managers who conduct fact-findings, and is responsive to the intent of this recommendation. This recommendation is Resolved – Closed.

**Policies and Procedures for Proposing and Issuing Discipline are Insufficient**

USSS policy does not define which infractions would, at a minimum, require formal discipline. Because a managers' obligation to contact ERB is based on the manager's intention to administer formal discipline or adverse action, this obligation can be interpreted differently, leading to different approaches to misconduct across the agency. In addition, it is unclear whether ERB's current tools are sufficient for recommending reasonable and consistent discipline.



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**Managers Interpret Their Obligation To Contact ERB Differently**

Any official contemplating a penalty against an employee must contact ERB for guidance prior to initiating any formal disciplinary or adverse actions. However, USSS does not have a policy that states what behaviors require formal disciplinary or adverse actions and appropriate penalties. Therefore, unless a manager calls ERB when the misconduct occurs to determine whether it would, at a minimum, require formal discipline, the agency cannot ensure managers are addressing similar misconduct consistently across the agency.

In our interviews, managers said they considered ERB part of the formal discipline and adverse action process and that they call ERB before administering these penalties as required by policy. Several considered ERB the best source for information regarding discipline and relied on these recommendations to ensure consistency with the rest of the agency. For example, one manager explained that an employee may commit an offense and the manager might be very upset and want to take severe action. However, when they call ERB they are advised as to what action would be appropriate and consistent with the agency's approach to that offense.

However, managers differed as to when they contact ERB. While some managers call ERB to determine whether an offense meets the threshold for formal discipline or adverse action, others determine on their own whether the offense meets that threshold and call ERB only if they are considering formal discipline or adverse action. These different approaches jeopardize consistency and reasonableness of discipline across the agency.

Managers, based on their experience and managerial style, may inadvertently apply informal discipline when formal discipline is more appropriate, making the discipline unreasonably lenient. Furthermore, if one manager administers formal discipline for an offense that another manager addresses with informal discipline, this creates inconsistency across the agency.

Another reason USSS requires managers to contact ERB is because USSS uses a progressive disciplinary system that accounts for past disciplinary and adverse actions when determining discipline. Therefore, a more severe disciplinary action than would otherwise be taken may be imposed upon an employee whenever that employee has previously been formally disciplined. In USSS, all prior formal discipline may be considered regardless of when it was administered.

A supervisor needs to know whether misconduct by an employee is a repeat offense before administering discipline. USSS employees transfer frequently and



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a manager may not know about an employee's formal disciplinary history unless he or she contacts ERB. A manager may consider informal discipline appropriate because, in his or her estimation, the offense is minor or occurred for the first time. Therefore, having determined to administer informal discipline, the manager may not consult ERB. However, if the manager consulted ERB upon initially learning of the misconduct, the manager may learn the employee had been disciplined for this behavior in the past and may choose to administer formal discipline instead.

The current policies and process provide little opportunity to define or adjust managers' thresholds for applying formal discipline. If a manager addresses an offense with informal discipline, such as a memorandum of counseling, the manager would not be required to call ERB. Therefore, ERB would not have an opportunity to educate the manager on the appropriate discipline for the offense. Since the Cartagena incident, USSS has provided training to encourage supervisors to bring potential issues to ERB regardless of how small the issues may seem.

**ERB Needs Data Integrity Controls**

ERB maintains a database of formal disciplinary and adverse actions initiated by managers and tracks the disposition of these actions. However, ERB specialists maintain the database for their use and do not always enter information accurately and consistently. For example, we identified employee names misspelled; misconduct charges not standardized; and inaccurate entries for ISP involvement in misconduct cases. These data quality issues make it difficult to identify serial offenders easily and conduct historical analyses across the agency when researching new cases. Furthermore, the section of the database where specialists may make notes about the case is used differently. For example, some specialists use this space to provide additional information about when the case was referred to other offices while other specialists use the field infrequently, if at all.

ERB's database also may not include all instances of misconduct that warrants formal discipline. For example, an employee may have been under ISP investigation or the employee's security clearance may have been under review. However, the employee may resign or retire before any disciplinary action is taken, and ERB may not be made aware of the misconduct.

As discussed previously, USSS has assigned a Chief Integrity Officer and expects this individual to conduct risk assessments to identify emerging misconduct trends. While ISP's database tracks the most serious misconduct cases, and SCD's



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database captures security concerns, ERB's database potentially represents the most complete historical record of misconduct across the agency. The Chief Integrity Officer may rely on this data to conduct analyses. Enhanced data quality would not only allow ERB specialists to perform their role more effectively, but would provide the agency valuable information to analyze misconduct trends.

**ERB Comp Sheets Are Inconsistent and Incomplete**

ERB's main tool for recommending discipline is the comparable discipline sheet, or "comp sheet." A comp sheet is a summary of all past disciplinary adjudications for a category of misconduct. ERB uses the sheets to compare incoming cases to the historical record to provide recommendations to managers about penalties that are consistent with past recommendations. ERB has 56 comp sheets listing various offenses. However, comp sheets contain broad, incomplete, or inconsistently defined and updated categories. The more inaccurate its comp sheets are the less consistent ERB's recommendations for disciplinary action will be.

Complete comp sheets allow an ERB specialist to compare a new incident with all the prior incidents that may have occurred in USSS. However, the comp sheets do not include all instances of formal discipline or adverse action from the historical record. Of 247 cases reviewed, 145 (59 percent) were documented on the comp sheets; 97 (39 percent) were not documented on any comp sheet; and 5 (2 percent) were documented on the wrong comp sheet.

Many instances of formal discipline or adverse action include more than one category of misconduct, but are not always listed on all applicable comp sheets. For example, an employee was disciplined for Absence Without Leave, Failure to Follow Guidelines Outlined in Leave Memorandum, and Failure to Follow Supervisory Instructions. Although ERB has comp sheets for the two latter categories, this instance of formal discipline was only included in the Absence Without Leave comp sheet.

ERB specialists said they review the past 3 years of similar misconduct across the agency to recommend discipline to managers which is consistent with the agency's historical record. However, ERB is not updating comp sheets consistently to include recent misconduct cases. Of the 97 cases that were not documented in any of the comp sheets, 27 of those cases (28 percent) involved allegations of misconduct that occurred between 2010 and 2013. Also, 14 comp sheets did not have any entries within the last 3 years.



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We also reviewed six comp sheets that did not have any dates, information, or another case for comparison to an incoming disciplinary action. Five comp sheets had entries that were dissimilar in incidents, prior offenses, or discipline.

**Broad Misconduct Charges May Lead to Inconsistent Disciplinary Actions**

Determining the charges that apply to an act of misconduct is the first step for an ERB specialist recommending discipline to a manager. Some of these charges are defined better than others. Managers can implement more consistent disciplinary action when a charge is defined clearly.

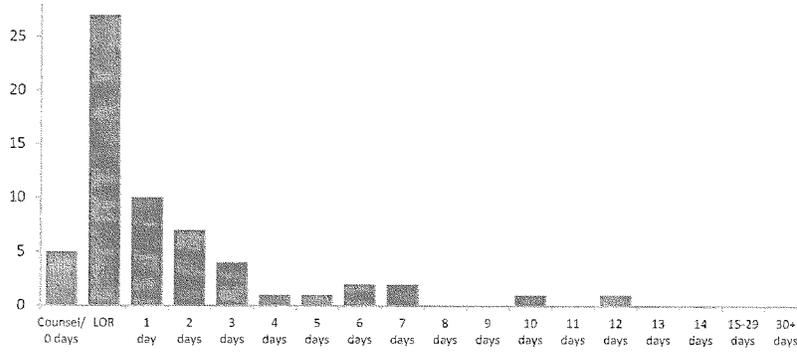
For example, USSS uses Discourteous Conduct to charge employees for being rude to fellow employees and supervisors, external DHS components, state and local law enforcement entities, and the general public. In contrast, USSS uses Conduct Unbecoming for several different types of misconduct including driving under the influence, sexual harassment, criminal behavior, and other types of criminal and non-criminal misbehavior. Conduct Unbecoming has also been used to categorize instances of misconduct that have their own charges. For example, an employee was discourteous to a White House press photographer. Although this would be considered Discourteous Conduct, the employee was charged with Conduct Unbecoming.

As figures 18 and 19 show, outcomes of disciplinary actions for Discourteous Conduct were more consistent than those for Conduct Unbecoming for all disciplinary and adverse actions.



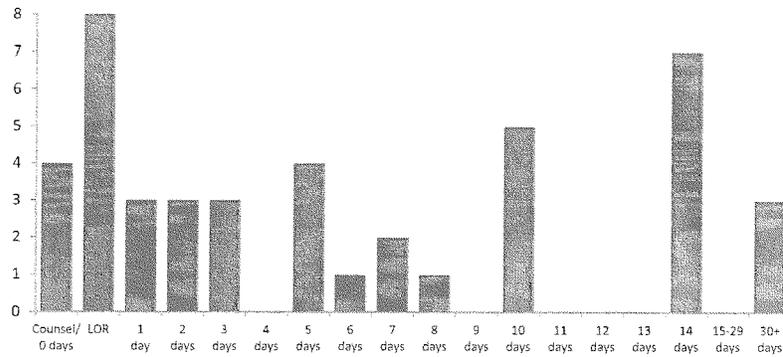
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**Figure 18: Frequency of outcomes and number of days suspended for offenses that ERB categorized as Discourteous Conduct**



Source: ERB  
Note: LOR is Letter of Reprimand

**Figure 19: Frequency of outcomes and number of days suspended for offenses that ERB categorized as Conduct Unbecoming**



Source: ERB  
Note: LOR is Letter of Reprimand

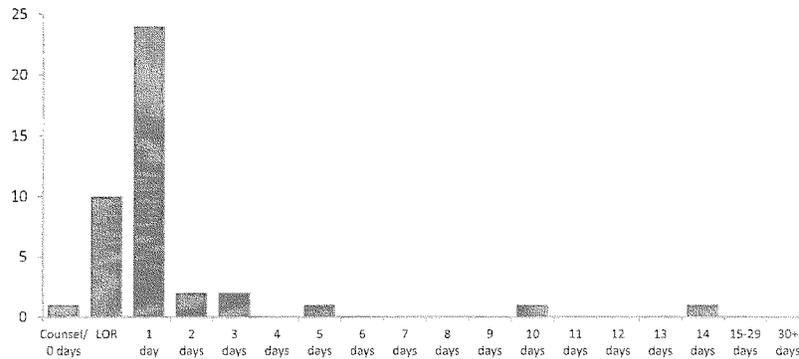


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USSS officials explained that, in cases where the employee is facing a penalty of more than a 14-day suspension and can appeal before the MSPB, the agency uses Conduct Unbecoming as a general charge for various types of misconduct. By using a general charge but being specific about the conduct leading to the charge, the agency is more likely to substantiate the charges before the MSPB. However, as figure 19 shows, most USSS Conduct Unbecoming cases result in penalties less severe than a 14-day suspension and are therefore not subject to the MSPB appeal process. Therefore, this legal strategy does not fully explain the inconsistency in disciplinary outcomes for Conduct Unbecoming charges. It is more likely that, given the wide range of misconduct categorized as Conduct Unbecoming, it is difficult to apply consistent disciplinary penalties for this charge. It would also be difficult for an ERB specialist to find all relevant prior cases to compare and provide disciplinary recommendations to managers.

In another example, categories of misconduct describing lost or misplaced weapons are also specific to that conduct. The discipline across the agency over its history has also been fairly consistent, as shown in figure 20.

**Figure 20: Frequency of outcomes and number of days suspended for offenses that ERB placed in a Lost and Misplaced Weapons category**



Source: ERB  
Note: LOR is Letter of Reprimand



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**Survey Results Regarding Discipline Policies, Fairness, Consistency, and Appropriateness**

The final portion of our survey addressed the adequacy of USSS' process for adjudicating and administering disciplinary actions. The vast majority of survey respondents believe appropriate discipline policies and procedures are in place. Additionally, while a plurality of respondents believe the disciplinary process is fair and at the appropriate level; a noteworthy minority have negative perceptions in these areas. Feelings regarding the consistency of discipline are mixed; with noteworthy percentages of respondents with either positive or negative perceptions.

Our survey asked whether employees felt appropriate policies and procedures exist to address employee violations of any law, rule, regulation, or standards of conduct. Of the 2,575 electronic survey respondents, 2,081 (81 percent) believe USSS has appropriate policies and procedures in place. Of the 161 in-person survey respondents, 147 (91 percent) believe USSS has appropriate policies and procedures in place.

When questioned about whether the disciplinary process is fair, respondents were mostly positive, but others were negative or neutral.

- Of the 2,575 electronic survey respondents, 1,037 (40 percent) believe USSS' disciplinary process is fair, and 75 of 161 (47 percent) of in-person respondents believe the process is fair.
- Of the 2,575 electronic survey respondents, 589 (23 percent) do not believe the process is fair. Similarly, 39 of the 161 in-person respondents (24 percent) do not believe the process is fair.
- Of the 2,575 electronic survey respondents, 626 (24 percent) and 34 of the 161 in-person respondents (21 percent) indicated that they neither agree nor disagree that the process is fair.

A similar percentage of respondents had both positive and negative perceptions regarding the consistency of penalties for similar offenses.

- Of the 2,575 electronic survey respondents, 763 (30 percent) and 52 of the 161 in-person respondents (32 percent) indicated they do not believe USSS applies discipline consistently for similar offenses.
- Of the 2,575 electronic survey participants, 773 (30 percent) and 59 of the 161 in-person respondents (37 percent) believe discipline is consistent.



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- Of the 2,575 electronic survey respondents, 452 (18 percent) and 24 of the 161 in-person respondents (15 percent) told us they do not know how consistent disciplinary actions are.

Finally, a plurality of respondents believes that penalties are at the appropriate level.

- Of the 2,575 electronic survey respondents, 941 (37 percent) and 85 of the 161 in-person respondents (53 percent) said they believe disciplinary actions within the USSS are at the appropriate level of severity given the offense.
- Of the 2,575 electronic survey respondents, 457 (18 percent) of electronic and 29 (18 percent) of the 161 in-person survey respondents do not believe the actions are at the appropriate level.

#### **USSS Is Considering Making Disciplinary Actions More Transparent**

In its report, the PRWG noted that the FBI publishes a newsletter displaying anonymously a sample of violations and incidents and the resulting disciplinary actions. This newsletter communicates to employees the consequences for violations and allows employees to assess the fairness of the disciplinary system. The PRWG recommended that USSS provide similar information to its workforce to the extent consistent with law while protecting the identity of the affected employees. USSS is considering how to implement this recommendation. Senior management expressed concerns about privacy, especially given that the small size of the agency will make it more difficult to protect an employee's identity even if the information is sanitized.

The PRWG also recommended USSS consider establishing a cross-agency disciplinary review panel to increase transparency and remove the responsibility for disciplinary decisions from the employee's direct supervisor. USSS' Office of Chief Counsel (OCC) is currently working with the Assistant Directors of Human Resources and Training and RES to design and implement a disciplinary review panel. USSS expects to implement the panel by the end of 2013.

Several senior managers we interviewed support the concept. Of the 19 senior managers we spoke with, 10 supported the idea of a panel while 1 was not supportive. Eight senior managers did not provide an opinion or said they had no basis to judge.

Supervisors we interviewed had mixed opinions as to whether USSS should



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establish a disciplinary panel. Several supervisors believed the panel would be a good idea because it would introduce transparency and fairness and reduce the likelihood that a manager would retaliate against or favor an employee. Other supervisors did not support the concept, believing that the SAIC knows the employee best and is in the best position to consider mitigating and aggravating circumstances. Furthermore, enforcing discipline is part of the SAIC's authority as a manager. Some supervisors see the ERB as an independent disciplinary panel.

If USSS does implement the panel, it should ensure that it establishes procedures for board members to recuse themselves when there is a conflict of interest or the board member is in the employee's chain of command. USSS could also allow the SAIC to submit a statement regarding the employee's service or the misconduct's affect on USSS' mission.

**Recommendations**

We recommend that the Director, USSS:

**Recommendation #6:** Define and document specific offense categories, as well as subcategories of broader categories, such as Conduct Unbecoming, to ensure ERB specialists consistently categorize misconduct.

**Recommendation #7:** Establish and document a quality control process to ensure comparable offense sheets reflect specific offense categories, are up-to-date, and complete.

**Recommendation #8:** Establish and document a quality control process to ensure ERB specialists enter and update misconduct case information in their database accurately and consistently.

**Management Comments and OIG Analysis**

**Management Response to Recommendation #6:** The Director of USSS concurred with this recommendation. In its response, USSS said its policy PER-05(13) now includes a detailed table of specific offense categories and accompanying penalties to ensure consistency and transparency in the discipline process.

**OIG Analysis:** We reviewed PER-05(13). The new policy includes a detailed table of specific offense categories and accompanying penalties. The policy is



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responsive to the intent of this recommendation. This recommendation is Resolved – Closed.

**Management Response to Recommendation #7:** The Director of USSS concurred with this recommendation. In its response, USSS said it has eliminated the need for comparable offense sheets in its new discipline process but they agree that a quality control process is important for maintaining an equitable discipline process.

**OIG Analysis:** USSS has eliminated comparable offense sheets. Therefore, this recommendation is Resolved – Closed.

**Management Response to Recommendation #8:** The Director of USSS concurred with this recommendation. In its response, USSS said it has updated its standard operating procedures to ensure that the database is updated accurately and consistently.

**OIG Analysis:** USSS' has established two quality control procedures to ensure that the database is updated accurately and consistently. USSS provided an excerpt from the procedures titled "Discipline Log." First, the ERB Branch Chief must review the log for each action when it is received. Second, on a monthly basis, the ERB Branch Chief will verify the accuracy of all information related to pending disciplinary cases in the database. This recommendation is Resolved – Closed.

**USSS Is Not Always in Compliance with Federal Disciplinary Regulations**

We reviewed 122 proposed adverse actions for 120 non-probationary employees. We determined that USSS complied with Federal requirements for an advance written notice and a reasonable timeframe for the employee to reply. However, summaries of employee oral replies to proposed actions were missing from more than 76 percent of the case files despite Federal regulations requiring agencies maintain such documentation. Additionally, written replies were missing from 10 percent of files.

**Administrative Requirements for Adverse Action**

Federal law and regulations govern adverse actions, which include suspensions; reductions in pay or grade; and removals.<sup>24</sup> The regulations apply to non-

<sup>24</sup> 5 U.S.C. Chapter 75 and 5 CFR Part 752



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probationary employees, including, but not limited to, those who occupy a Schedule B appointment. An employee facing an adverse action is entitled to an advance written notice stating the specific reasons for the proposed action; a reasonable time to answer orally and in writing and to furnish affidavits or other documentary evidence in support of the answer; and a written decision with the specific reasons for it at the earliest practicable date. Employees facing more than a 14-day suspension are allowed (unless there is reasonable cause to believe they have committed a crime for which a sentence of imprisonment may be imposed) at least 30 days' advance written notice and not less than 7 days to respond.

In the written decision, the USSS must advise affected employees of their appeal or grievance rights. Employees receiving an adverse action more severe than a 14-day suspension may appeal the decision either to the MSPB. If the adverse action is a suspension for 14 days or less, the affected employee may only file a grievance. In all cases, as part of the appeal or grievance, the affected employee has a right to file directly with the agency's Equal Employment Office or Office of Special Counsel any allegations of discrimination, reprisal for whistle blowing, and other prohibited personnel practices.

For all adverse actions, the USSS is responsible for maintaining copies of the notice of proposed action; the employee's answer if written or a summary thereof if made orally; the notice of decision and reasons therefore; and any order affecting the suspension, together with any supporting material. Upon request, the USSS must furnish these documents to the MSPB or affected employee.

#### **Incomplete Case Files**

We reviewed ERB's case files for 122 proposed adverse actions ranging from 1-day suspensions to removals. These actions involved 120 non-probationary employees from 42 divisions or offices.

We verified that all 122 case files complied with Federal requirements for an advance written notice and a reasonable timeframe for the employee to reply. The case files included copies of the proposed action. These notices included detailed descriptions of the offense and incident triggering the proposed adverse action. They also identified the affected employee's right to reply orally and in writing within 15 calendar days of receiving the notice; provide documentation supporting the reply; have representation; have a reasonable amount of official duty time to prepare and present a reply; and review the documentation



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supporting the proposed adverse action.

Due to the severity of the proposed adverse action in 12 of the 122 cases, the USSS had to provide the employees with at least 30 days' advance written notice and not less than 7 days to respond with supporting documentation. We determined that USSS met this requirement in all 12 cases.

Employees provided an oral response to the proposed adverse action in 46 of the 122 cases. USSS officials summarized or had transcripts of the oral replies in 11 instances. There was no such documentation or reference made to such documentation in 35 of the 46 case files provided to the OIG. Although USSS guidance does not require such documentation for suspensions for 14 or fewer days, Federal law and regulations require that agencies maintain summaries of the affected employee's oral reply, if any, for all adverse actions.

In 51 of the 122 cases, the affected employee replied in writing to the proposed adverse action. During our file review, we located copies of the employee's written reply in 46 of the 51 case files. Upon notification, USSS officials located their record of one additional employee's written reply. In total, 4 of the 113 case files did not include a copy of the employee's written reply. According to Federal law and regulations, agencies shall maintain an employee's written reply to a proposed adverse action. USSS guidance does not specifically address the Federal requirement.

Of the 122 proposed adverse actions, 113 required a notice of decision.<sup>25</sup> During our file review, we located notices of decision in 106 case files. Upon notification, USSS officials located notices of decision for two additional case files. In total, 5 of the 113 case files did not include notices of decision. According to Federal law and regulations, agencies shall maintain notices of decision.

**Recommendations**

We recommend that the Director, USSS:

**Recommendation #9:** Ensure summaries of oral appeals to adverse actions are retained in case files.

**Recommendation #10:** Ensure that notices of decision are retained in case files.

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<sup>25</sup> In two cases, the employee resigned before discipline was administered, and in seven others the employee waived the right to receive a written decision.



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**Management Comments and OIG Analysis**

**Management Response to Recommendation #9:** The Director of USSS concurred with this recommendation. In its response, USSS said a checklist has been developed to ensure that oral summaries are properly retained. Additionally, standard operating procedures have been updated and Employee Relations Branch specialists have been trained on the new process.

**OIG Analysis:** We subsequently reviewed the checklist, the notification to ERB Specialists concerning use of the checklist, and USSS' description of an interactive training session it conducted for Employee Relations Branch staff. The creation of a checklist to ensure oral summaries are properly retained is responsive to this recommendation. This recommendation is Resolved – Closed.

**Management Response to Recommendation #10:** The Director of USSS concurred with this recommendation. In its response, USSS said the checklist described in the its response to Recommendation #9 will ensure that all relevant information, including notices of decisions, will be maintained in case files.

**OIG Analysis:** USSS provided a copy of the case file checklist. It includes notices of decisions, and is responsive to the recommendation. This recommendation is Resolved – Closed.

**Internal Controls Are Insufficient To Ensure Discipline Is Aligned with Agency Principles**

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USSS policy provides seven principles to guide disciplinary actions. Overall, disciplinary actions must be taken for good cause, and giving due consideration to the aggravating and mitigating circumstances.<sup>26</sup> Mitigating circumstances may lessen the gravity of the employee's offense, while aggravating circumstances may increase the gravity of the employee's offense. Specifically, all disciplinary actions should be corrective; consistent; non-discriminatory; timely; progressive; constructive; and to promote the efficiency of the agency.

Although USSS policy states managers must give due consideration to applicable mitigating and aggravating circumstances, it does not provide managers guidance on how to consider these factors in the majority of cases. The MSPB expects agencies to have considered Douglas Factors when administering discipline more severe than a 14-day suspension to ensure the discipline is

<sup>26</sup> USSS PER-11(01) *Disciplinary and Adverse Actions - General*



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reasonable. The Douglas Factors list specific criteria to ensure a manager is evaluating relevant employee circumstances and coming to a fair and reasonable disciplinary penalty. USSS managers use this list when considering penalties of 15-day suspensions or greater, which are appealable to MSPB. However, USSS does not require managers to consider the Douglas Factors for misconduct cases resulting in penalties of 14 days or less and has no alternate guidance for these cases. According to ERB's database, 89 percent of USSS' misconduct cases between January 2004 and February 2013 resulted in a proposed disciplinary action of less than a 15-day suspension, and therefore not appealable to MSPB. Furthermore, USSS policy does not require managers to document their consideration of the factors they use in determining the reasonableness of non-appealable actions.

As discussed previously, USSS policy also states that formal disciplinary and adverse actions should be consistent with other such actions taken by USSS for similar infractions. ERB maintains historical records of disciplinary and adverse actions. Therefore, for a manager to comply with USSS' principle of consistency, the manager should be administering discipline in line with what ERB advises is consistent with the agency's past disciplinary actions.

USSS managers generally propose discipline within ERB's recommended range, but less frequently make final discipline decisions that are within ERB's recommended range. We reviewed 85 cases where ERB's recommendation to the manager was documented in the file. In 9 of the 85 cases (11 percent), managers proposed discipline outside ERB's recommended range. However, in 24 of the 85 cases (28 percent), the discipline managers administered following a discipline proposal was outside the range of what ERB had recommended. Specifically, 22 instances were less than the range recommended, and 2 were more than the range recommended.

Although consistency is an important factor in discipline, agency managers have discretion to decide an appropriate penalty as long as it promotes the efficiency of the service.<sup>27</sup> However, without guidance on evaluating an employee's individual circumstances regarding non-appealable actions similar to the Douglas Factors, and no requirement to document this consideration, USSS will not be able to ensure managers are giving due consideration to appropriate factors, and disciplinary actions are reasonable. For example, when a manager proposes discipline according to what ERB advises is consistent with the historical record, the manager may ultimately decide to mitigate the proposed discipline.

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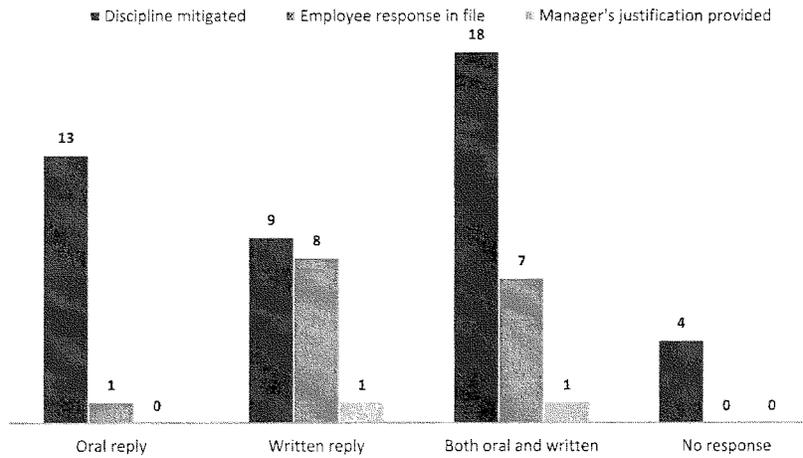
<sup>27</sup> *E.g.*, 5 U.S.C. 7513(a) (adverse actions appealable to the MSPB).



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However, USSS managers rarely explain what factors led to their decision to mitigate proposed discipline. Of the 122 proposed adverse actions we reviewed, the manager reduced the penalty in 44 cases (36 percent) in response to oral responses, written responses, or both. In four instances, the deciding official reduced the penalty without any response from the employee. As shown in figure 21, the deciding officials provided a justification for the reduced penalty in 2 of the 44 cases (5 percent). As discussed previously, employee responses that resulted in these mitigations are also not always documented.

**Figure 21: Mitigated discipline after different employee responses and associated documentation**



Another USSS guiding principle is that disciplinary actions must be progressive. USSS policy states that, in progressive discipline, a more severe disciplinary action than would otherwise be taken may be imposed upon whenever an employee has previously received a written reprimand or a suspension. All prior discipline may be considered regardless of when it was administered. Based on our analysis of ERB's records, we determined that 107 employees committed more than one offense from 2004 to 2013. However, 59 of these employees received a harsher discipline for the subsequent offense. In 12 cases, the discipline was actually less severe than for the previous offense. Again, without documentation of a manager's consideration of factors that led to his or her decision, USSS cannot demonstrate that these decisions are reasonable even if



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they are not aligned with one of USSS' disciplinary principles. Ensuring that managers document their disciplinary decisions would decrease the agency's exposure to allegations of disparate treatment and enhance supervisor credibility.

**USSS Penalties Are Often Less Severe than Other DHS Law Enforcement Agencies**

USSS often administers penalties that are less severe than the range of recommended penalties at other DHS law enforcement components. We compared USSS' disciplinary response for specific infractions to discipline ICE, TSA, and CBP would recommend for similar infractions. We reviewed tables of penalties of each of these DHS components. We limited our analysis to informal, formal, or adverse actions USSS administered for a single offense to individuals with no prior discipline. Further, we limited our analysis to cases where we had sufficient information to compare the offense to TSA, ICE, and CBP offense categories. Between 2004 and 2013, USSS administered discipline for a single offense to one-time offenders 341 times. We determined that:

- In 265 of the 341 instances (78 percent), USSS administered less severe discipline than one or more of TSA, ICE, and CBP's tables of penalties suggest those agencies would have administered.
- In 141 of these 265 instances (53 percent), USSS administered less severe discipline compared to all three of the comparison agencies' tables of penalties.
- For the remaining 76 of the 341 instances (22 percent), USSS administered discipline within or above the range of what TSA, ICE, and CBP's tables of penalties suggest those agencies would have administered.

The three most common categories where USSS has administered less severe discipline than TSA, ICE, or CBP are Neglect of Duty (60 percent); Integrity and Ethics (16 percent); and Property Misuse, Loss or Damage (7 percent). Figure 22 provides examples of Neglect of Duty offenses where USSS administered less severe discipline than other agencies.



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Figure 22: Examples of Neglect of Duty Offenses Where USSS Issued Less Severe Discipline than other DHS Law Enforcement Agencies

USSS		Other DHS Law Enforcement Agencies		
Examples of USSS Employee Misconduct	USSS' Range of Decided Action	CBP Recommended Penalty Range	ICE Recommended Penalty Range	TSA Recommended Penalty Range
Failure to Report for Duty as Scheduled	Memo of counsel	5- to 14-day suspension	5- to 14-day suspension	5- to 14-day suspension
Leaving Post Without Proper Authorization	No action to 3-weekday suspension	5- to 14-day suspension	5- to 14-day suspension	5- to 14-day suspension
Failure to Observe Established Apprehension or Detention Policies and Procedures	Reprimand	7- to 14-day suspension	5- to 14-day suspension	No Penalty Range Listed

Sources: USSS ERB Database, CBP, ICE, and TSA Tables of Penalties

**USSS Is Considering Establishing a Table of Penalties**

The PRWG recommended that USSS consider establishing a table of penalties. USSS is currently reviewing their discipline data to identify common infractions and penalties, as well as other Federal law enforcement entities' tables of penalties. USSS managers involved with implementing the table of penalties explained that the table of penalties will still allow for consideration of relevant mitigating and aggravating factors. One USSS official responsible for implementing the recommendation explained the table of penalties has to be appropriate for USSS job functions and mission. A few USSS officials acknowledged that initial reviews of other agencies' tables of penalties revealed that USSS' takes less severe disciplinary actions compared to other agencies.



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**Recommendations**

We recommend that the Director, USSS:

**Recommendation #11:** Ensure manager consideration of mitigating and aggravating factors is documented in notices of proposed action and decisions for non-appealable disciplinary actions.

**Recommendation #12:** Develop and implement a process to ensure that disciplinary actions are progressive.

**Management Comments and OIG Analysis**

**Management Response to Recommendation #11:** The Director of USSS concurred with this recommendation. In its response, USSS said its newly designed file checklist will ensure that documentation regarding managers' consideration of mitigating and aggravating factors is retained in case files.

**OIG Analysis:** USSS' creation of a checklist to ensure that documentation regarding managers' consideration of mitigating and aggravating factors is retained in case files does not meet the intent of this recommendation. Our intent is to ensure that a manager's consideration of mitigation and aggravating factors is included in the *notices of proposed action and decisions*, and not as a separate document in the case file. This recommendation is Unresolved – Open.

**Management Response to Recommendation #12:** The Director of USSS concurred with this recommendation. In its response, USSS said it has further clarified that disciplinary actions are to be progressive in its enhanced discipline process.

**OIG Analysis:** We reviewed PER-05(13), USSS Table of Penalties and section titled, "Purpose and Progressive Nature of Discipline." The policy states that discipline is progressive in nature, meaning that subsequent acts of misconduct are treated with increasing severity, especially but not exclusively, when the acts are of similar nature." We acknowledge that it is a new policy and progressive discipline is defined. The checklist suggests officials must sign off on Douglas Factors, which include consideration of prior offenses. In its corrective action plan, USSS should demonstrate how progressive discipline will be administered. This recommendation is Resolved – Open.



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**Adjudication of Discipline and Security Concerns Following the Cartagena Incident**

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To help assess how USSS identifies, mitigates, and addresses instances of misconduct and inappropriate behavior, we reviewed USSS' handling of the employees implicated in potential misconduct in Cartagena. We examined personnel and security clearance files for implicated employees and interviewed USSS officials involved in management actions following the Cartagena incident. We interviewed deciding officials for discipline, security clearance adjudicators, members of the Security Appeals Board (the Board), OCC employees, and Human Capital Division employees. We also attempted to interview all 13 individuals implicated in the Cartagena investigation. However, only five individuals agreed to be interviewed, three of whom are no longer employed by USSS.

**Security Clearance Actions for Employees Implicated in the Cartagena Incident Were Based on Facts from Internal Inquiries**

We determined that security clearance actions for employees implicated in the Cartagena incident were based on facts gathered during the management inquiry in Cartagena and ISP's investigation. There was no evidence of bias during the security clearance revocation process. We based our conclusion on a review of employee security clearance evaluation files, ISP's investigation report, and interviews with both implicated employees and officials involved in the security clearance adjudication process.

SCD initially suspended all 13 employees' security clearances due to possible inappropriate involvement with a foreign national while on a protective assignment in a foreign country. At the conclusion of ISP's investigation, SCD reinstated the security clearance of three employees who were sufficiently cleared of serious misconduct. SCD revoked the security clearance of five employees because they either knowingly solicited prostitutes, demonstrated lack of candor during the investigation, or both. Five employees resigned or retired prior to the adjudication of their security clearance.

*SCD Suspended the 13 Employees' Security Clearances Pending an Internal Investigation*

SCD suspended the Top Secret security clearances of the 13 employees implicated in during the Cartagena investigation due to their possible inappropriate involvement with FFNs while on a protective assignment in a foreign country. They did so pursuant to provisions of Executive Orders 10450



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and 12968 and, and USSS' *Interim Procedures Concerning, Suspension, Denial, or Revocation of Access to Classified Information*.

Federal, DHS, and USSS regulations permit the suspension of a security clearance when there is reason to believe that an individual's continued access to classified information is not in the interest of national security. USSS may suspend a clearance immediately and notify the employee afterward, though attempts should be made to resolve the matter as expeditiously as circumstances permit.

*Five Employees Resigned with a Suspended Security Clearance*

Five employees agreed to resign or retire after their Top Secret security clearance was suspended, but prior to the adjudication of their security clearance. USSS employees do not retain their security clearance after separating from an agency. However, if an employee resigns or retires while the employee's security clearance is suspended, SCD records indicate the employee is separated from the agency with a suspended, rather than active, security clearance. A central Office of the Director for National Intelligence database, which maintains U.S. security clearance holder information, will reflect a suspended security clearance for these individuals. Should an employee who separates from USSS seek a security clearance at another Federal agency, SCD makes internal security investigation reports and personnel security clearance files available to that agency's background investigators.

**SCD Reinstated the Security Clearances of Three Employees**

SCD reinstated the security clearance of three employees who were cleared of serious misconduct (figure 23). Two of the employees had consensual sex with FFNs in their hotel room, and [REDACTED]

[REDACTED] The third employee took an FFN prostitute to his hotel room [REDACTED]

[REDACTED] The employee [REDACTED]

[REDACTED] The

employee then asked that she leave his hotel room.

Witness statements and polygraph examinations corroborated the three employees' statements to ISP. SCD did not charge the three employees with lack of candor and reinstated their security clearance. SCD issued a warning letter to each employee.



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Figure 23: Reinstated Security Clearances

Employee	Sexual Encounter (Employee Account)	Sexual Encounter (FFN Account)	Payment	National Security Polygraph <sup>28</sup>	Specific Issue Polygraph <sup>29</sup>	SCD Lack of Candor Charge	Alcohol Consumed
Employee 1	■	■	■	■	■	No	■
Employee 2	■	■	■	■	■	No	■
Employee 3	■	■	■	■	■	No	■

Source: USSS ISP and SCD case files

Employees 1, 2, and 3 returned to duty after SCD reinstated their Top Secret clearance. ERB recommended discipline for these employees ranging from [REDACTED]. However, management instead [REDACTED]. All three employees received the same type of informal discipline. [REDACTED] Under USSS' progressive discipline system, prior discipline may be considered when administering disciplinary action.

**SCD Revoked the Security Clearances of Five Employees**

SCD revoked the Top Secret security clearance of five employees implicated during the Cartagena investigation (figure 24). These employees either paid for sexual services, demonstrated a lack of candor during the investigation, or both. We determined that deciding officials had sufficient evidence to justify the Adjudicative Guideline security concerns used to revoke the employees' security clearance.

Three of the five employees alleged that their sexual conduct in Cartagena was permissible because SCD briefed Washington Field Office personnel that one-night stands were allowed. The official who provided the briefing remembered providing guidance to employees that they do not have to report one-night

<sup>28</sup> A national security polygraph examination addresses counterintelligence topics including unauthorized foreign contacts, mishandling classified information, and terrorism.

<sup>29</sup> A specific issue polygraph examination is an examination conducted to resolve a specific issue, e.g., criminal activity, espionage, or sabotage.



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stands unless there was a high risk circumstance surrounding the incident. The employees' allegation is not credible because (1) SCD did not base any of their revocations on employees' failure to report their contact with foreign nationals, and (2) nothing in this guidance suggested it was permissible to have sexual contact with prostitutes.

On [REDACTED], one employee whose security clearance was revoked alleged [REDACTED] that USSS was denying him due process [REDACTED]

[REDACTED] Two employees we interviewed whose security clearance was revoked agreed with this allegation. The Chair of the Board explained that [REDACTED]

[REDACTED] In our report, *Adequacy of USSS' Internal Investigation of Alleged Misconduct in Cartagena, Colombia (OIG-13-24)*, January 2013, we validated the management inquiry and internal investigation USSS relied upon to revoke the employees' security clearances.

Figure 24: Security Clearance Revocations after Cartagena

Employee	Sexual Encounter (Employee Account)	Sexual Encounter (FFN Account)	Payment	National Security Polygraph	Specific Issue Polygraph	SCD Lack of Candor Charge	Alcohol Consumed
Employee 4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes	[REDACTED]
Employee 5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes	[REDACTED]
Employee 6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes	[REDACTED]
Employee 7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes	[REDACTED]
Employee 8	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes	[REDACTED]

Source: USSS ISP and SCD case files



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**USSS Provided Employees with Options that Were Consistent with Procedures**

Of the 13 employees who were subjects of the Cartagena investigation, [REDACTED] employees resigned, and [REDACTED] allowed to retire. Employees [REDACTED] submitted letters of resignation, but later rescinded their resignations; USSS then revoked their security clearances. Some of the implicated employees said they felt pressured to resign or that USSS supervisors threatened the revocation of their security clearance if they did not resign.

USSS PER-16(02), *Resignations*, March 2001, states resignations may be processed only in response to an employee's request and may not be demanded as an alternative to removal, termination, discharge, or other adverse action. However, according to the directive, an employee may elect to resign rather than face removal procedures. MSPB has ruled that Federal agencies are not permitted to use threats, coercion, or any deliberate misrepresentation to force an employee to enter into an employee agreement, including resignation.<sup>30</sup> For example, if a resignation is induced based on information that the agency knows could not be substantiated and serves no legitimate purpose, the employee's decision would be considered coerced. However, when an agency warns an employee of its intent to take legitimate disciplinary action, and there is no evidence that the employee was not able to exercise a free choice; the employee's decision to resign is not considered coerced.<sup>31</sup>

While the Cartagena investigation was ongoing, senior USSS officials advised the implicated employees of their option to resign in lieu of SCD's issuance of a Notice of Determination to revoke Top Secret clearance. OCC provided talking points to the senior officials in the Office of Protective Operations, the Office of Investigations, and the Uniformed Division on the procedures. Officials were to advise employees that a Notice of Determination that cites specific security concerns used to make the decision had been prepared, and that a proposal for indefinite suspension without pay would be issued shortly after issuance of the Notice of Determination. The document informed employees of their right to appeal the impending security clearance revocation and advised that they may want to consider resigning prior to issuance of the Notice of Determination. The talking points explicitly stated that supervisors shall not force or require an individual to resign.

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<sup>30</sup> *Staats v. U.S. Postal Service*, 99 F.3d 1120, 1124 (Fed. Cir. 1996).

<sup>31</sup> *Braun v. Department of Veterans' Affairs*, 50 F.3d 1005, 1007 (Fed. Cir. 1995).



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**Security Appeals Board Appointments and Composition Need Attention**

While assessing USSS' adjudication of security concerns stemming from the Cartagena incident, we identified several matters not within the scope of our review concerning the organization and placement of DHS' Security Appeals Board (the Board) that warrant management's attention. Specifically, appointments to the Board and the composition of the Board have not been made in accordance with current policy.

**Security Appeals Board Members Are Not Appointed according to Policy**

Executive Order 12968 requires that employees who are determined not to meet the standards for access to classified information be provided an opportunity to appeal in writing to a high level panel appointed by the agency head. The Board is the third-level deciding authority for adjudicating appeals from all DHS employees or applicants.

DHS Instruction 121-01-007 Revision # 00, issued in June 2009, requires that the Board be appointed by the Secretary or a designee. However, current members of the Board were selected by the Director. USSS claims that the Director has this authority according to DHS Delegation 12000, *Delegation for Security Operations Within the Department of Homeland Security*, which gives the Director authority to make appointments to implement and administer USSS' personnel security program. However, since the Board is a Department-level body and not part of USSS' personnel security program, Delegation 12000 does not apply to Board appointments.

DHS Management Directive 11048 required Board members to be USSS officials. However, in June 2009, the Management Directive was cancelled and superseded by DHS Instruction 121-01-007. This Instruction does not require that the Board be composed solely of USSS officials. However, the current Board is composed of all USSS senior officials, including a Deputy Assistant Director serving as the Chair, along with an Assistant Chief and another Deputy Assistant Director.

USSS officials have expressed an interest in relocating the Board to the Department-level and including members who are not from USSS. One senior official said moving the Board out of USSS would increase the appearance of fairness and due process when considering an appeal of a USSS employee. As such, consideration should be given to ensuring appropriate appointments and placing the Board within a structure most beneficial to the Department.



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**The Assistant Chief Should Not Serve on the Security Appeals Board for Uniformed Division Employees**

The Assistant Chief of the Uniformed Division serves on the Board even when an employee in his chain of command is the appellant. The Chair of the Board does not see this as a conflict of interest. However, Instruction 121-01-007 states that members of the Board selected to review a matter cannot have a current supervisory relationship with the employee. Additionally, USSS policy states that no supervisor of an employee who would be involved in either proposing or effecting any disciplinary action will be designated as a member of the Board.<sup>32</sup>

The Assistant Chief is responsible for ensuring fairness in the administration of procedures with regard to discipline. As part of his duties, he sees every discipline case and engages in discussions with his subordinates and ERB about what discipline should be proposed. Therefore, he would clearly be "involved" in the process of posing discipline for any Uniformed Division employee. Because of these factors, the Assistant Chief should not sit on the Board when reviewing Uniformed Division employee appeals.

**Recommendations**

We recommend that the Director, USSS:

**Recommendation #13:** Inform the Secretary, or the Secretary's designee, when vacancies on the Board occur so that either an appointment is made to fill the vacancy or other action is taken, as deemed appropriate by the Secretary, or the Secretary's designee.

**Recommendation #14:** Ensure that the Uniformed Division Assistant Chief, or other officials in their chain of command, does not rule on appeals by Uniformed Division employees to the Security Appeals Board.

**Management Comments and OIG Analysis**

**Management Response to Recommendation #13:** The Director of USSS concurred with this recommendation. In its response, USSS said it will notify the Secretary, or the Secretary's designee, when a vacancy occurs so that an appointment can be made to fill a vacancy on the Security Appeals Board or other action as appropriate.

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<sup>32</sup> *Human Resources and Training Manual, Section RPS-02(02)*



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**OIG Analysis:** USSS provided a copy of a November 25, 2013 memo from USSS Director to USSS' Chair that (1) referenced DHS Instruction 121-01-007 requiring members be appointed by the Secretary, and (2) requesting to be notified when there is a vacancy on the board so that the Director may notify the Secretary. This recommendation is Resolved – Closed.

**Management Response to Recommendation #14:** The Director of USSS concurred with this recommendation. In its response, USSS said vacancies to the Security Appeals Board will be filled at the Secretary's or Secretary's designee's direction and notes that its policy, RPS-02(02), states that no supervisor of an employee who would be involved in the discipline process for that employee will be a member of the Security Appeals Board reviewing that employee's revocation decision.

**OIG Analysis:** USSS noted that RPS-02(02) states that no supervisor of an employee who would be involved in the discipline process for that employee will be a member of the Security Appeals Board reviewing that employee's revocation decision. However, USSS was not following this policy at the time of our review. In its corrective action plan, USSS should describe how it would replace a sitting board member, such as the Uniformed Division Assistant Chief, when a Uniformed Division Employee is appealing a revocation decision before the Security Appeals Board. This recommendation is Unresolved – Open.



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## **Appendix A**

### **Objectives, Scope, and Methodology**

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

In April 2012, USSS employees were in Cartagena, Colombia, preparing for a Presidential visit to the Summit of the Americas. While off duty, several USSS employees solicited prostitutes, consumed excessive amounts of alcohol, and patronized questionable local establishments. Off duty behaviors such as these could compromise USSS' missions or jeopardize an employee's suitability for employment.

On May 23, 2012, the Senate Committee on Homeland Security and Governmental Affairs held a hearing held to obtain facts regarding the Cartagena incident. Committee members expressed particular interest in whether these activities were an isolated event or indicative of a pattern of misconduct by USSS employees. In subsequent discussions, members and staff expressed a concern that systemic issues may exist within USSS that create a tolerance for the types of inappropriate behavior exhibited in Cartagena. We initiated this review based on this Congressional concern.

Our objectives were to determine (1) the extent to which USSS employees engage in behavior contrary to conduct standards; (2) whether USSS management has fostered an environment that tolerates or condones inappropriate behavior; (3) the adequacy of management controls in place to report misconduct or inappropriate behavior; (4) whether management's efforts and perceived attitudes encourage the reporting of misconduct and inappropriate behavior; and (5) the adequacy of USSS' process for adjudicating and administering disciplinary actions.

Our field work encompassed various analytical and evidentiary techniques reflecting the multifaceted nature of identifying, addressing, and mitigating employee misconduct. We designed our methodology to collect enough information to complete our objectives. Our methodology included an electronic and in-person survey; a review of disciplinary and security clearance data and case files; site visits to field offices; and interviews with leadership. These aspects of our fieldwork are discussed in further detail in the following paragraphs. We conducted our fieldwork between March 2013 and July 2013.



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**Electronic and In-Person Survey**

We conducted a survey of the USSS workforce to obtain employees' views on misconduct and security clearance concerns. We also sought to determine the adequacy of management controls to report misconduct or behaviors that could cause a security concern, whether management's efforts and perceived attitudes encourage the reporting of misconduct and behaviors that could cause a security concern, and the adequacy of USSS' process for adjudicating and administering discipline and security clearances.

We worked with USSS' Human Resources, Research and Assessment Division to ensure that the survey questions were designed specifically for USSS survey participants. In its formal comments, USSS expressed that the survey design, methodology, and construction could potentially result in unreliable survey results and inaccurate data. We worked with USSS to address their concerns while designing our survey. For example, we added options for survey participants to choose from so that we could better understand how employees became aware of behaviors that could cause a security concern. Options added include, "I learned about this behavior from the press, media, or another public source" and "I learned about this behavior through a casual conversation that I considered gossip." USSS requested several other changes to the survey which we did not make because these changes would have negatively affected our ability to achieve our objectives.

In addition, we consulted research psychologists with the U.S. Office of Personnel Management, Organizational Assessment Section. The lead research psychologist informed us that our survey was appropriately constructed and directly measured the areas we intended. While the research psychologists offered minor revisions, they informed us there was nothing wrong with the survey that required fixing. Therefore, we maintain that our survey results are an accurate reflection of respondents' perceptions, and provide USSS with useful and actionable information.

We administered the survey both electronically and in-person. The survey was not hosted on USSS servers nor did USSS collect any survey data on our behalf. We invited 6,447 employees to complete the survey electronically; 2,575 employees (39.9 percent) completed the survey. We administered the electronic survey from May 13, 2013, to June 9, 2013.

We invited a judgmental sample of 200 USSS employees from the Presidential Protective Division, Vice Presidential Protective Division, Special Operations Division, and Uniformed Division to complete the survey in-person. Due to scheduling conflicts, we were unable to schedule 30 of the 200 employees. We invited 24 of the 30



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employees to complete the survey electronically. The remaining six employees were not provided the electronic survey or in-person survey.

Of the 170 employees scheduled to complete the survey in-person, 2 employees did not appear for the survey.<sup>33</sup> The remaining 168 USSS employees were advised during the introduction of the survey that their participation was voluntary. After this advisement, seven employees declined to participate. Therefore, 161 out of 170 employees scheduled for the in-person survey (95 percent) completed it. We administered the in-person survey from May 13, 2013, to June 11, 2013.

The survey results in our report are unweighted and represent only USSS employees who completed surveys. With few exceptions, we did not combine the electronic and in-person results because of inherent differences between in-person and electronic survey administration, as well as differences between the groups of employees who took the survey in each format.

Figure 25: USSS Population at time of Survey Compared to Survey Population, by Occupational Specialty

	USSS Population	Electronic Survey Population	In-Person Survey Population
<b>Special Agents</b>	3,383 (51%)	1,262 (49%)	54 (34%)
<b>Uniformed Division Officers</b>	1,356 (20%)	431 (17%)	98 (61%)
<b>Administrative, Professional, Technical Support Personnel or Other</b>	1,884 (29%)	882 (34%)	9 (5%)
<b>All Employees</b>	<b>6,623</b>	<b>2,575</b>	<b>161</b>

*Electronic Biases*

As shown in figure 25, all occupational specialties in the electronic survey closely match their representation in the general population, which increases our confidence that the variety of employees' opinions were captured in the survey. Uniformed Division officers were most underrepresented—by three percent—from the general population. In addition, because the survey was voluntary, it is possible Uniform Division officers were underrepresented because many officers do not have desks and may have been on

<sup>33</sup> We did not ask USSS to require the two employees to appear before OIG because the survey was voluntary.



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mission-related travel. Special agents were underrepresented by two percent. While many have desks, many also have hectic mission-related travel schedules. The administrative, professional, and technical support personnel or other occupations are overrepresented in the electronic survey by six percent. This could be attributed to having greater access to work stations, as well as less work-related travel than other occupational specialties. Surveys were sent to employees' USSS email accounts; therefore, employees who are skeptical of the confidentiality of their responses may have chosen to not participate in the survey.

*In-Person Biases*

Individuals selected to take the survey in-person represent divisions most closely involved in traveling with or closely guarding the President. Therefore, they are not a representative sample of USSS employees. Compared to the electronic survey, the in-person survey population differs more from the general population. There is a higher percentage of Uniformed Division officers in the divisions we selected for our in-person survey than in the agency as a whole. As a result, Uniformed Division officers ended up being overrepresented and special agents underrepresented in our in-person survey.

Further, while we used a standard template to administer the in-person survey instrument, employees taking the survey in-person would have a different experience from those taking the survey electronically. For example, the survey covered sensitive topics which employees may be more comfortable answering anonymously at a computer.

**Interviews**

We interviewed 204 current and former USSS employees, including program and office managers as well as directorate and agency leadership.

We interviewed officials from the following offices, divisions and branches:

- Office of the Director
- Office of Chief Counsel
- Office of Human Resources and Training, including officials from the Human Capital Division, the Employee Relations Branch, and the Security Clearance Division
- Office of Professional Responsibility, including officials from the Inspection Division
- Office of Investigations



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- Office of Protective Operations, including the Presidential Protective Division, the Vice Presidential Protective Division, Special Operations Division, Special Services Division, and the Uniformed Division
- Office of Strategic Intelligence and Information
- Office of Technical Development and Mission Support
- Office of Government and Public Affairs

Across these offices, we interviewed 46 Assistants to the Special Agent in Charge; 20 Assistant Special Agents in Charge; 5 Deputy Special Agents in Charge; and 15 Special Agents in Charge. We interviewed 21 Sergeant/Sergeant-Techs; 7 Captains; 4 Inspectors; 2 Deputy Chiefs; the Assistant Chief, and the Chief of the Uniformed Division. We also interviewed 13 Deputy Assistant Directors; 6 Assistant Directors; the Deputy Director; and the Director.

We visited four field offices, including Houston, TX; Los Angeles, CA; Chicago, IL; and Minneapolis, MN. We interviewed supervisors telephonically in the San Antonio, TX; Seattle, WA; and Rome, Italy, field offices. These locations were selected to provide a variety of office size, geographic location, and experience with discipline.

*Cartagena Follow-up Interviews*

We were able to interview 5 of the 13 employees implicated in the solicitation of prostitutes in Cartagena. Four employees declined to be interviewed or did not provide a response once contacted. Two employees were scheduled to be interviewed and later declined. One employee was scheduled to be interviewed and did not appear for the interview. We were unable to contact one employee.

**Disciplinary Data and Files**

In response to our request, USSS' ERB provided us a list of 1,006 formal disciplinary and adverse actions taken between January 2004 and February 2013. From this data set, we selected a judgmental sample of 251 cases for review. ERB determined that one case was performance-related, thereby reducing our sample to 250 cases. We further selected 71 cases based on testimonial evidence. In all, we reviewed case files related to 321 disciplinary and adverse actions.

USSS' database of 1,006 cases had several data integrity issues, such as inconsistent, incomplete or incorrect data entries, and inclusion of performance-related actions. To the extent possible, we extracted information from this data set that was usable. Throughout the report, when we use this universe of disciplinary and adverse actions, we explain which entries we used and which ones we did not.



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We reviewed the ERB files for the judgmental sample of 250 formal disciplinary and adverse actions, as well as the additional 71 actions. When presenting any analysis, we specify whether the analysis was based upon the judgmentally selected files, the files selected because of testimonial evidence, or both. Further, because the documentation in these files was not standardized, our analyses based on the judgmental sample may not include all 250 files. For example, not all of the files included information about ERB's recommendation to a manager. Therefore, our analysis comparing ERB recommendations to decided disciplinary action would be based on files that contained ERB recommendations. Throughout the report, we specify how many of these randomly selected files had documentation to support each analysis.

We reviewed ERB internal operating policies. We also reviewed 56 comparable discipline sheets (or comp sheets) which ERB specialists use to research historical data for specific offenses and recommend ranges of disciplinary or adverse action to managers.

**Security Clearance Data and Files**

In response to our request, USSS provided and we reviewed a list of all 195 security clearance suspensions; their adjudicative guidelines base; and their dispositions from January 2004 through February 2013. Similarly, we requested and USSS provided a list of all 67 security clearance warnings and their adjudicative guideline bases issued by USSS during the same period. We judgmentally selected 50 SCD files from these lists, as well as testimony, to review.

**RES Inspection Division Data and Reports**

In response to our request, USSS provided and we reviewed a list of all ISP special investigations, fact finders and complaints between January 2004 and February 2013. We also reviewed reports encountered during our review of ERB files, as well as additional fact-finder and special investigation reports. We reviewed Monthly Director Reports for May 2012 and June 2013, as well as relevant ISP records and templates.

We conducted this review under the authority of the *Inspector General Act of 1978*, as amended, and according to the Quality Standards for Inspections issued by the Council of the Inspectors General on Integrity and Efficiency.



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**Appendix B**  
**Management Comments to the Draft Report**



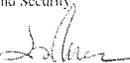
DIRECTOR

U.S. Department of Homeland Security  
UNITED STATES SECRET SERVICE

Washington, D.C. 20223

November 22, 2013

MEMORANDUM FOR: The Honorable Charles K. Edwards  
Deputy Inspector General  
Office of the Inspector General  
Department of Homeland Security

FROM: Julia A. Pierson   
Director  
United States Secret Service

SUBJECT: "USSS Efforts to Identify, Mitigate, and Address Instances of  
Misconduct and Inappropriate Behavior," OIG Project No. 13-131-  
ISP-USSS

The United States Secret Service (Secret Service) has had an opportunity to review and comment on the Office of Inspector General (OIG) draft report concerning "USSS Efforts to Identify, Mitigate, and Address Instances of Misconduct and Inappropriate Behavior," OIG Project No. 13-131-ISP-USSS. While we agree with your recommendations and have taken actions to implement them, we are concerned with aspects of the survey used in this project.

The proud legacy of the Secret Service is based on the accomplishments and selfless dedication of the many men and women who have joined our agency since its founding in 1865. Nearly 150 years of excellence stems from the overwhelming majority of our employees holding themselves to the highest standards of personal and professional conduct. Although this report documents that misconduct is not widespread in the Secret Service, we will not tolerate it at any level. I am committed to swiftly and vigorously investigating any instances of misconduct that are brought to my attention.

Our overarching goal is to support our workforce to ensure mission success, including our efforts for thorough oversight and strong human capital policies and procedures. Your recommendations, along with our own efforts to identify and implement enhancements, contribute to that effort.

Immediately following the incidents of misconduct that occurred in Colombia, the Secret Service initiated an internal review of our human capital policies and procedures to identify areas for enhancement. As part of this effort, we collaborated with the Office of Personnel Management and the Federal Law Enforcement Training Center to develop a Professionalism Reinforcement Working Group (PRWG) to examine Secret Service human capital policies and procedures. The PRWG was specifically charged with: 1) reviewing the Secret Service's internal controls on professional conduct; 2) benchmarking the agency against best practices of peer organizations; and 3) identifying areas in which the Secret Service is best in class and any areas in need of



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improvement. The group assembled included senior executives with various areas of expertise across government.

In February 2013, the PRWG provided the Secret Service with its report and recommendations. The PRWG made recommendations in the areas of: Recruitment and Hiring; Discipline and Rewards; Diversity and Inclusion; Performance Management; Values and Mission; Leadership; Reporting Misconduct; Availability of Support Services for Employees; and Reinforcing Professionalism. Just as with this OIG report, we accepted all of the PRWG's recommendations. We developed a Strategic Action Plan to Reinforce Professionalism to enhance our internal controls and ensure that our practices are consistent with best practices in government. To date, we have completed action on a majority of our plan's objectives and on all of the recommendations you identified in your report.

Specifically, the actions we have taken include the following:

- Appointed a Chief Integrity Officer to conduct risk assessments for professional standards and develop targeted training to support integrity in the workforce
- Established a highly visible link to our Inspection Hotline on our intranet site to encourage all employees to report misconduct
- Provided employees with an ethics desk reference guide containing the agency's policies and made it available on our intranet site
- Provided enhanced ethics and integrity training to 4,500 employees since April 2012
- Developed policy to centralize our discipline process and enhance transparency and consistency when adjudicating misconduct
- Developed a table of penalties that identified specific offenses and accompanying penalties
- Publicly praised employees for modeling our core values in an awards ceremony
- Reinforced the importance of leadership and ethical conduct with newly promoted supervisors

Thus, both prior to and during your review, the Secret Service was working to institute significant changes in the way we reinforce professionalism in our workforce and how we respond to instances of misconduct.

**Secret Service Response to the OIG's Specific Recommendations**

**Recommendation #1:** Clarify USSS' conduct policy for reporting allegations of misconduct. At a minimum, the policy should define misconduct issues that are not ordinarily addressed by management, clarify reporting procedures for referring misconduct issues through the chain of command, ISP, and OIG.

**Secret Service Response:** Concur

Secret Service policy, PER-05(11), states that Secret Service employees are required to report promptly and directly to the Office of Professional Responsibility (RES) any knowledge, information, or allegations that indicates any employee or former employee may have committed a criminal act, violated any provision of the Standards of Conduct or any rule of conduct, violated any provision of the merit system, or committed any other misconduct. We have further clarified this policy through the addition of PER-05(13), which identifies a specific table of offenses (and



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accompanying penalties) and states, "Employees are encouraged and expected to report through their chain of command, or the Inspection Division Hotline, or the DHS Office of the Inspector General hotline, information that indicates another employee may have engaged in misconduct described in the Table of Penalties." PER-05(13) also requires supervisors to report through their chain of command any misconduct committed by their subordinates included in the table of penalties and identifies examples of items that warrant informal discipline.

Estimated date of completion: Completed.

**Recommendation #2:** Establish a written policy requiring directorate offices to report the results of fact-finders to RES.

**Secret Service Response:** Concur

As the new discipline policy, PER-05(13), significantly limits the actions that could warrant informal discipline, fact-finders will be limited to only minor issues of employee conduct. Outside of these instances, only the Office of Professional Responsibility or the Deputy Director of the Secret Service can authorize a directorate office to conduct a fact-finder. In these latter authorized instances, a new Secret Service policy, RES-02, requires that fact finding results be forwarded to the Office of Professional Responsibility via a standard form within ten days of the completion of the investigation.

Estimated date of completion: Completed.

**Recommendation #3:** Establish a written policy granting the Chief Security Officer unfettered access to employees to obtain information relating to potential security concerns.

**Secret Service Response:** Concur

We agree that the Chief Security Officer (CSO) must have appropriate access to all employees to provide oversight for security clearances. We have clarified our policy by revising SCD-02(01) to specifically state that the CSO has direct access to employees in order to obtain information relating to potential security concerns.

Estimated date of completion: Completed.

**Recommendation #4:** Establish a written policy identifying the circumstances under which managers may conduct their own fact finders.

**Secret Service Response:** Concur

We have established RES-02 to provide additional clarity for managers.

Estimated date of completion: Completed.



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**Recommendation #5:** Create and document procedures for collecting and recording facts by managers who conduct fact-finders.

**Secret Service Response:** Concur

Secret Service policy, RES-02, now outlines the procedures for collecting and recording facts by managers who conduct fact-finders.

Estimated date of completion: Completed.

**Recommendation #6:** Define and document specific offense categories, as well as subcategories of broader categories, such as Conduct Unbecoming, to ensure ERB specialists consistently categorize misconduct.

**Secret Service Response:** Concur

As detailed above, PER-05(13) now includes a detailed table of specific offense categories and accompanying penalties to ensure consistency and transparency in our discipline process.

Estimated date of completion: Completed.

**Recommendation #7:** Establish and document a quality control process to ensure that comparable offense sheets reflect specific offense categories, are up-to-date, and complete.

**Secret Service Response:** Concur

While our new discipline process eliminates the need for comparable offense sheets, we agree that a quality control process is important for maintaining an equitable discipline process.

Estimated date of completion: Completed.

**Recommendation #8:** Establish and document a quality control process to ensure that ERB specialists enter and update misconduct case information in their database accurately and consistently.

**Secret Service Response:** Concur

We have updated our standard operating procedures to ensure that our database is updated accurately and consistently.

Estimated date of completion: Completed.



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**Recommendation #9:** Ensure summaries of oral appeals to adverse actions are retained in case files.

**Secret Service Response:** Concur

The Secret Service understands that summaries of oral appeals must be maintained in case files. As part of our quality control process, we have developed a file checklist to ensure that oral summaries along with all other required documentation are properly retained, updated our standard operating procedures and trained our ERB specialists on the new process.

Estimated date of completion: Completed.

**Recommendation #10:** Ensure that notices of decision are retained in case files.

**Secret Service Response:** Concur

The Secret Service understands that of the 300 adverse action files provided to the OIG for review, a filing error had occurred in five cases. The checklist described in our response to the previous recommendation will ensure that all relevant information, including notices of decisions, will be maintained in the case files.

Estimated date of completion: Completed.

**Recommendation #11:** Ensure manager's consideration of mitigating and aggravating factors is documented in notices of proposed action and decisions for non-appealable disciplinary actions.

**Secret Service Response:** Concur

As with the previous two recommendations, the newly designed file checklist will ensure that documentation regarding managers' consideration of mitigating and aggravating factors is retained in the case files.

Estimated date of completion: Completed.

**Recommendation #12:** Develop and implement a process to ensure that disciplinary actions are progressive.

**Secret Service Response:** Concur

The Secret Service agrees with the principles of progressive discipline and has a policy in place to allow for its use in cases when an employee has previously received a written reprimand or suspension. As part of our enhanced discipline process, we have further clarified that disciplinary actions are to be progressive.

Estimated date of completion: Completed.



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**Recommendation #13:** Inform the Secretary, or the Secretary's designee, when vacancies on the Board occur so that either an appointment is made to fill the vacancy or other action is taken, as deemed appropriate by the Secretary, or the Secretary's designee.

**Secret Service Response:** Concur

We will notify the Secretary, or the Secretary's designee, when a vacancy occurs so that an appointment can be made to fill a vacancy on the Security Appeals Board or other action as appropriate.

Estimated date of completion: Completed.

**Recommendation #14:** Ensure that the Uniformed Division Assistant Chief, or other officials in their chain of command, does not rule on appeals by Uniformed Division employees to the Security Appeals Board.

**Secret Service Response:** Concur

Consistent with the previous recommendation, we will fill vacancies at the Secretary's or Secretary's designee's direction. Our policy, RPS-02(02), states that no supervisor of an employee who would be involved in the discipline process for that employee will be a member of the Security Appeals Board reviewing that employee's revocation decision.

Estimated date of completion: Completed.

**Comments Concerning Survey Responses and the Use of those Responses**

While the Secret Service concurs with all of the recommendations contained in the report, we are concerned with the survey used during the course of the project and some of the narration presented in the report in regard to the survey results. During the initial phases of the audit, we notified your staff that we believed that the survey design, methodology, and construction could potentially result in unreliable survey results and inaccurate data. For example, the survey asked Secret Service employees to speculate about the personal, sexual, and potential criminal activities of co-workers, and to respond with what they believed to be true through rumor and gossip. This posed a serious concern about the survey content and the value of collecting such speculation.

The survey design also contributes to potential confusion regarding the number of instances of misconduct that have occurred. For example, we pointed out that it would be impossible to tell whether the respondents were all referring to a single incident about which they had heard, or whether multiple incidents had occurred. Further, allowing respondents to identify multiple ways in which they became aware of misconduct suggests that the number of occurrences is greater than what your results found and leads to percentages higher than 100% for the number of the individuals aware of the misconduct.



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**Conclusion**

We support and appreciate the OIG's efforts to provide clear, constructive recommendations concerning our human resource processes and remain committed to continuing our ongoing efforts in the areas of employee conduct and professionalism. The criticality of the Secret Service's mission demands that we maintain the highest levels of integrity in our workforce. I remain committed to investigating and adjudicating all instances of misconduct that are brought to my attention.

Again, we thank you for the opportunity to review and comment on this draft report. Technical comments and a sensitivity review were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.



**Appendix C**  
**About Survey Items**

Survey respondents considered a minimum of 34 items. Respondents could have answered 30 additional survey items based on their response to section 3, item 28, which asked respondents to select behaviors by USSS employees of which they are aware. Subsequent questions in section 3 asked employees further details regarding the behavior(s) that they identified. Respondents considered a maximum of 64 items.

Twenty-five survey items used a Likert scale format, which measures individual's agreement or disagreement with a statement. The table below describes how responses to Likert items are interpreted.

Positive Response		Neutral Response	Negative Response		Agnostic
Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Do not know (If Applicable)

Fifteen of the survey items allowed respondents to select "Yes" or "No." Fifteen questions allowed respondents to select more than one response. Finally, the survey included six demographic items asking respondents their length of service, occupational specialty, current grade, supervisory status, and their involvement in a disciplinary matter or the security clearance adjudication process.



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**Appendix D**  
**Results of Electronic Surveys**

For all scale questions, responses of "strongly agree" and "agree" are positive, "neither agree nor disagree" is neutral, and "strongly disagree" or "disagree" are negative.							
	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
<b>Reporting and Addressing Misconduct</b>							
1. Appropriate policies and procedures are in place to address employee violations of any law, rule, regulation, or standards of conduct.	80.8%	31.7% 817	49.1% 1,264	9.1% 234	5.7% 146	2.4% 61	2.1% 53
2. I am aware of avenues available to Secret Service employees to report misconduct.	86.7%	35.2% 907	51.5% 1,327	7.2% 186	5.1% 131	0.9% 24	NA
3. I can report a suspected violation of any law, rule, regulation, or standards of conduct without fear of retaliation.	55.8%	23.5% 605	32.3% 833	21.7% 559	13.8% 356	8.6% 222	NA
4. I trust my immediate supervisor to respond appropriately to reported misconduct.	76.4%	37.6% 969	38.8% 998	13.2% 339	6.0% 154	4.5% 115	NA
5. If I suspected that my co-workers or managers were engaged in misconduct or illegal activity, I would report it to the appropriate Secret Service officials.	84.2%	44.4% 1,143	39.8% 1,024	11.8% 305	2.6% 67	1.4% 36	NA
6. If a <u>senior manager</u> engages in misconduct or illegal activity, he or she is held accountable. <i>[A senior manager supervises several supervisors and their staff.]</i>	49.9%	23.6% 608	26.3% 677	16.6% 427	11.7% 301	11.1% 286	10.7% 276
7. If a <u>supervisor</u> engages in misconduct or illegal activity, he or she is held accountable. <i>[A supervisor is the first-line manager who monitors and regulates employees in their performance of assigned or delegated tasks.]</i>	54.8%	24.0% 617	30.8% 793	16.4% 423	12.0% 310	7.8% 200	9.0% 232



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Reporting and Addressing Misconduct (cont.)	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
8. If a <u>Special Agent</u> engages in misconduct or illegal activity, he or she is held accountable.	62.1%	27.3%	34.8%	15.6%	7.3%	5.0%	10.1%
		704	895	401	187	129	259
9. If a <u>Uniformed Division Police Officer</u> engages in misconduct or illegal activity, he or she is held accountable.	61.6%	29.1%	32.5%	11.9%	2.0%	0.9%	23.5%
		749	838	307	52	23	606
10. If an <u>Administrative, Professional, or Technical Support</u> employee engages in misconduct or illegal activity, he or she is held accountable.	60.8%	27.5%	33.3%	14.4%	3.8%	2.0%	19.0%
		707	858	371	98	51	490
11. Violations of any law, rule, regulation, or standards of conduct are <u>not</u> tolerated within the Secret Service.	61.1%	24.2%	36.9%	18.8%	12.7%	5.3%	2.1%
		624	951	483	327	136	54
12. The Secret Service's disciplinary process is fair.	40.3%	13.7%	26.6%	24.3%	13.6%	9.3%	12.5%
		352	685	626	349	240	323
13. Disciplinary actions within the Secret Service are applied consistently for similar offenses.	30.0%	10.6%	19.4%	22.8%	17.6%	12.1%	17.6%
		274	499	587	452	311	452
14. Disciplinary actions within the Secret Service are at the appropriate level of severity given the offense.	36.6%	11.4%	25.2%	27.8%	10.8%	7.0%	17.9%
		293	648	715	278	179	462
15. If you were to report misconduct by a Secret Service employee, to whom would you report it? [More than one could be selected]							
My direct supervisor				84.5%		2,177	
Another supervisor other than my direct supervisor				20.6%		530	
DHS Office of Inspector General				11.4%		293	
USSS Equal Employment Opportunity Office				8.6%		221	
USSS Inspection Division				22.4%		577	
USSS Ombudsman				13.1%		338	
Do not know				4.5%		115	
Other				3.8%		97	



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	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
<b>Reporting and Addressing Security Concerns</b>							
16. Appropriate policies and procedures are in place to address security concerns regarding a Secret Service employee.	83.8%	31.1%	52.7%	8.5%	3.1%	1.3%	3.4%
		800	1,357	218	80	33	87
17. I am aware of avenues available to Secret Service employees to report security concerns regarding a Secret Service employee.	86.0%	30.5%	55.5%	9.4%	4.1%	0.5%	NA
		785	1,428	243	105	14	
18. I can report a suspected security concern regarding a Secret Service employee without fear of retaliation.	68.7%	28.1%	40.6%	19.2%	8.4%	3.7%	NA
		723	1,045	495	217	95	
19. I trust my immediate supervisor to respond appropriately to security concerns regarding a Secret Service employee.	81.3%	37.8%	43.5%	12.2%	3.9%	2.6%	NA
		973	1,121	313	100	68	
20. If I suspected that my co-workers or managers engaged in behavior that caused a security concern, I would report it to the appropriate Secret Service officials.	90.5%	45.0%	45.5%	7.2%	1.5%	0.8%	NA
		1,158	1,171	186	39	21	
<b>Reporting and Addressing Security Concerns (cont.)</b>							
21. The Secret Service takes appropriate action if a <u>senior manager</u> engages in behavior that causes a security concern. [A senior manager supervises several supervisors and their staff.]	49.2%	20.3%	28.9%	17.9%	7.7%	5.6%	19.5%
		524	743	462	199	144	503
22. The Secret Service takes appropriate action if a <u>supervisor</u> engages in behavior that causes a security concern. [A supervisor is the first-line manager who monitors and regulates employees in their performance of assigned or delegated tasks.]	53.6%	21.2%	32.4%	17.5%	7.4%	4.4%	17.1%
		546	835	450	190	113	441



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23. The Secret Service takes appropriate action if a <u>Special Agent</u> engages in behavior that causes a security concern.	59.9%	24.2%	35.7%	15.5%	5.7%	2.8%	16.1%
		624	918	399	146	73	415
24. The Secret Service takes appropriate action if a <u>Uniformed Division Police Officer</u> engages in behavior that causes a security concern.	57.2%	25.0%	32.2%	13.0%	1.9%	0.8%	27.1%
		643	829	334	50	21	698
25. The Secret Service takes appropriate action if an <u>Administrative, Professional, or Technical</u> employee engages in behavior that causes a security concern.	56.7%	24.4%	32.3%	15.1%	2.5%	1.2%	24.5%
		629	833	389	64	30	630
26. The Secret Service has a fair process for reviewing an employee's eligibility for continued access to classified information as a result of behavior that causes a security concern.	53.6%	19.8%	33.8%	17.7%	4.2%	2.8%	21.7%
		511	870	456	108	72	558
27. If you were to report behavior that causes a security concern, to whom would you report it? [More than one could be selected]							
My direct supervisor				86.9%	2,237		
Another supervisor other than my direct supervisor				22.6%	583		
DHS Office of Inspector General				26.8%	689		
USSS Security Clearance Division				9.9%	255		
USSS Inspection Division				20.3%	523		
USSS Ombudsman				8.0%	207		
Do not know				3.8%	98		
Other				3.2%	83		



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**Existence of Certain Behaviors within Secret Service**

28. Using the list below, please select any behaviors by Secret Service employees of which you are aware. [More than one could be selected]

Excessive alcohol consumption that causes a security concern	10.4%	269
Solicitation of prostitute(s)	8.0%	207
Criminal sexual behavior other than solicitation	1.9%	50
Other sexual behavior that causes a security concern	5.9%	153
Contact with foreign nationals that causes a security concern	4.5%	116
Personal conduct that causes a security concern	9.6%	247
I am not aware of any Secret Service employees engaging in these behaviors	83.3%	2,144

**If the respondent selected: Excessive alcohol consumption that causes a security concern**

a. How did you become aware of the excessive alcohol consumption? [More than one could be selected]

I have personally observed this behavior.	51.3%	138
I learned about this behavior from the person who engaged in it.	27.1%	73
I learned about this behavior from a person who observed it.	48.0%	129
I learned about this behavior from someone who reported it to me.	14.5%	39
I learned about this behavior as part of my official duties.	17.8%	48
I learned about this behavior through official Secret Service communication.	12.6%	34
I learned about this behavior from the press, media, or another public source.	40.9%	110
I learned about this behavior through a casual conversation that I considered gossip.	44.6%	120
Other	3.0%	8

*If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."*

b. Did you report the behavior?

Yes	14.5%	20
No	85.5%	118

*If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."*

c. If no, why did you not report this behavior? [More than one could be selected]

Someone else reported the behavior.	16.9%	20
I was afraid of reprisal or retaliation for reporting the behavior.	39.8%	47
I do not believe management is supportive of employees reporting the behavior.	46.6%	55
The employee engaged in the behavior while off-duty.	55.9%	66



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I did not feel the behavior was serious enough to warrant reporting.	29.7%	35
I was unfamiliar with the process for reporting the behavior.	4.2%	5
I did not believe the employee would be investigated even if reported.	37.3%	44
I did not want to cause an adverse action against a co-worker.	20.3%	24
I did not want to get involved.	19.5%	23
Management was already aware of this behavior.	33.9%	40
Other	5.9%	7
d. Did the excessive alcohol consumption occur during a protective assignment?		
Yes	65.1%	175
No	34.9%	94
e. Which of the following most accurately describes your perception of excessive alcohol consumption in the Secret Service?		
This behavior is isolated within the Secret Service. <sup>34</sup>	38.3%	103
This behavior is systemic throughout the Secret Service. <sup>35</sup>	20.1%	54
This behavior is more than isolated but less than systemic.	41.6%	112
<b>If the respondent selected: Solicitation of Prostitutes</b>		
a. How did you become aware of the solicitation of prostitute(s)? [More than one could be selected]		
I have personally observed this behavior.	9.2%	19
I learned about this behavior from the person who engaged in it.	11.6%	24
I learned about this behavior from a person who observed it.	22.7%	47
I learned about this behavior from someone who reported it to me.	9.2%	19
I learned about this behavior as part of my official duties.	22.7%	47
I learned about this behavior through official Secret Service communication.	26.6%	55
I learned about this behavior from the press, media, or another public source.	76.8%	159
I learned about this behavior through a casual conversation that I considered gossip.	41.5%	86
Other	3.4%	7
<b>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</b>		
b. Did you report the behavior?		
Yes	0.0%	0
No	100.0%	19

<sup>34</sup> Isolated means that the behavior occurs infrequently, among a small percentage of employees who act alone.

<sup>35</sup> Systemic means that the behavior occurs frequently, among a large percentage of employees who act together.



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If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."

c. If no, why did you not report this behavior? [More than one could be selected]

Someone else reported the behavior.	26.3%	5
I was afraid of reprisal or retaliation for reporting the behavior.	47.4%	9
I do not believe management is supportive of employees reporting the behavior.	63.2%	12
The employee engaged in the behavior while off-duty.	57.9%	11
I did not feel the behavior was serious enough to warrant reporting.	5.3%	1
I was unfamiliar with the process for reporting the behavior.	10.5%	2
I did not believe the employee would be investigated even if reported.	47.4%	9
I did not want to cause an adverse action against a co-worker.	31.6%	6
I did not want to get involved.	15.8%	3
Management was already aware of this behavior.	36.8%	7
Other	21.1%	4

d. Did the solicitation of prostitute(s) occur during a protective assignment?

Yes	82.1%	170
No	17.9%	37

e. Which of the following most accurately describes your perception of solicitation of prostitute(s) in the Secret Service?

This behavior is isolated within the Secret Service.	54.1%	112
This behavior is systemic throughout the Secret Service.	10.1%	21
This behavior is more than isolated but less than systemic.	35.7%	74

If the respondent selected: *Criminal sexual behavior other than solicitation*

a. How did you become aware of the criminal sexual behavior? [More than one could be selected]

I have personally observed this behavior.	8.0%	4
I learned about this behavior from the person who engaged in it.	10.0%	5
I learned about this behavior from a person who observed it.	20.0%	10
I learned about this behavior from someone who reported it to me.	6.0%	3
I learned about this behavior as part of my official duties.	36.0%	18
I learned about this behavior through official Secret Service communication.	12.0%	6
I learned about this behavior from the press, media, or another public source.	46.0%	23
I learned about this behavior through a casual conversation that I considered gossip.	42.0%	21
Other	6.0%	3



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*If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."*

b. Did you report the behavior?		
Yes	25.0%	1
No	75.0%	3
<i>If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."</i>		
c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	0.0%	0
I was afraid of reprisal or retaliation for reporting the behavior.	66.7%	2
I do not believe management is supportive of employees reporting the behavior.	66.7%	2
The employee engaged in the behavior while off-duty.	0.0%	0
I did not feel the behavior was serious enough to warrant reporting.	0.0%	0
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	66.7%	2
I did not want to cause an adverse action against a co-worker.	33.3%	1
I did not want to get involved.	0.0%	0
Management was already aware of this behavior.	33.3%	1
Other	0.0%	0
d. Did the criminal sexual behavior occur during a protective assignment?		
Yes	32.0%	16
No	68.0%	34
e. Which of the following most accurately describes your perception of criminal sexual behavior in the Secret Service?		
This behavior is isolated within the Secret Service.	64.0%	32
This behavior is systemic throughout the Secret Service.	12.0%	6
This behavior is more than isolated but less than systemic.	24.0%	12
<b><i>If the respondent selected: Other sexual behavior that causes a security concern</i></b>		
a. How did you become aware of the sexual behavior that caused a security concern? [More than one could be selected]		
I have personally observed this behavior.	24.8%	38
I learned about this behavior from the person who engaged in it.	26.8%	41
I learned about this behavior from a person who observed it.	39.2%	60
I learned about this behavior from someone who reported it to me.	13.1%	20
I learned about this behavior as part of my official duties.	22.2%	34
I learned about this behavior through official Secret Service communication.	12.4%	19
I learned about this behavior from the press, media, or another public source.	30.7%	47



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I learned about this behavior through a casual conversation that I considered gossip.	51.6%	79
Other	5.9%	9
<i>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</i>		
b. Did you report the behavior?		
Yes	15.8%	6
No	84.2%	32
<i>If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."</i>		
c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	12.5%	4
I was afraid of reprisal or retaliation for reporting the behavior.	37.5%	12
I do not believe management is supportive of employees reporting the behavior.	56.3%	18
The employee engaged in the behavior while off-duty.	50.0%	16
I did not feel the behavior was serious enough to warrant reporting.	12.5%	4
I was unfamiliar with the process for reporting the behavior.	9.4%	3
I did not believe the employee would be investigated even if reported.	43.8%	14
I did not want to cause an adverse action against a co-worker.	18.8%	6
I did not want to get involved.	21.9%	7
Management was already aware of this behavior.	31.3%	10
Other	28.1%	9
d. Did the sexual behavior, other than prostitution or criminal sexual behavior, which caused a security concern, occur during a protective assignment?		
Yes	53.6%	82
No	46.4%	71
e. Which of the following most accurately describes your perception of Secret Service employees' engaging in sexual behavior, other than prostitution or criminal sexual behavior, which causes a security concern?		
This behavior is isolated within the Secret Service.	38.6%	59
This behavior is systemic throughout the Secret Service.	19.6%	30
This behavior is more than isolated but less than systemic.	41.8%	64
<b><i>If the respondent selected: Contact with foreign nationals that causes a security concern</i></b>		
a. How did you become aware of the contact with foreign nationals that caused a security concern? [More than one could be selected]		
I have personally observed this behavior.	14.7%	17
I learned about this behavior from the person who engaged in it.	21.6%	25



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I learned about this behavior from a person who observed it.	23.3%	27
I learned about this behavior from someone who reported it to me.	9.5%	11
I learned about this behavior as part of my official duties.	27.6%	32
I learned about this behavior through official Secret Service communication.	13.8%	16
I learned about this behavior from the press, media, or another public source.	42.2%	49
I learned about this behavior through a casual conversation that I considered gossip.	44.0%	51
Other	5.2%	6
<i>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</i>		
b. Did you report the behavior?		
Yes	17.6%	3
No	82.4%	14
<i>If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."</i>		
c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	14.3%	2
I was afraid of reprisal or retaliation for reporting the behavior.	42.9%	6
I do not believe management is supportive of employees reporting the behavior.	50.0%	7
The employee engaged in the behavior while off-duty.	21.4%	3
I did not feel the behavior was serious enough to warrant reporting.	7.1%	1
I was unfamiliar with the process for reporting the behavior.	14.3%	2
I did not believe the employee would be investigated even if reported.	21.4%	3
I did not want to cause an adverse action against a co-worker.	35.7%	5
I did not want to get involved.	28.6%	4
Management was already aware of this behavior.	50.0%	7
Other	7.1%	1
d. Did the contact with foreign nationals that caused a security concern occur during a protective assignment?		
Yes	56.9%	66
No	43.1%	50
e. Which of the following most accurately describes your perception of Secret Service employee's contact with foreign nationals, which causes a security concern?		
This behavior is isolated within the Secret Service.	56.9%	66
This behavior is systemic throughout the Secret Service.	10.3%	12
This behavior is more than isolated but less than systemic.	32.8%	38



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**If the respondent selected: *Personal conduct that causes a security concern***

a. How did you become aware of the personal conduct that caused a security concern? [More than one could be selected]

I have personally observed this behavior.	41.3%	102
I learned about this behavior from the person who engaged in it.	27.1%	67
I learned about this behavior from a person who observed it.	43.7%	108
I learned about this behavior from someone who reported it to me.	17.0%	42
I learned about this behavior as part of my official duties.	25.1%	62
I learned about this behavior through official Secret Service communication.	13.4%	33
I learned about this behavior from the press, media, or another public source.	27.1%	67
I learned about this behavior through a casual conversation that I considered gossip.	47.4%	117
Other	10.5%	26

*If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."*

b. Did you report the behavior?

Yes	33.3%	34
No	66.7%	68

*If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."*

c. If no, why did you not report this behavior? [More than one could be selected]

Someone else reported the behavior.	14.7%	10
I was afraid of reprisal or retaliation for reporting the behavior.	51.5%	35
I do not believe management is supportive of employees reporting the behavior.	66.2%	45
The employee engaged in the behavior while off-duty.	30.9%	21
I did not feel the behavior was serious enough to warrant reporting.	17.6%	12
I was unfamiliar with the process for reporting the behavior.	10.3%	7
I did not believe the employee would be investigated even if reported.	50.0%	34
I did not want to cause an adverse action against a co-worker.	11.8%	8
I did not want to get involved.	23.5%	16
Management was already aware of this behavior.	42.6%	29
Other	16.2%	11

d. Did the personal conduct that caused a security concern occur during a protective assignment?

Yes	40.5%	100
No	59.5%	147



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e. Which of the following most accurately describes your perception of Secret Service employees' personal conduct which causes a security concern?

This behavior is isolated within the Secret Service.	41.3%	102
This behavior is systemic throughout the Secret Service.	15.0%	37
This behavior is more than isolated but less than systemic.	43.7%	108

**About the interviewee**

29. How long have you been employed with the Secret Service?

Less than 1 year	0.7%	19
1-3 years	13.7%	352
4-6 years	14.3%	367
7-9 years	12.1%	311
10 or more years	59.3%	1,526

30. What is your current occupational specialty?

Special Agent	49.0%	1,262
Uniformed Division Police	16.7%	431
Administrative, Professional, and Technical Support Personnel	33.1%	853
Other	1.1%	29

31. What is your current grade (GS or LE)?

1	7.7%	197
2	0.5%	12
3	1.1%	29
4	2.5%	65
5	1.6%	41
6	0.7%	18
7	1.6%	41
8	4.2%	109
9	4.5%	116
10	0.5%	14
11	5.1%	131
12	6.4%	165
13	41.6%	1,070
14	13.4%	344
15	5.4%	139
Senior Executive Service	1.2%	32
Other	2.0%	52



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32. Do you supervise staff?

Yes	26.0%	669
No	74.0%	1,906

33. I have been directly involved in a disciplinary matter.

Yes	17.8%	458
No	82.2%	2,117

34. I have been directly involved in the security clearance adjudication process.

Yes	8.5%	220
No	91.5%	2,355



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**Appendix E**  
**Results of In-Person Surveys**

For all scale questions, responses of "strongly agree" and "agree" are positive, "neither agree nor disagree" is neutral, and "strongly disagree" or "disagree" are negative.							
	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
<b>Reporting and Addressing Misconduct</b>							
1. Appropriate policies and procedures are in place to address employee violations of any law, rule, regulation, or standards of conduct.	91.3%	31.7% 51	59.6% 96	3.7% 6	1.9% 3	0.6% 1	2.5% 4
2. I am aware of avenues available to Secret Service employees to report misconduct.	94.4%	37.3% 60	57.1% 92	4.3% 7	1.2% 2	0.0% 0	NA
3. I can report a suspected violation of any law, rule, regulation, or standards of conduct without fear of retaliation.	65.3%	22.4% 36	42.9% 69	26.7% 43	6.8% 11	1.2% 2	NA
4. I trust my immediate supervisor to respond appropriately to reported misconduct.	85.7%	36.0% 58	49.7% 80	9.3% 15	3.7% 6	1.2% 2	NA
5. If I suspected that my co-workers or managers were engaged in misconduct or illegal activity, I would report it to the appropriate Secret Service officials.	92.6%	52.8% 85	39.8% 64	7.5% 12	0.0% 0	0.0% 0	NA
6. If a <u>senior manager</u> engages in misconduct or illegal activity, he or she is held accountable. <i>[A senior manager supervises several supervisors and their staff.]</i>	63.9%	24.8% 40	39.1% 63	11.8% 19	14.3% 23	2.5% 4	7.5% 12
7. If a <u>supervisor</u> engages in misconduct or illegal activity, he or she is held accountable. <i>[A supervisor is the first-line manager who monitors and regulates employees in their performance of assigned or delegated tasks.]</i>	77.0%	26.7% 43	50.3% 81	10.6% 17	8.7% 14	1.9% 3	1.9% 3



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Reporting and Addressing Misconduct (cont.)	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
8. If a <u>Special Agent</u> engages in misconduct or illegal activity, he or she is held accountable.	68.3%	26.7%	41.6%	11.2%	4.3%	1.2%	14.9%
		43	67	18	7	2	24
9. If a <u>Uniformed Division Police Officer</u> engages in misconduct or illegal activity, he or she is held accountable.	81.3%	36.6%	44.7%	5.0%	1.9%	0.6%	11.2%
		59	72	8	3	1	18
10. If an <u>Administrative, Professional, or Technical Support</u> employee engages in misconduct or illegal activity, he or she is held accountable.	57.7%	24.2%	33.5%	8.1%	1.2%	0.6%	32.3%
		39	54	13	2	1	52
11. Violations of any law, rule, regulation, or standards of conduct are <u>not</u> tolerated within the Secret Service.	78.3%	31.1%	47.2%	11.8%	8.7%	0.6%	0.6%
		50	76	19	14	1	1
12. The Secret Service's disciplinary process is fair.	46.5%	13.0%	33.5%	21.2%	18.0%	6.2%	8.1%
		21	54	34	29	10	13
13. Disciplinary actions within the Secret Service are applied consistently for similar offenses.	36.7%	8.1%	28.6%	16.1%	24.2%	8.1%	14.9%
		13	46	26	39	13	24
14. Disciplinary actions within the Secret Service are at the appropriate level of severity given the offense.	52.8%	13.7%	39.1%	16.1%	15.5%	2.5%	13.0%
		22	63	26	25	4	21
15. If you were to report misconduct by a Secret Service employee, to whom would you report it? [More than one could be selected]							
My direct supervisor				94.4%			152
Another supervisor other than my direct supervisor				32.9%			53
DHS Office of Inspector General				6.8%			11
USSS Equal Employment Opportunity Office				11.2%			18
USSS Inspection Division				19.3%			31
USSS Ombudsman				21.7%			35
Do not know				0.6%			1
Other				3.7%			6
Declined to answer				0.6%			1



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	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
<b>Reporting and Addressing Security Concerns</b>							
16. Appropriate policies and procedures are in place to address security concerns regarding a Secret Service employee.	91.3%	34.2%	57.1%	5.6%	1.2%	0.0%	1.9%
		55	92	9	2	0	3
17. I am aware of avenues available to Secret Service employees to report security concerns regarding a Secret Service employee.	91.9%	32.9%	59.0%	5.0%	3.1%	0.0%	NA
		53	95	8	5	0	
18. I can report a suspected security concern regarding a Secret Service employee without fear of retaliation.	77.0%	26.7%	50.3%	16.8%	6.2%	0.0%	NA
		43	81	27	10	0	
19. I trust my immediate supervisor to respond appropriately to security concerns regarding a Secret Service employee.	86.4%	39.8%	46.6%	10.6%	3.1%	0.0%	NA
		64	75	17	5	0	
20. If I suspected that my co-workers or managers engaged in behavior that caused a security concern, I would report it to the appropriate Secret Service officials.	96.9%	54.7%	42.2%	2.5%	0.6%	0.0%	NA
		88	68	4	1	0	
21. The Secret Service takes appropriate action if a <u>senior manager</u> engages in behavior that causes a security concern. <i>[A senior manager supervises several supervisors and their staff.]</i>	59.6%	21.1%	38.5%	12.4%	8.7%	1.9%	17.4%
		34	62	20	14	3	28
22. The Secret Service takes appropriate action if a <u>supervisor</u> engages in behavior that causes a security concern. <i>[A supervisor is the first-line manager who monitors and regulates employees in their performance of assigned or delegated tasks.]</i>	73.9%	25.5%	48.4%	9.3%	6.2%	0.6%	9.9%
		41	78	15	10	1	16
23. The Secret Service takes appropriate action if a <u>Special Agent</u> engages in behavior that causes a security concern.	62.1%	25.5%	36.6%	9.9%	3.1%	1.2%	23.6%
		41	59	16	5	2	38



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	Percent Positive	Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree	Do Not Know
<b>Reporting and Addressing Security Concerns</b>							
24. The Secret Service takes appropriate action if a <u>Uniformed Division Police Officer</u> engages in behavior that causes a security concern.	75.2%	28.6%	46.6%	8.7%	2.5%	0.0%	13.7%
		46	75	14	4	0	22
25. The Secret Service takes appropriate action if an <u>Administrative, Professional, or Technical</u> employee engages in behavior that causes a security concern.	51.0%	21.2%	29.8%	8.7%	1.2%	0.0%	39.1%
		34	48	14	2	0	63
26. The Secret Service has a fair process for reviewing an employee's eligibility for continued access to classified information as a result of behavior that causes a security concern.	56.6%	22.4%	34.2%	9.3%	3.1%	1.2%	29.8%
		36	55	15	5	2	48

27. If you were to report behavior that causes a security concern, to whom would you report it? [More than one could be selected]

My direct supervisor	94.4%	152
Another supervisor other than my direct supervisor	39.1%	63
DHS Office of Inspector General	5.6%	9
USSS Security Clearance Division	29.2%	47
USSS Inspection Division	20.5%	33
USSS Ombudsman	9.9%	16
Do not know	0.6%	1
Other	3.7%	6
Declined to answer	0.6%	1

**Existence of Certain Behaviors within Secret Service**

28. Using the list below, please select any behaviors by Secret Service employees of which you are aware. [More than one could be selected]

Excessive alcohol consumption that causes a security concern	24.8%	40
Solicitation of prostitute(s)	27.3%	44
Criminal sexual behavior other than solicitation	7.5%	12



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Other sexual behavior that causes a security concern	5.6%	9
Contact with foreign nationals that causes a security concern	11.2%	18
Personal conduct that causes a security concern	7.5%	12
I am not aware of any Secret Service employees engaging in these behaviors	59.0%	95
Declined to answer	1.2%	2
<b>If the respondent selected: Excessive alcohol consumption that causes a security concern</b>		
<b>a. How did you become aware of the excessive alcohol consumption? [More than one could be selected]</b>		
I have personally observed this behavior.	37.5%	15
I learned about this behavior from the person who engaged in it.	20.0%	8
I learned about this behavior from a person who observed it.	45.0%	18
I learned about this behavior from someone who reported it to me.	5.0%	2
I learned about this behavior as part of my official duties.	7.5%	3
I learned about this behavior through official Secret Service communication.	22.5%	9
I learned about this behavior from the press, media, or another public source.	57.5%	23
I learned about this behavior through a casual conversation that I considered gossip.	57.5%	23
Other	0.0%	0
<i>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</i>		
<b>b. Did you report the behavior?</b>		
Yes	6.7%	1
No	93.3%	14
<i>If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."</i>		
<b>c. If no, why did you not report this behavior? [More than one could be selected]</b>		
Someone else reported the behavior.	14.3%	2
I was afraid of reprisal or retaliation for reporting the behavior.	14.3%	2
I do not believe management is supportive of employees reporting the behavior.	21.4%	3
The employee engaged in the behavior while off-duty.	71.4%	10
I did not feel the behavior was serious enough to warrant reporting.	50.0%	7
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	14.3%	2
I did not want to cause an adverse action against a co-worker.	14.3%	2
I did not want to get involved.	21.4%	3



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Management was already aware of this behavior.	28.6%	4
Other	7.1%	1
<b>d. Did the excessive alcohol consumption occur during a protective assignment?</b>		
Yes	55.0%	22
No	42.5%	17
Declined to answer	2.5%	1
<b>e. Which of the following most accurately describes your perception of excessive alcohol consumption in the Secret Service?</b>		
This behavior is isolated within the Secret Service. <sup>36</sup>	70.0%	28
This behavior is systemic throughout the Secret Service. <sup>37</sup>	5.0%	2
This behavior is more than isolated but less than systemic.	25.0%	10
<b>If the respondent selected: Solicitation of Prostitutes</b>		
<b>a. How did you become aware of the solicitation of prostitute(s)? [More than one could be selected]</b>		
I have personally observed this behavior.	0.0%	0
I learned about this behavior from the person who engaged in it.	0.0%	0
I learned about this behavior from a person who observed it.	6.8%	3
I learned about this behavior from someone who reported it to me.	6.8%	3
I learned about this behavior as part of my official duties.	11.4%	5
I learned about this behavior through official Secret Service communication.	43.2%	19
I learned about this behavior from the press, media, or another public source.	95.5%	42
I learned about this behavior through a casual conversation that I considered gossip.	45.5%	20
Other	4.5%	2
<b>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</b>		
<b>b. Did you report the behavior?</b>		
Yes	0.0%	0
No	0.0%	0

<sup>36</sup> Isolated means that the behavior occurs infrequently, among a small percentage of employees who act alone.

<sup>37</sup> Systemic means that the behavior occurs frequently, among a large percentage of employees who act together.



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If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."

c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	0.0%	0
I was afraid of reprisal or retaliation for reporting the behavior.	0.0%	0
I do not believe management is supportive of employees reporting the behavior.	0.0%	0
The employee engaged in the behavior while off-duty.	0.0%	0
I did not feel the behavior was serious enough to warrant reporting.	0.0%	0
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	0.0%	0
I did not want to cause an adverse action against a co-worker.	0.0%	0
I did not want to get involved.	0.0%	0
Management was already aware of this behavior.	0.0%	0
Other	0.0%	0
d. Did the solicitation of prostitute(s) occur during a protective assignment?		
Yes	84.1%	37
No	13.6%	6
Declined to answer	2.3%	1
e. Which of the following most accurately describes your perception of solicitation of prostitute(s) in the Secret Service?		
This behavior is isolated within the Secret Service.	95.5%	42
This behavior is systemic throughout the Secret Service.	0.0%	0
This behavior is more than isolated but less than systemic.	4.5%	2
<b>If the respondent selected: Criminal sexual behavior other than solicitation</b>		
a. How did you become aware of the criminal sexual behavior? [More than one could be selected]		
I have personally observed this behavior.	0.0%	0
I learned about this behavior from the person who engaged in it.	8.3%	1
I learned about this behavior from a person who observed it.	0.0%	0
I learned about this behavior from someone who reported it to me.	8.3%	1
I learned about this behavior as part of my official duties.	8.3%	1
I learned about this behavior through official Secret Service communication.	8.3%	1
I learned about this behavior from the press, media, or another public source.	66.7%	8
I learned about this behavior through a casual conversation that I considered gossip.	58.3%	7
Other	0.0%	0



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If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."

b. Did you report the behavior?		
Yes	0.0%	0
No	0.0%	0

If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."

c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	0.0%	0
I was afraid of reprisal or retaliation for reporting the behavior.	0.0%	0
I do not believe management is supportive of employees reporting the behavior.	0.0%	0
The employee engaged in the behavior while off-duty.	0.0%	0
I did not feel the behavior was serious enough to warrant reporting.	0.0%	0
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	0.0%	0
I did not want to cause an adverse action against a co-worker.	0.0%	0
I did not want to get involved.	0.0%	0
Management was already aware of this behavior.	0.0%	0
Other	0.0%	0

d. Did the criminal sexual behavior occur during a protective assignment?		
Yes	0.0%	0
No	100.0%	12

e. Which of the following most accurately describes your perception of criminal sexual behavior in the Secret Service?		
This behavior is isolated within the Secret Service.	100.0%	12
This behavior is systemic throughout the Secret Service.	0.0%	0
This behavior is more than isolated but less than systemic.	0.0%	0

If the respondent selected: *Other sexual behavior that causes a security concern*

a. How did you become aware of the sexual behavior that caused a security concern? [More than one could be selected]		
I have personally observed this behavior.	11.1%	1
I learned about this behavior from the person who engaged in it.	11.1%	1
I learned about this behavior from a person who observed it.	22.2%	2
I learned about this behavior from someone who reported it to me.	0.0%	0
I learned about this behavior as part of my official duties.	0.0%	0
I learned about this behavior through official Secret Service communication.	11.1%	1



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I learned about this behavior from the press, media, or another public source.	11.1%	1
I learned about this behavior through a casual conversation that I considered gossip.	77.8%	7
Other	11.1%	1
<i>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</i>		
b. Did you report the behavior?		
Yes	100.0%	1
No	0.0%	0
<i>If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."</i>		
c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	0.0%	0
I was afraid of reprisal or retaliation for reporting the behavior.	0.0%	0
I do not believe management is supportive of employees reporting the behavior.	0.0%	0
The employee engaged in the behavior while off-duty.	0.0%	0
I did not feel the behavior was serious enough to warrant reporting.	0.0%	0
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	0.0%	0
I did not want to cause an adverse action against a co-worker.	0.0%	0
I did not want to get involved.	0.0%	0
Management was already aware of this behavior.	0.0%	0
Other	0.0%	0
d. Did the sexual behavior, other than prostitution or criminal sexual behavior, which caused a security concern, occur during a protective assignment?		
Yes	55.6%	5
No	44.4%	4
e. Which of the following most accurately describes your perception of Secret Service employees' engaging in sexual behavior, other than prostitution or criminal sexual behavior, which causes a security concern?		
This behavior is isolated within the Secret Service.	88.9%	8
This behavior is systemic throughout the Secret Service.	11.1%	1
This behavior is more than isolated but less than systemic.	0.0%	0



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**If the respondent selected: *Contact with foreign nationals that causes a security concern***

a. How did you become aware of the contact with foreign nationals that caused a security concern? [More than one could be selected]

I have personally observed this behavior.	5.6%	1
I learned about this behavior from the person who engaged in it.	0.0%	0
I learned about this behavior from a person who observed it.	5.6%	1
I learned about this behavior from someone who reported it to me.	5.6%	1
I learned about this behavior as part of my official duties.	5.6%	1
I learned about this behavior through official Secret Service communication.	38.9%	7
I learned about this behavior from the press, media, or another public source.	55.6%	10
I learned about this behavior through a casual conversation that I considered gossip.	61.1%	11
Other	11.1%	2

*If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."*

b. Did you report the behavior?

Yes	0.0%	0
No	100.0%	1

*If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."*

c. If no, why did you not report this behavior? [More than one could be selected]

Someone else reported the behavior.	100.0%	1
I was afraid of reprisal or retaliation for reporting the behavior.	0.0%	0
I do not believe management is supportive of employees reporting the behavior.	0.0%	0
The employee engaged in the behavior while off-duty.	0.0%	0
I did not feel the behavior was serious enough to warrant reporting.	0.0%	0
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	0.0%	0
I did not want to cause an adverse action against a co-worker.	0.0%	0
I did not want to get involved.	0.0%	0
Management was already aware of this behavior.	0.0%	0
Other	0.0%	0

d. Did the contact with foreign nationals that caused a security concern occur during a protective assignment?

Yes	50.0%	9
No	38.9%	7



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Declined to answer	11.1%	2
e. Which of the following most accurately describes your perception of Secret Service employee's contact with foreign nationals, which causes a security concern?		
This behavior is isolated within the Secret Service.	100.0%	18
This behavior is systemic throughout the Secret Service.	0.0%	0
This behavior is more than isolated but less than systemic.	0.0%	0
<i>If the respondent selected: Personal conduct that causes a security concern</i>		
a. How did you become aware of the personal conduct that caused a security concern? [More than one could be selected]		
I have personally observed this behavior.	50.0%	6
I learned about this behavior from the person who engaged in it.	16.7%	2
I learned about this behavior from a person who observed it.	41.7%	5
I learned about this behavior from someone who reported it to me.	25.0%	3
I learned about this behavior as part of my official duties.	8.3%	1
I learned about this behavior through official Secret Service communication.	16.7%	2
I learned about this behavior from the press, media, or another public source.	16.7%	2
I learned about this behavior through a casual conversation that I considered gossip.	75.0%	9
Other	8.3%	1
<i>If the respondent answered "I have personally observed this behavior," he/she proceeded to "b." If not, he/she proceeded to "d."</i>		
b. Did you report the behavior?		
Yes	50.0%	3
No	50.0%	3
<i>If the respondent answered "Yes," he/she proceeded to "d." If the respondent answered "No," he/she proceeded to "c."</i>		
c. If no, why did you not report this behavior? [More than one could be selected]		
Someone else reported the behavior.	66.7%	2
I was afraid of reprisal or retaliation for reporting the behavior.	66.7%	2
I do not believe management is supportive of employees reporting the behavior.	33.3%	1
The employee engaged in the behavior while off-duty.	66.7%	2
I did not feel the behavior was serious enough to warrant reporting.	33.3%	1
I was unfamiliar with the process for reporting the behavior.	0.0%	0
I did not believe the employee would be investigated even if reported.	0.0%	0
I did not want to cause an adverse action against a co-worker.	33.3%	1



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I did not want to get involved.	33.3%	1
Management was already aware of this behavior.	100.0%	3
Other	0.0%	0
d. Did the personal conduct that caused a security concern occur during a protective assignment?		
Yes	41.7%	5
No	50.0%	6
Declined to answer	8.3%	1
e. Which of the following most accurately describes your perception of Secret Service employees' personal conduct which causes a security concern?		
This behavior is isolated within the Secret Service.	75.0%	9
This behavior is systemic throughout the Secret Service.	8.3%	1
This behavior is more than isolated but less than systemic.	16.7%	2
<b>About the Interviewee</b>		
35. How long have you been employed with the Secret Service?		
Less than 1 year	0.0%	0
1-3 years	16.8%	27
4-6 years	16.1%	26
7-9 years	14.3%	23
10 or more years	52.8%	85
36. What is your current occupational specialty?		
Special Agent	33.5%	54
Uniformed Division Police	60.9%	98
Administrative, Professional, and Technical Support Personnel	5.0%	8
Other	0.6%	1
37. What is your current grade (GS or LE)?		
1	23.0%	37
2	1.2%	2
3	3.1%	5
4	5.0%	8
5	3.1%	5
6	1.9%	3
7	3.1%	5
8	1.2%	2
9	1.9%	3
10	0.6%	1



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11	3.7%	6
12	2.5%	4
13	29.2%	47
14	4.3%	7
15	1.9%	3
Senior Executive Service	0.6%	1
Other	12.4%	20
Declined to answer	0.6%	1
38. Do you supervise staff?		
Yes	24.8%	40
No	75.2%	121
39. I have been directly involved in a disciplinary matter.		
Yes	19.3%	31
No	80.7%	130
40. I have been directly involved in the security clearance adjudication process.		
Yes	8.1%	13
No	91.9%	148



**Appendix F**  
**Adjudicative Guidelines for Determining Eligibility for Access to Classified Information**

Adjudicative Guidelines identify 13 criteria for consideration when determining eligibility for initial or continued access to classified information. They are:

Adjudicative Guidelines	Conditions that could raise a security concern and may be disqualifying
<p><b>Guideline A: Allegiance to the United States</b></p>	<p>(a) involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States of America; (b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts; (c) association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to: (1) overthrow or influence the government of the United States or any state or local government; (2) prevent Federal, state, or local government personnel from performing their official duties; (3) gain retribution for perceived wrongs caused by the Federal, state, or local government; (4) prevent others from exercising their rights under the Constitution or laws of the United States or of any state.</p>
<p><b>Guideline B: Foreign Influence</b></p>	<p>(a) contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information; (c) counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security; (d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; (e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation; (f) failure to report, when required, association with a foreign national; (g) unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service; (h) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion; (i) conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.</p>



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<p><b>Guideline C: Foreign Preference</b></p>	<p>(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport; (2) military service or a willingness to bear arms for a foreign country; (3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country; (4) residence in a foreign country to meet citizenship requirements; (5) using foreign citizenship to protect financial or business interests in another country; (6) seeking or holding political office in a foreign country; (7) voting in a foreign election; (b) action to acquire or obtain recognition of a foreign citizenship by an American citizen; (c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest; (d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.</p>
<p><b>Guideline D: Sexual Behavior</b></p>	<p>(a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted; (b) a pattern of compulsive, self-destructive, or high-risk sexual behavior that the person is unable to stop or that may be symptomatic of a personality disorder; (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; (d) sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.</p>
<p><b>Guideline E: Personal Conduct</b></p>	<p>(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities; (b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative; (c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information; (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of: (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information; (2) disruptive, violent, or other inappropriate behavior in the workplace; (3) a pattern of dishonesty or rule violations; (4) evidence of significant misuse of Government or other employer's time or resources; (e) personal conduct or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if</p>



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	<p>known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group; (f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment; (g) association with persons involved in criminal activity.</p>
<p><b>Guideline F: Financial Considerations</b></p>	<p>(a) inability or unwillingness to satisfy debts; (b) indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt. (c) a history of not meeting financial obligations; (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust; (e) consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis; (f) financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern; (g) failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same; (h) unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject's known legal sources of income; (i) compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, "chasing losses" (i.e., increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling.</p>
<p><b>Guideline G: Alcohol Consumption</b></p>	<p>(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; (b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; (d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence; (e) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program; (f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program; (g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.</p>
<p><b>Guideline H: Drug Involvement</b></p>	<p>(a) Any drug abuse (see above definition); (b) testing positive for illegal drug use; (c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; (d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence; (e) evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment</p>



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	program; (f) failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional; (g) any illegal drug use after being granted a security clearance; (h) expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use.
<b>Guideline I: Psychological Conditions</b>	(a) behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior; (b) an opinion by a duly qualified mental health professional that the individual has a condition not covered under any other guideline that may impair judgment, reliability, or trustworthiness; (c) the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g. failure to take prescribed medication.
<b>Guideline J: Criminal Conduct</b>	(a) a single serious crime or multiple lesser offenses; (b) discharge or dismissal from the Armed Forces under dishonorable conditions; (c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted; (d) individual is currently on parole or probation; (e) violation of parole or probation, or failure to complete a court-mandated rehabilitation program.
<b>Guideline K: Handling Protected Information</b>	(a) deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences; (b) collecting or storing classified or other protected information in any unauthorized location; (c) loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, gameboard, handheld, "palm" or pocket device or other adjunct equipment; (d) inappropriate efforts to obtain or view classified or other protected information outside one's need to know; (e) copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings; (f) viewing or downloading information from a secure system when the information is beyond the individual's need to know; (g) any failure to comply with rules for the protection of classified or other sensitive information; (h) negligence or lax security habits that persist despite counseling by management; (i) failure to comply with rules or regulations that results in damage to the National Security, regardless of whether it was deliberate or negligent.
<b>Guideline L: Outside Activities</b>	(a) any employment or service, whether compensated or volunteer, with: (1) the government of a foreign country; (2) any foreign national, organization, or other entity; (3) a representative of any foreign interest; (4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology; (b) failure to report or fully disclose an outside activity when this is required.



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<p><b>Guideline M: Use of Information Technology Systems</b></p>	<p>(a) illegal or unauthorized entry into any information technology system or component thereof; (b) illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware in an information technology system; (c) use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system; (d) downloading, storing, or transmitting classified information on or to any unauthorized software, hardware, or information technology system; (e) unauthorized use of a government or other information technology system; (f) introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations. (g) negligence or lax security habits in handling information technology that persist despite counseling by management; (h) any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.</p>
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Source: Memo from Stephen Hadley on December 29, 2005, Attachment A: *"Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information"*.



## Appendix G Disposition Summaries for 13 Employees Investigated in Connection with Events in Cartagena

### Employee 1

Employee 1 told inspectors he [REDACTED] the FFN, and that the FFN [REDACTED]. The FFN confirmed Employee 1's description of events. On the night of the incident, he consumed [REDACTED] drinks. Employee 1 was evaluated as "[REDACTED] indicated" on a national security polygraph examination. On [REDACTED], SCD suspended Employee 1's Top Secret security clearance. [REDACTED]

[REDACTED] SCD reinstated Employee 1's security clearance, with a warning, on [REDACTED]. The security clearance reinstatement letter, which warns that any future incident involving conduct which raises a security concern may result in the immediate suspension and revocation of Top Secret clearance, cites concerns related to the following adjudicative guidelines as conduct calling into question suitability for a security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline E (personal conduct); and
- Adjudicative Guideline G (alcohol consumption).

On [REDACTED] Employee 1 was issued a Memorandum of Counseling as a result of this incident.

### Employee 2

Employee 2 told inspectors he and the FFN [REDACTED], and that the FFN [REDACTED]. Inspectors could not locate the FFN. However, the FFN who was with Employee 12 told inspectors the woman [REDACTED]. On the night of the incident, Employee 2 consumed [REDACTED]. Employee 2 was evaluated as "[REDACTED] indicated" on a national security polygraph examination, and was evaluated as [REDACTED]. On [REDACTED], SCD suspended Employee 2's Top Secret security clearance. SCD reinstated Employee 2's security clearance, with a warning, on [REDACTED]. The security clearance reinstatement letter, which warns that any future incident involving conduct which raises a security concern may result in the immediate suspension and revocation of Top Secret clearance, cites concerns related to



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the following adjudicative guidelines as conduct calling into question suitability for a security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline D (sexual behavior);
- Adjudicative Guideline E (personal conduct); and
- Adjudicative Guideline G (alcohol consumption).

On [REDACTED] Employee 2 was issued a Memorandum of Counseling as a result of this incident.

**Employee 3**

Employee 3 told inspectors he [REDACTED] the FFN, but that while [REDACTED] The employee said he [REDACTED]

On the night of the incident, Employee 3 consumed [REDACTED] The FFN confirmed that [REDACTED] Employee 3 [REDACTED] The FFN told inspectors the employee paid [REDACTED] take her back to his hotel. On [REDACTED] SCD suspended Employee 3's Top Secret security clearance.

Employee 3 was evaluated as "[REDACTED] indicated" on a national security polygraph examination and was evaluated as [REDACTED] SCD reinstated Employee 3's security clearance, with a warning, on [REDACTED] The security clearance reinstatement letter, which warns that any future incident involving conduct which raises a security concern may result in the immediate suspension and revocation of Top Secret clearance, cites concerns related to the following adjudicative guidelines as conduct calling into question suitability for a security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline E (personal conduct); and
- Adjudicative Guideline G (alcohol consumption).

On [REDACTED] Employee 3 was issued a Memorandum of Counseling as a result of this incident.



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**Employee 4**

Employee 4 voluntarily informed inspectors that on [REDACTED] he [REDACTED] with an FFN [REDACTED]. Employee 4 said [REDACTED]. On the night of the incident, he consumed [REDACTED]. SCD suspended Employee 4's Top Secret security clearance. Employee 4 was evaluated as [REDACTED] "indicated" on a national security polygraph examination, and was evaluated as [REDACTED]. The FFN involved could not be located. [REDACTED], SCD issued to Employee 4 a Notice of Determination revoking his security clearance. The Notice of Determination cites security concerns related to the following guidelines as reasons for the revocation of his security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline D (sexual behavior); and
- Adjudicative Guideline E (personal conduct).

Employee [REDACTED]

[REDACTED] revocation of Employee 4's security clearance. The CSO said [REDACTED]

[REDACTED] The CSO concluded the employee's conduct showed poor judgment, a failure to exercise self control, and a disregard for security rules and regulation, and that the employee's [REDACTED]

[REDACTED] Employee 4 resigned from the agency [REDACTED]

**Employee 5**

USSS' interviews with Employee 5 and the FFN confirmed that the subject paid for sexual services and was [REDACTED] the supervisor who conducted the management inquiry in Colombia. Employee 5 wrote in a sworn statement that [REDACTED]



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[REDACTED] On the night of the incident, he consumed [REDACTED]. On [REDACTED], SCD suspended Employee 5's Top Secret security clearance.

[REDACTED] USSS proposed the removal of Employee 5. The proposed removal was based on Conduct Unbecoming a Secret Service [REDACTED]. The Notice of Proposed Removal letter states the employee paid a prostitute for sexual services and cites the following violations as reasons for proposed removal:

- USSS standards of conduct (USSS PER-05(1));
- notoriously disgraceful conduct, or other conduct that is prejudicial to the Government (USSS PER-05(2)); and
- negligence in the performance of official duties, conduct which brings disrepute to the agency (USSS PER-05(5)).

With regard to security concerns, the Notice of Proposed Removal for Employee 5 states the employee's actions could provide a foreign intelligence service, security service, or other criminal element the means to exert coercion or blackmail. However, USSS made the determination to initiate the security clearance revocations process following a recommendation by the DHS Office of Chief Human Capital Officer to revoke the employee's security clearance [REDACTED].

[REDACTED], SCD revoked Employee 5's security clearance, and USSS subsequently [REDACTED]. The Notice of Determination for security clearance revocation cites security concerns related to the following guidelines as reasons for the revocation of his security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline D (sexual behavior); and
- Adjudicative Guideline E (personal conduct, including lack of candor and dishonesty).

[REDACTED]  
Employee 5 believed the agency [REDACTED].  
Furthermore, Employee 5 [REDACTED].



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[REDACTED] Employee 5 said he [REDACTED].

In our previous report, we credited the initial management inquiry conducted by the Miami SAIC immediately following the incident with helping USSS respond to the incident. Regarding [REDACTED]

[REDACTED] This employee's security clearance was revoked. [REDACTED] an employee [REDACTED] and arrived at the airport accompanied by unknown females (see page 45).

[REDACTED] the revocation of Employee 5's security clearance. [REDACTED]

[REDACTED] Employee 5 was removed from the USSS effective [REDACTED].

[REDACTED], Employee 5 alleged [REDACTED] was denying him due process [REDACTED] The Chair of the Board explained that [REDACTED]



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**Employee 6**

Employee 6 told USSS Inspectors he engaged [REDACTED] with an FFN in his hotel room. He said the FFN [REDACTED]. The FFN stated Employee 6 paid for sexual services. On the night of the incident, Employee 6 consumed [REDACTED]. On [REDACTED], SCD suspended Employee 6's Top Secret security clearance. [REDACTED]

Employee 6 was evaluated as [REDACTED] "indicated" on a national security polygraph examination. [REDACTED]

[REDACTED] SCD issued to Employee 6 a Notice of Determination revoking his security clearance. The Notice of Determination cites security concerns related to the following guidelines as reasons for the revocation of his security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline D (sexual behavior); and
- Adjudicative Guideline E (personal conduct, including lack of candor and dishonesty).

[REDACTED] USSS proposed [REDACTED]



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[REDACTED] Furthermore, Employee 6 argued that he was denied due process [REDACTED] allegations and concerns outlined in the Notice of Determination to revoke his security clearance.

[REDACTED] the revocation of Employee 6's security clearance. [REDACTED]

[REDACTED] decision to revoke Employee 6's security clearance [REDACTED]

[REDACTED] Furthermore, the letter cites [REDACTED] lack of discretion and poor judgment related to his decision to bring an FFN prostitute to his hotel room, as actions calling into question Employee 6's ability to protect classified information.

[REDACTED], subsequent to the revocation of Employee 6's security clearance by the Board, USSS issued to the employee a notice proposing removal from the agency. Employee 6 was removed from the USSS effective [REDACTED]

**Employee 7**

Employee 7 [REDACTED] told inspectors he engaged in [REDACTED] with the FFN, [REDACTED] The FFN told inspectors that [REDACTED] Employee 7 to take her to his hotel. On the night of the incident,



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Employee 7 consumed [REDACTED]. [REDACTED]. After the examination, Employee 7 admitted to unreported contact with a foreign national. Furthermore, [REDACTED]. [REDACTED]. On [REDACTED] SCD suspended Employee 7's Top Secret security clearance.

[REDACTED] Employee 7 resigned effective [REDACTED]. [REDACTED]. Employee 7 engaged in [REDACTED] after the incident.

[REDACTED] SCD revoked his security clearance. The Notice of Determination cites security concerns related to the following guidelines as reasons for the revocation of his security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline D (sexual behavior); and
- Adjudicative Guideline E (personal conduct, including lack of candor and dishonesty).

[REDACTED] USSS proposed [REDACTED] for Employee 7 based on his failure to maintain Top Secret clearance.

[REDACTED] the revocation of Employee 7's security clearance. [REDACTED] the employee's behavior in Cartagena placed him



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in a position where he was vulnerable to the threat of personal harm, coercion, or blackmail. [REDACTED]

[REDACTED]

USSS issued to the employee a notice proposing removal from the agency. Employee 7 was removed from the USSS effective [REDACTED]

Employee 7 told OIG investigators that [REDACTED]. The employee confirmed traveling to the country and having sexual relations with a foreign national, and did not initially report the international travel to SCD. [REDACTED]

[REDACTED] Upon returning to the United States, the employee reported the foreign national contacts from his Colombia trip to SCD.

**Employee 8**

Employee 8, [REDACTED] arrived in Cartagena on April [REDACTED], 2012. He brought [REDACTED] FFNs back to his hotel room. Employee 8 told inspectors [REDACTED] the FFNs asked that he pay for sexual services. [REDACTED] FFNs told inspectors that [REDACTED]

[REDACTED] FFNs told inspectors [REDACTED] engaged in sexual services with the employee. [REDACTED] On the night of the incident, Employee 8 consumed [REDACTED] Employee 8 was evaluated as "[REDACTED]" indicated on a national security polygraph examination,



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and was evaluated as [REDACTED]  
[REDACTED] SCD suspended Employee 8's Top Secret security clearance.

[REDACTED]

[REDACTED] SCD revoked his security clearance. The Notice of Determination cites security concerns related to the following guidelines as reasons for the revocation of his security clearance:

- Adjudicative Guideline B (foreign influence);
- Adjudicative Guideline D (sexual behavior);
- Adjudicative Guideline G (alcohol consumption); and
- Adjudicative Guideline E (personal conduct, including lack of candor and dishonesty).

The following day, USSS proposed [REDACTED] Employee 8's failure to maintain Top Secret clearance.

[REDACTED]  
[REDACTED] . Further, he argued that [REDACTED] that an SCD representative communicated to USSS employees during a briefing that a one-night stand would not need to be reported as a foreign contact.

[REDACTED] the revocation of Employee 8's security clearance.  
[REDACTED]  
the seriousness of roles and responsibilities of USSS. The CSO concluded that Employee 8's decision to bring [REDACTED] back to the hotel [REDACTED]  
[REDACTED] showed questionable judgment raising concerns about his lack of discretion, trustworthiness, and ability to protect classified information. In addition, with regard to Employee 8's [REDACTED]  
[REDACTED]



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[REDACTED]

[REDACTED] Employee 8 was advised that the proposal [REDACTED]  
[REDACTED] the revocation of Employee 8's security clearance, citing lack of discretion and poor judgment in bringing [REDACTED] back to his hotel room [REDACTED] the President was scheduled to arrive in Cartagena, [REDACTED], as raising concerns about the employee's ability to protect classified information. [REDACTED]

**Employee 9**

Employee 9 arrived in Cartagena April [REDACTED], 2012. That night, he solicited an FFN prostitute and engaged in [REDACTED] with her in his hotel room. Interviews with Employee 9 and the FFN confirmed that he paid for sexual services. On the night of the incident, he consumed [REDACTED]. On [REDACTED] SCD suspended Employee 9's Top Secret security clearance. [REDACTED] SCD suspended Employee 9's security clearance on [REDACTED]. The Notice of Suspension of Top Secret Clearance letter cites "possible inappropriate involvement with a foreign national while on a protective assignment in a foreign country" as the reason for security clearance suspension. [REDACTED]

Employee 9 alleged that he felt coerced [REDACTED]. Employee 9 faced removal [REDACTED]. However, as previously discussed, when an agency warns an employee of its intent to take legitimate disciplinary action and there is no evidence that the employee was not able to exercise a free choice, the employee's decision to resign is not considered coerced.<sup>38</sup>

<sup>38</sup> *Braun v. Department of Veterans' Affairs*, 50 F.3d 1005, 1007 (Fed. Cir. 1995).



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**Employee 10**

Employee 10, [REDACTED] arrived in Cartagena on April [REDACTED] 2012. On the night of April [REDACTED] 2012, Employee 10 brought an FFN to his hotel room. [REDACTED] FFN told inspectors that she and Employee 10 engaged in [REDACTED]. The FFN said payment for sexual services was both requested and received, though the FFN told inspectors that payment was not discussed prior to sex. On the night of the incident, he consumed [REDACTED]. [REDACTED] SCD suspended Employee 10's security clearance on [REDACTED]. The Notice of Suspension of Top Secret Clearance letter cites possible inappropriate involvement with a foreign national while on a protective assignment in a foreign country as the reason for security clearance suspension.

[REDACTED] USSS provided Employee 10 with [REDACTED]. The letter states that due to the employee's security clearance suspension, it was determined that [REDACTED]. [REDACTED] Employee 10 submitted a letter of resignation [REDACTED]. The employee states in resignation documents that his decision was made under limited time and therefore under duress.

**Employee 11**

Employee 11 arrived in Cartagena April [REDACTED] 2012. On the night April [REDACTED] 2012, he brought an FFN to his hotel room. Employee 11 [REDACTED] the FFN said she and Employee 11 engaged in [REDACTED], and that the USSS employee paid for sex [REDACTED]. On the night of the incident he consumed [REDACTED]. Employee 11 was evaluated as [REDACTED] "indicated" on a national security polygraph examination, and was evaluated as [REDACTED].

SCD suspended Employee 11's security clearance on [REDACTED] citing possible inappropriate involvement with a foreign national while on a protective assignment in a foreign country as the reason for security clearance suspension. [REDACTED] Employee 11 resigned, effective [REDACTED].

[REDACTED]



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[REDACTED]

Employee 11 alleged during an interview with OIG investigators that [REDACTED]

Employee 11 said [REDACTED] Employee 11's assertion that [REDACTED]

[REDACTED]

**Employee 12**

Employee 12 arrived in Cartagena on April [REDACTED] 2012. [REDACTED], he brought an FFN back to his hotel room. Employee 12 told inspectors he engaged in [REDACTED] with the FFN, and that payment was requested [REDACTED]. He said [REDACTED]. The FFN told inspectors that payment for sexual services was discussed prior to engaging in sexual intercourse, [REDACTED]. On the night of the incident, he consumed [REDACTED]. Employee 12 was evaluated as [REDACTED] "indicated" on a national security polygraph examination, and was evaluated as [REDACTED]. During the course of the investigation, [REDACTED].

SCD suspended Employee 12's security clearance on [REDACTED] citing possible inappropriate involvement with a foreign national while on a protective assignment in a foreign country as the reason for security clearance suspension. Employee 12 resigned effective [REDACTED].

Employee 12 alleged that [REDACTED]. However, we determined [REDACTED]. USSS determined [REDACTED].



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[REDACTED]

**Employee 13**

Employee 13 arrived in Cartagena April [REDACTED], 2012. [REDACTED] April [REDACTED] 2012, he brought an FFN back to his hotel room. Employee 13 told inspectors he and the FFN engaged in [REDACTED]. Furthermore, the employee said he gave the FFN money, but that payment had not been discussed prior to sex. Employee 13 was evaluated as [REDACTED] "indicated" on a national security polygraph. [REDACTED]

[REDACTED] On the night of the incident, he consumed [REDACTED]

SCD suspended Employee 13's Top Security clearance on April [REDACTED], 2012, due to an investigation into his possible inappropriate involvement with a foreign national while on a protective assignment in a foreign country. [REDACTED], Employee 13 agreed to resign, effective [REDACTED].



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**Appendix H**  
**Contributors to This Report**

**Major Contributors**

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**OFFICE OF INSPECTOR GENERAL**  
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**Appendix I**  
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