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**Friday, December 20, 2013**

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# Department of Homeland Security **Office of Inspector General**

## **Adequacy of USSS Efforts to Identify, Mitigate, and Address Instances of Misconduct and Inappropriate Behavior**

**(Redacted)**



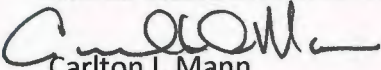


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Department of Homeland Security

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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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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## Table of Contents

Executive Summary .....	1
Background .....	2
Results of Review .....	8
We Did Not Discover Evidence that Misconduct or Inappropriate Behavior is Widespread in USSS.....	10
Survey Respondents Have Varying Perceptions of Whether Management Tolerates Misconduct and Holds Employees Accountable.....	31
Survey Results for Reporting Inappropriate Behaviors Related to Conduct Standards and Adjudicative Guidelines .....	36
USSS Needs To Clarify When Misconduct Cases Should Be Handled by Managers and Supervisors.....	43
Recommendations .....	44
Management Comments and OIG Analysis .....	44
USSS Did Not Fully Investigate Allegations that an Employee Engaged in Misconduct While on Official Travel in a Foreign Country .....	45
Recommendations .....	49
Management Comments and OIG Analysis .....	50
Policies and Procedures for Proposing and Issuing Discipline are Insufficient ....	50
Recommendations .....	59
Management Comments and OIG Analysis .....	59
USSS is Not Always in Compliance with Federal Disciplinary Regulations .....	60
Recommendations .....	62
Management Comments and OIG Analysis .....	63
Internal Controls are Insufficient to Ensure Discipline is Aligned with Agency Principles.....	63
Recommendations .....	68
Management Comments and OIG Analysis .....	68



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Adjudication of Discipline and Security Concerns Following the Cartagena Incident ..... 70

Security Appeals Board Appointments and Composition Need Attention ..... 74

Recommendations ..... 75

Management Comments and OIG Analysis ..... 75

**Appendixes**

Appendix A: Objectives, Scope, and Methodology ..... 77

Appendix B: Management Comments to the Draft Report ..... 83

Appendix C: About Survey Items..... 90

Appendix D: Results of Electronic Surveys ..... 91

Appendix E: Results of In-person Surveys ..... 104

Appendix F: Adjudicative Guidelines for Determining Eligibility for Access to Classified Information ..... 117

Appendix G: Disposition Summaries for 13 Employees Investigated in Connection with Events in Cartagena ..... 122

Appendix H: Contributors to This Report ..... 136

Appendix I: Report Distribution ..... 137

**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



## **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.





## 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

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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

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<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 § 6.2).

<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)



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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

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<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

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<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".



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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**

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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

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<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)



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.



## 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

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<sup>15</sup> The survey results in our report are unweighted and represent only USSS employees who completed surveys.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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



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

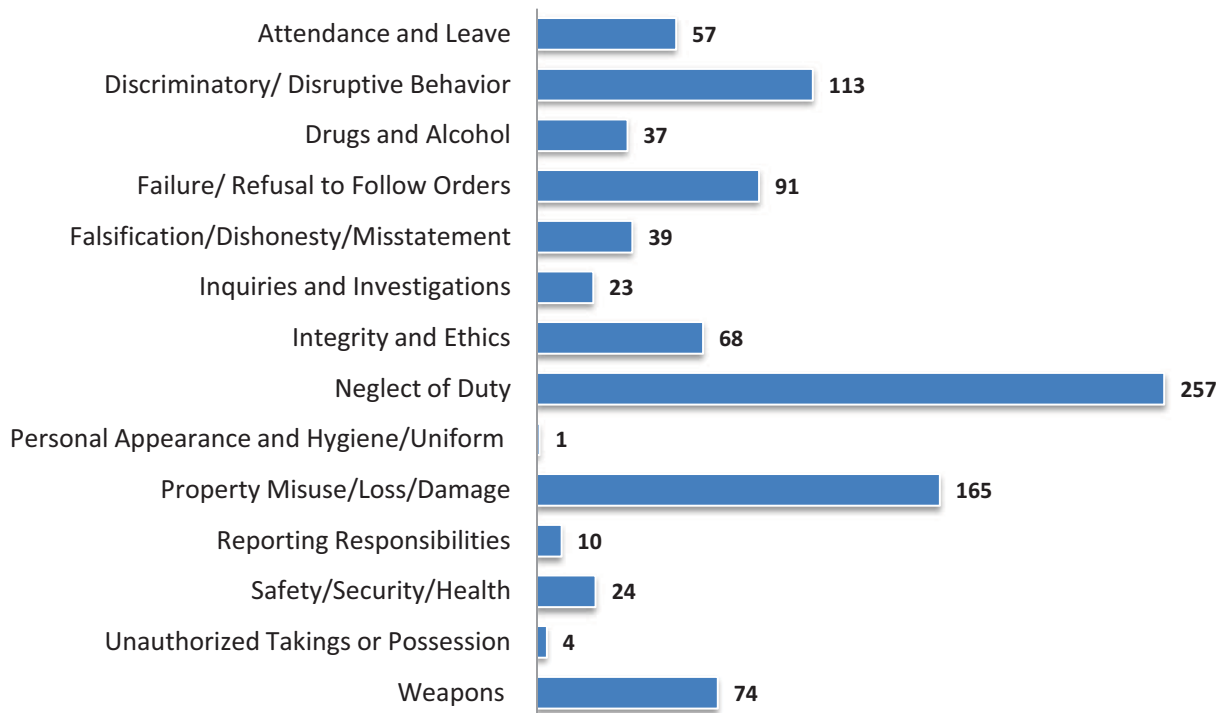
Source: USSS ERB



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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.



### **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**

<b>Year</b>	<b>USSS Security Clearance Suspensions</b>	<b>USSS Security Clearance Warnings</b>
<b>2004</b>	4	0
<b>2005</b>	18	0
<b>2006</b>	14	0
<b>2007</b>	13	5
<b>2008</b>	13	5
<b>2009</b>	19	6
<b>2010</b>	22	9
<b>2011</b>	37	11
<b>2012</b>	45	28

Source: USSS SCD

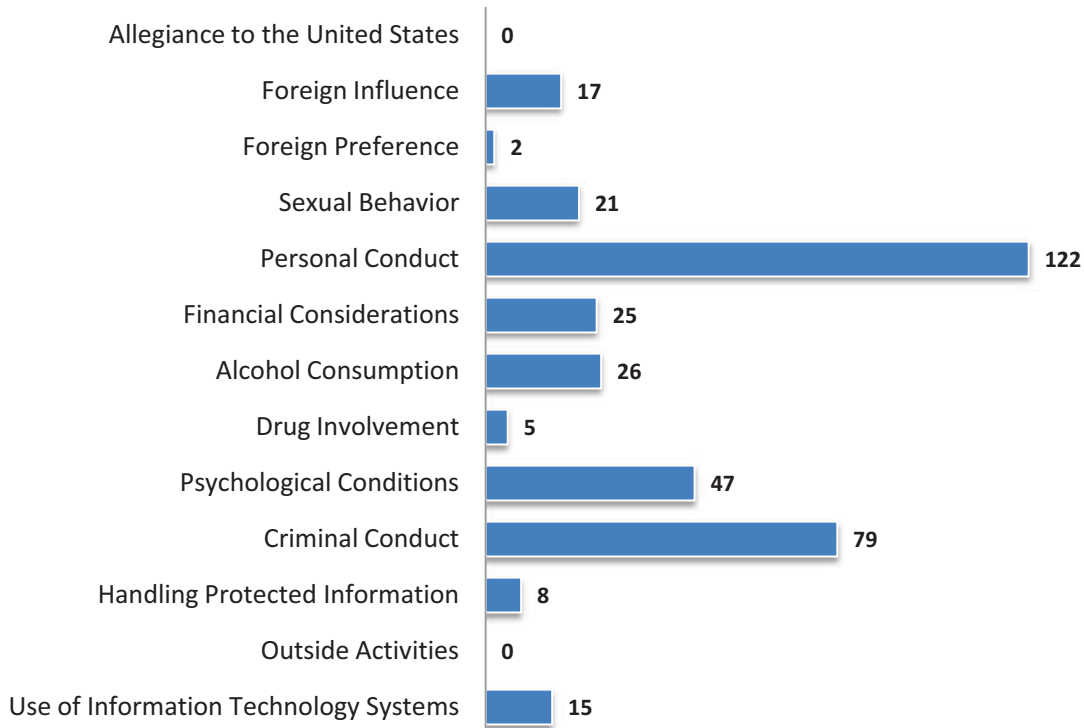
Note: We excluded SCD actions from 2013.



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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**



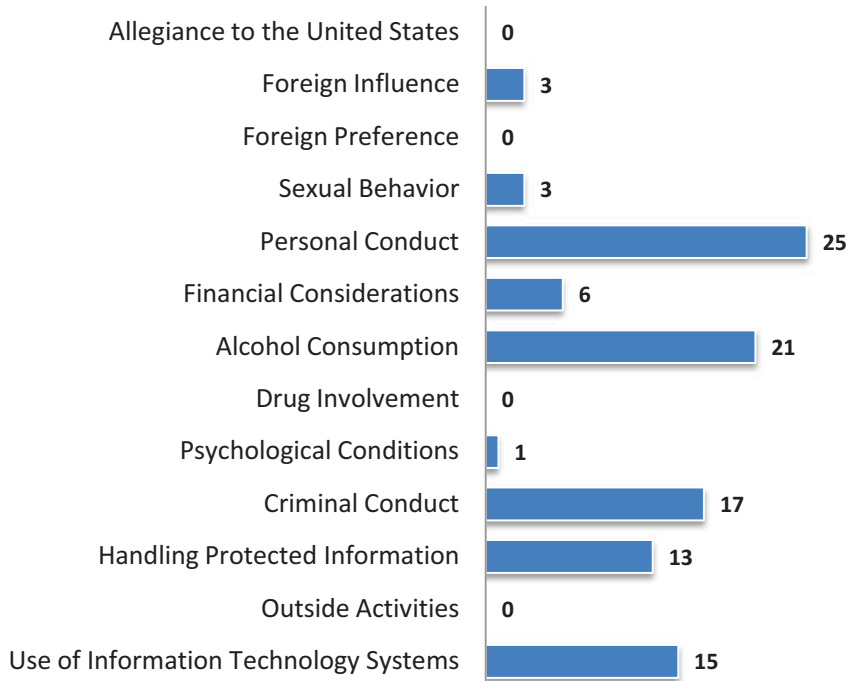
**Source: USSS SCD**

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



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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:

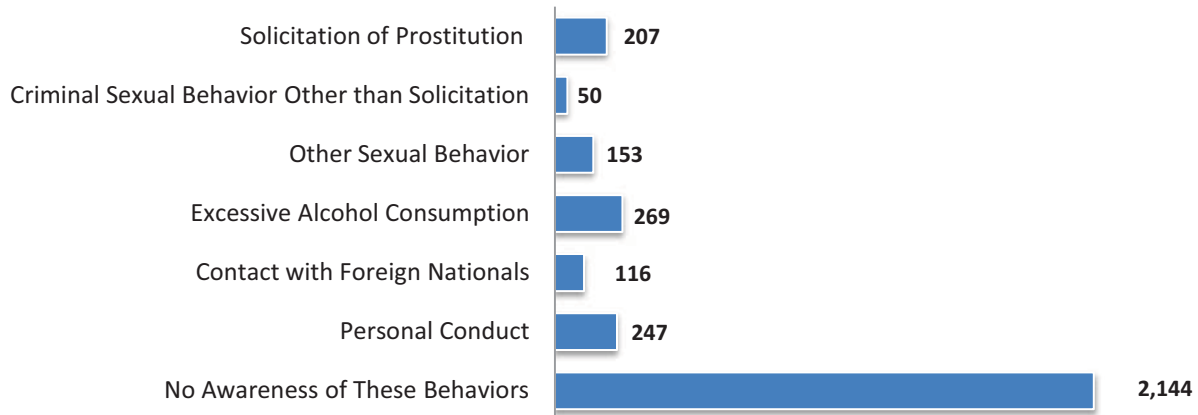
- Solicitation of prostitutes;
- Criminal sexual behavior;
- Other sexual behavior that can cause a security concern;
- Excessive alcohol consumption that can cause a security concern;
- Contact with foreign nationals that causes a security concern; and
- Personal conduct that can cause a security concern.

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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]





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.

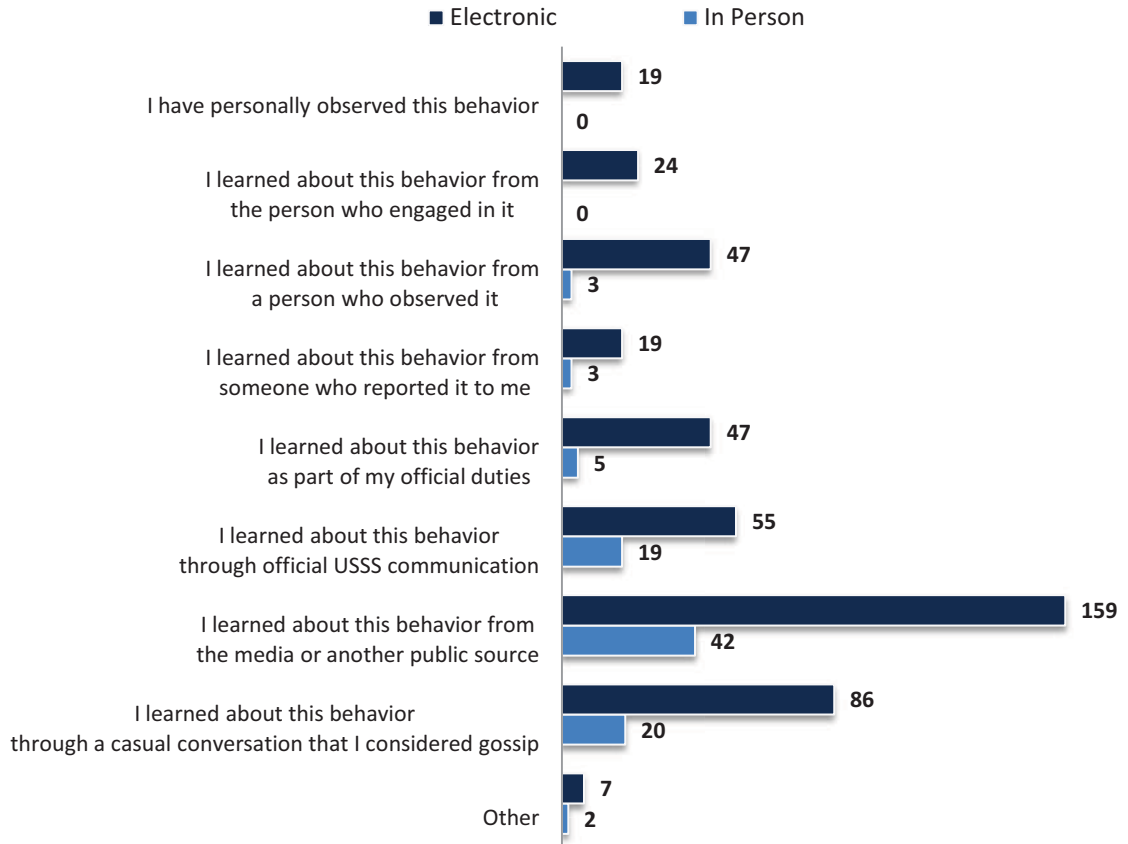
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<sup>19</sup> We referred information about these survey responses to OIG's Office of Investigations.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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)

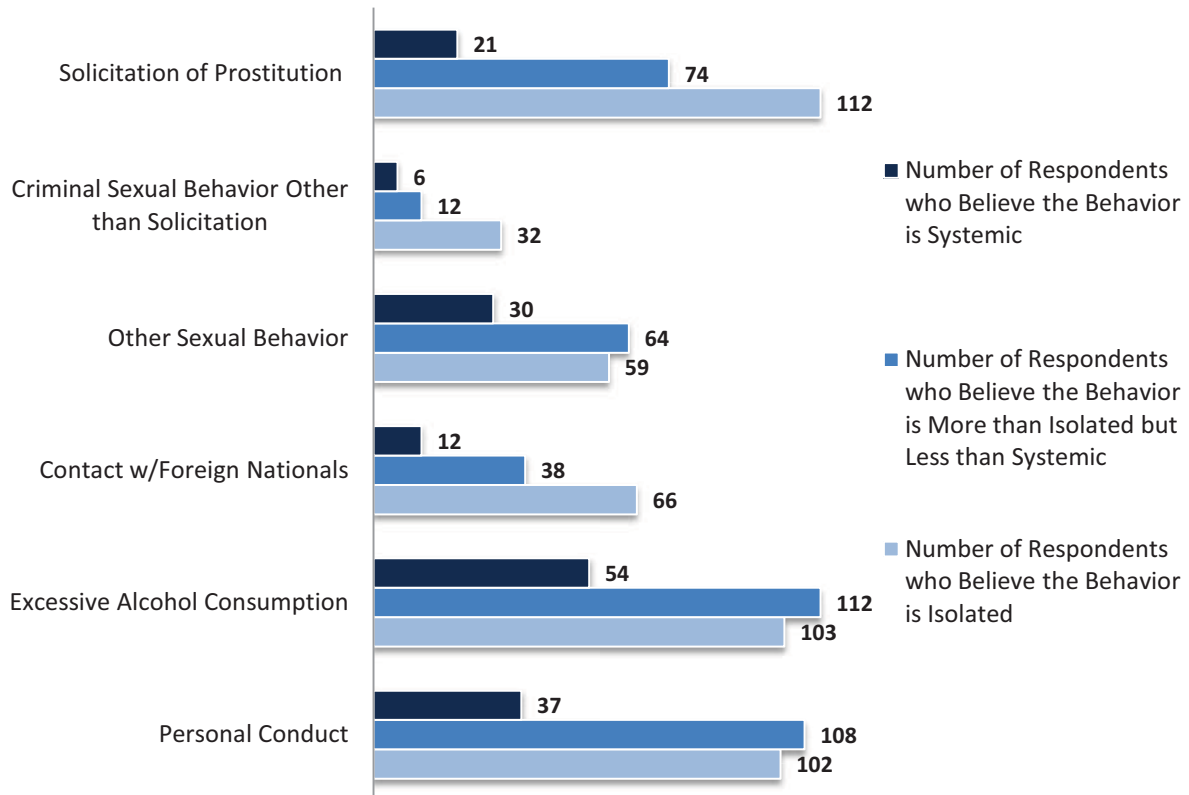
Of the 19 respondents who personally observed solicitation of prostitutes, 14 (74 percent) indicated the behavior occurred during a protective assignment.

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).



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.

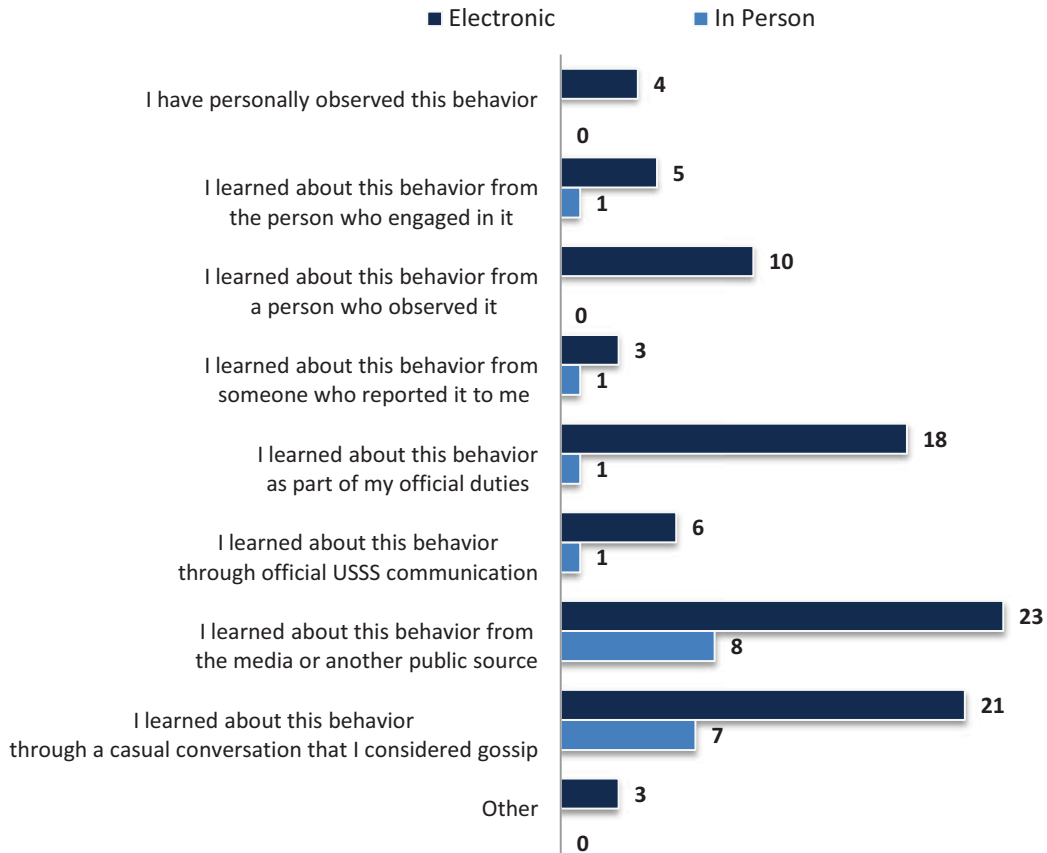
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<sup>20</sup> We referred information about these survey responses to OIG's Office of Investigations.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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).



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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.

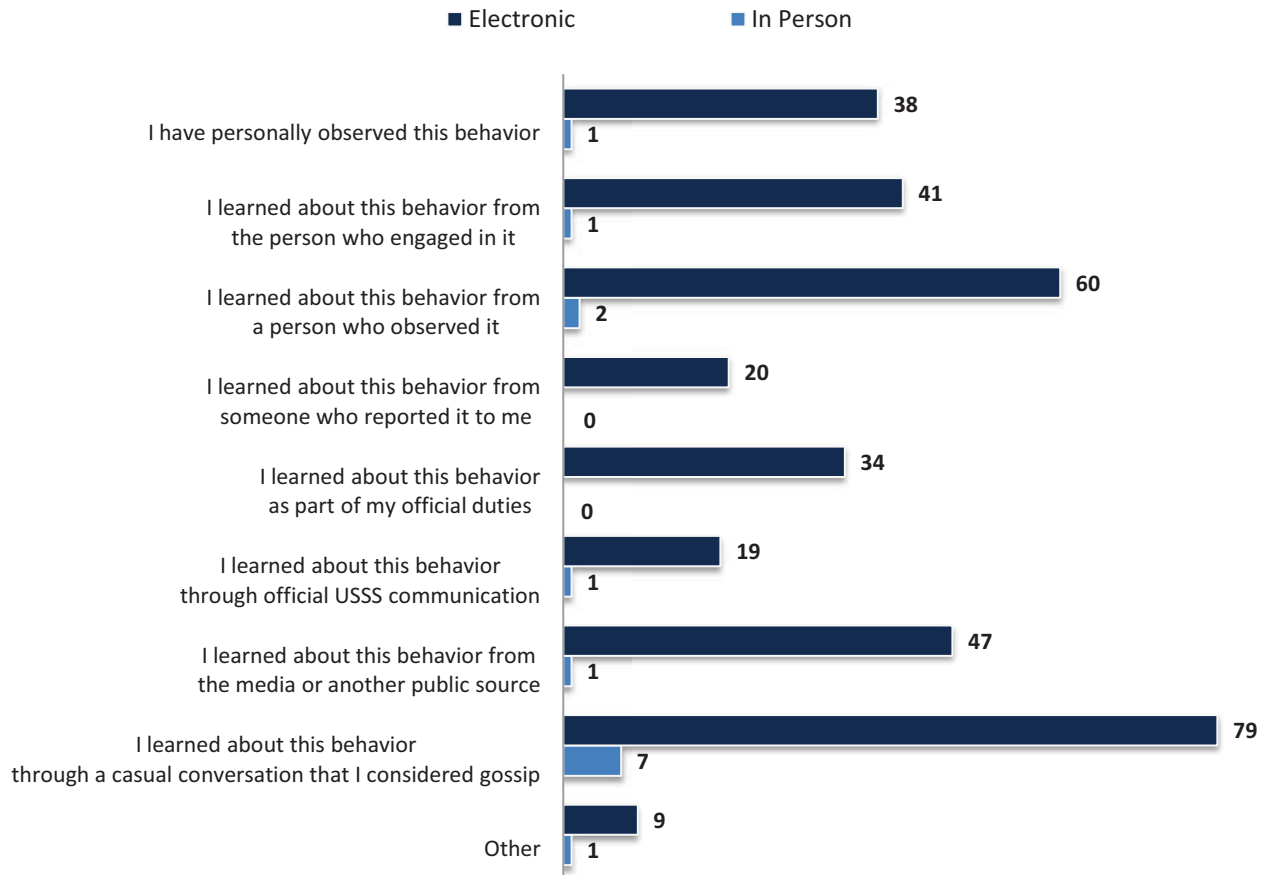
#### *Electronic Survey Results*

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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.



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

---

#### *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.

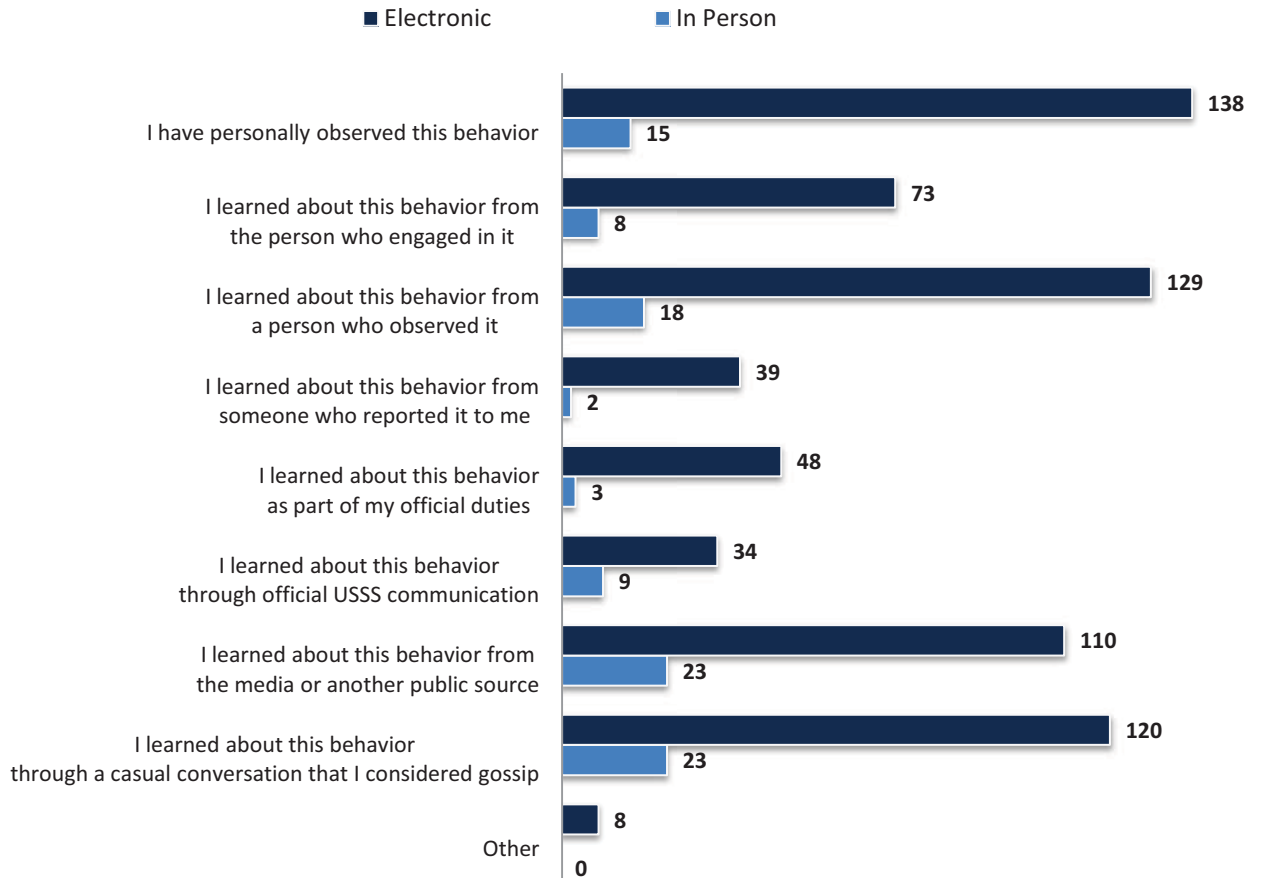




*Electronic Survey Results*

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)



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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.

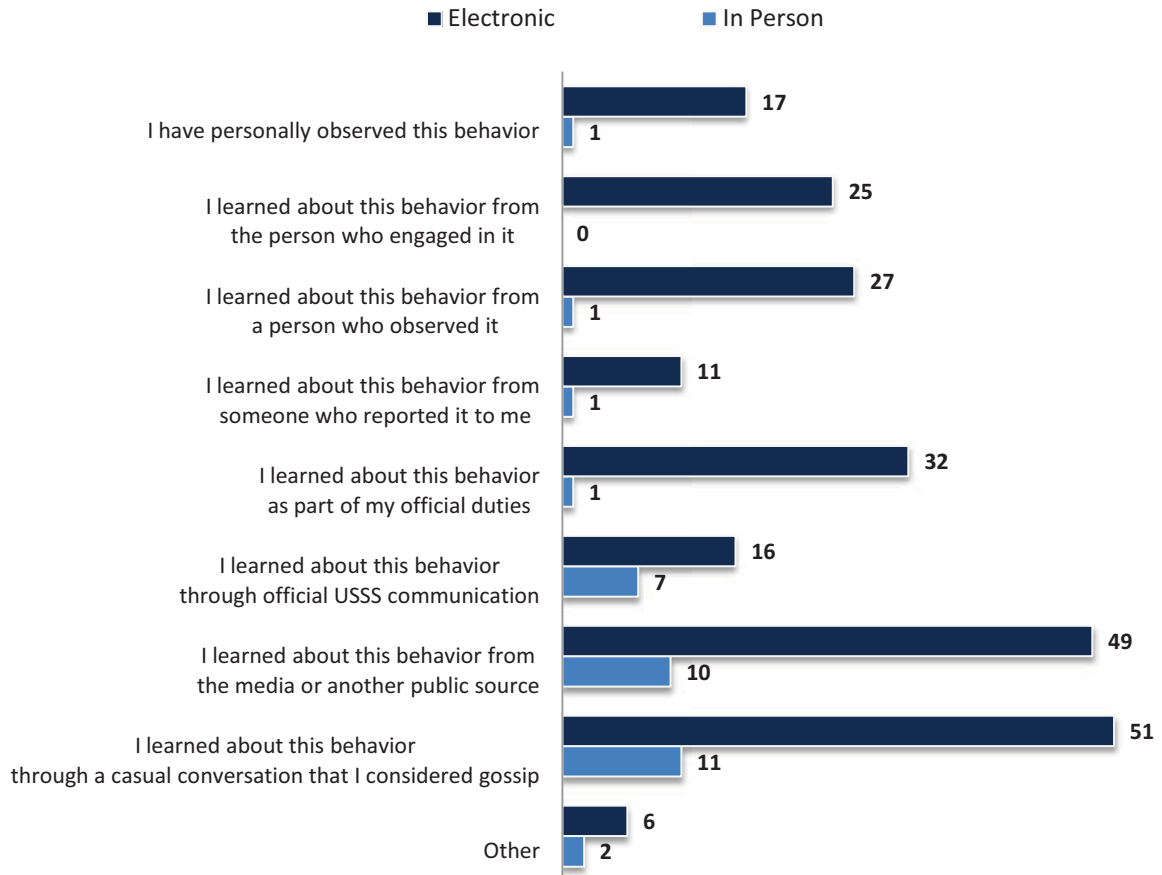
#### *Electronic Survey Results*

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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).



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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.

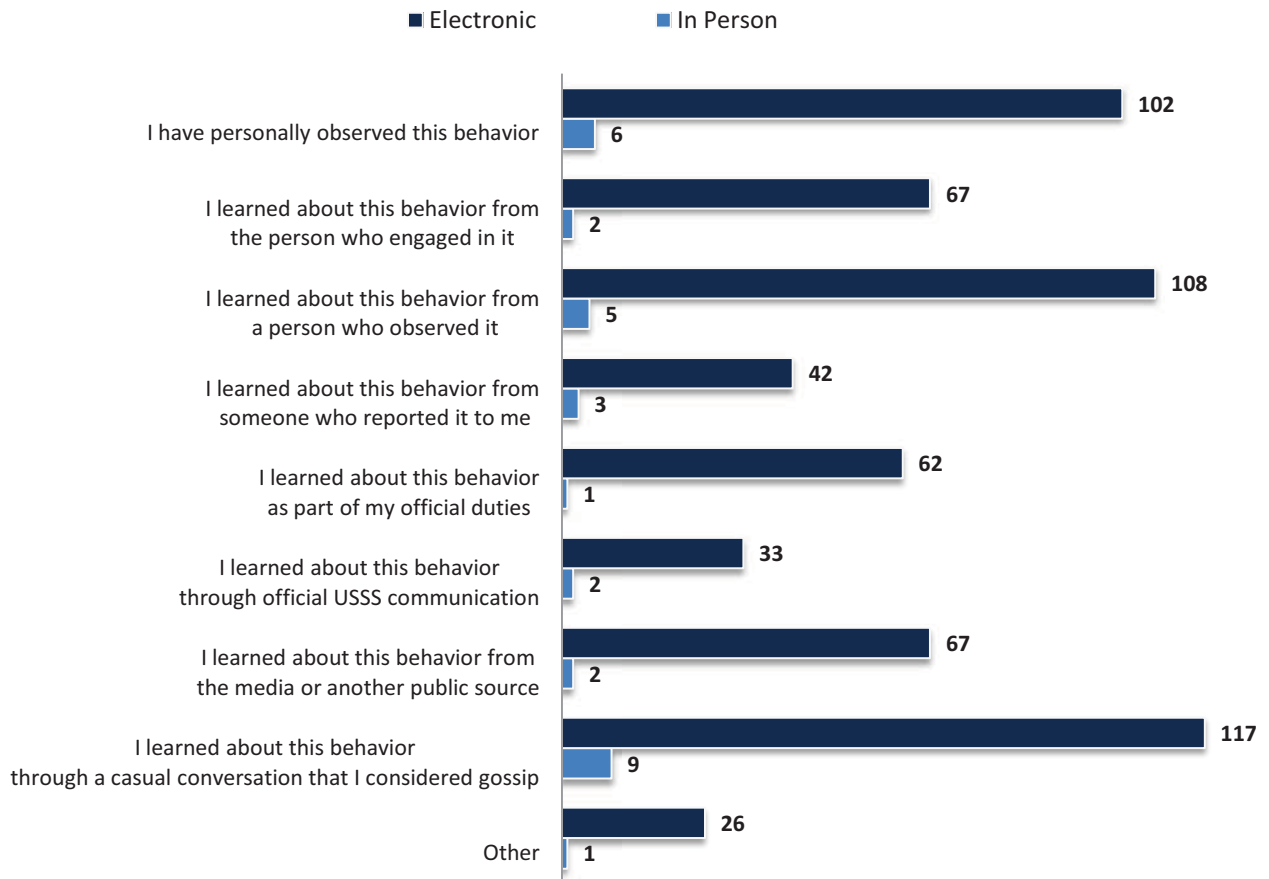
#### *Electronic Survey Results*

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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)



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



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

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.

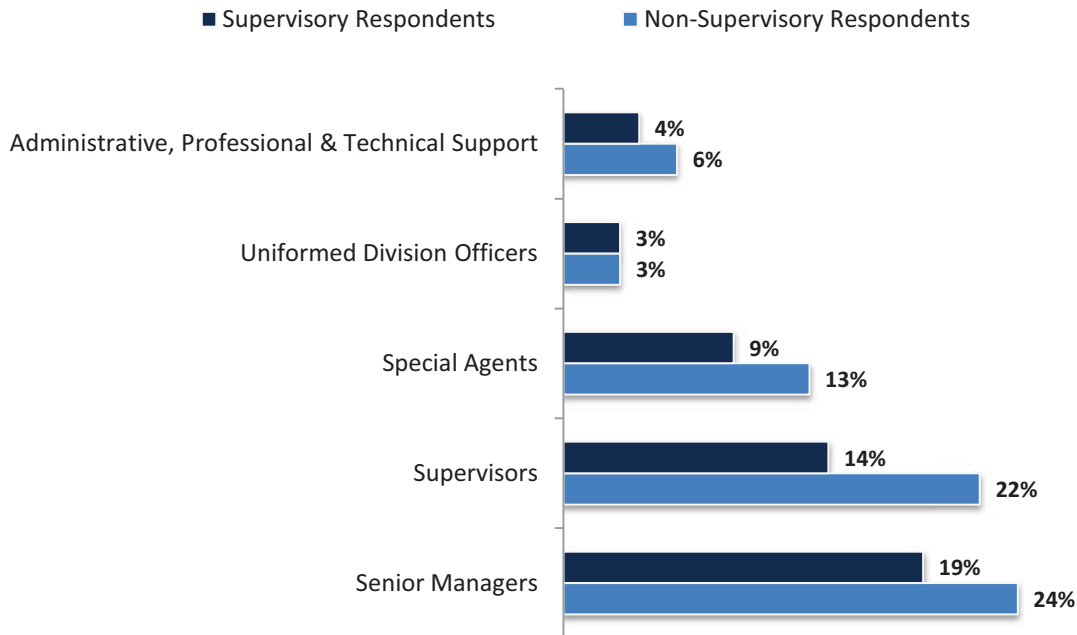
Using demographic data from our survey, we separated supervisors' responses from non-supervisors'. Figure 14 illustrates the percentage of electronic survey respondents' (supervisors and non-supervisors) who perceive individuals in each occupational series are not held accountable when they engage in 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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

**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





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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

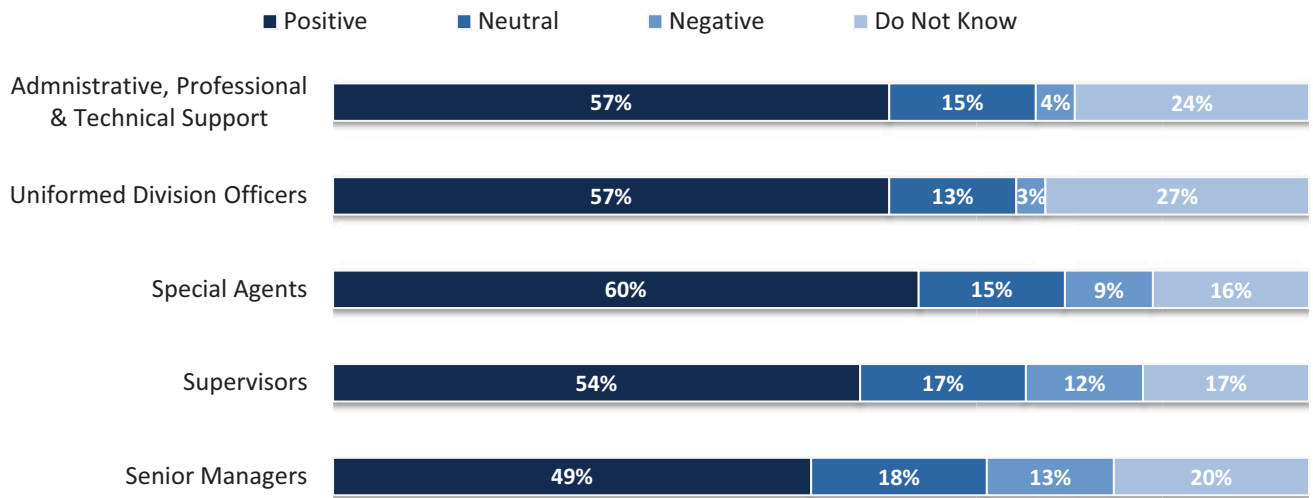


## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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:

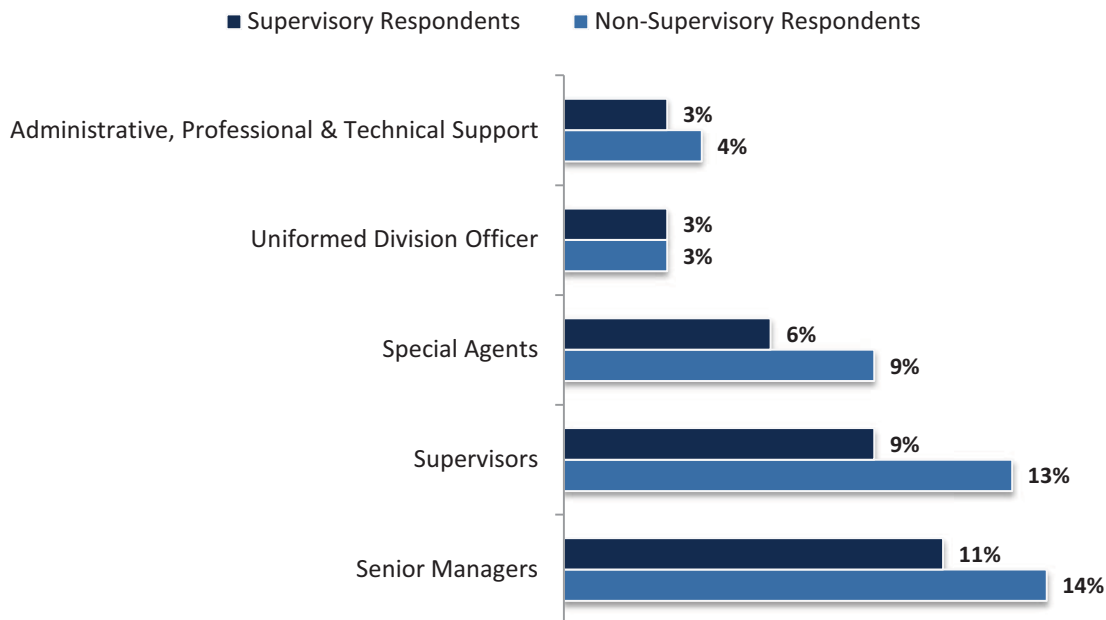
- 96 of 161 respondents (60 percent) believe senior managers are held accountable;
- 119 respondents (74 percent) believe supervisors are held accountable;
- 100 respondents (62 percent) believe special agents are held accountable;
- 121 respondents (75 percent) believe Uniformed Division officers are 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



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)



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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)



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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:



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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:



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.



## **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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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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**

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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] [REDACTED]. The ATSAIC told the employee to [REDACTED].



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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 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.



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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]

[REDACTED]



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.





### **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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.

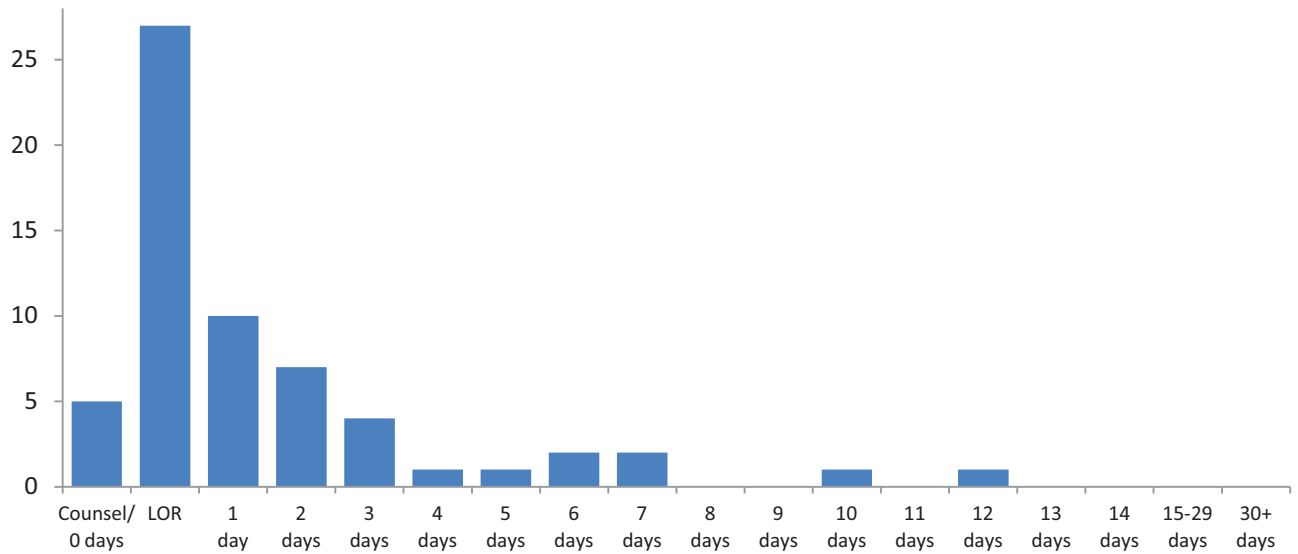
For example, USSS uses Discourteous Conduct to charge employees for being rude to fellow employees and supervisors, external DHS components, state and local law enforcement entities, and the general public. In contrast, USSS uses Conduct Unbecoming for several different types of misconduct including 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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

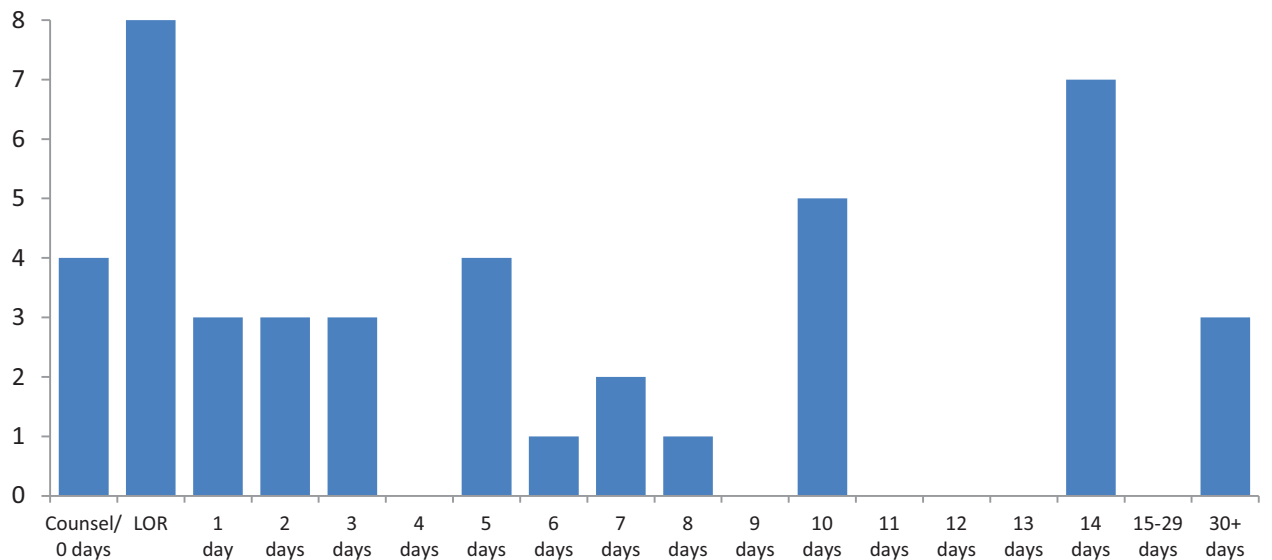
**Figure 18: Frequency of outcomes and number of days suspended for offenses that ERB categorized as Discourteous Conduct**



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



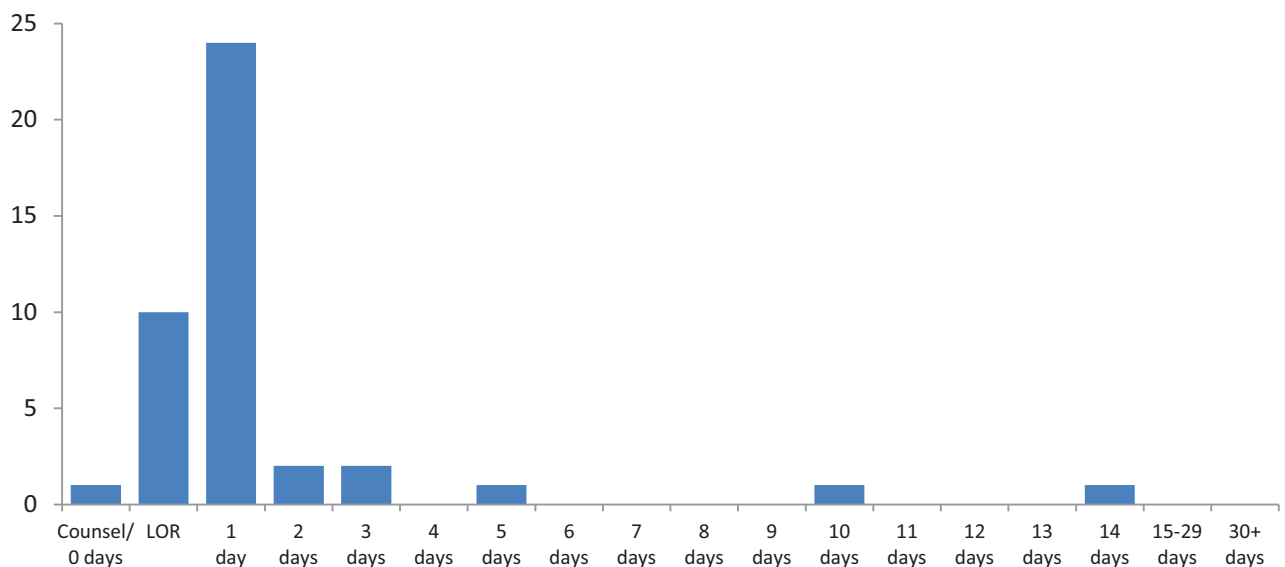
## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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



### **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.





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

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



## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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**

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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-

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<sup>24</sup> 5 U.S.C. Chapter 75 and 5 CFR Part 752



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.



## **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

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<sup>26</sup> USSS PER-11(01) *Disciplinary and Adverse Actions - General*



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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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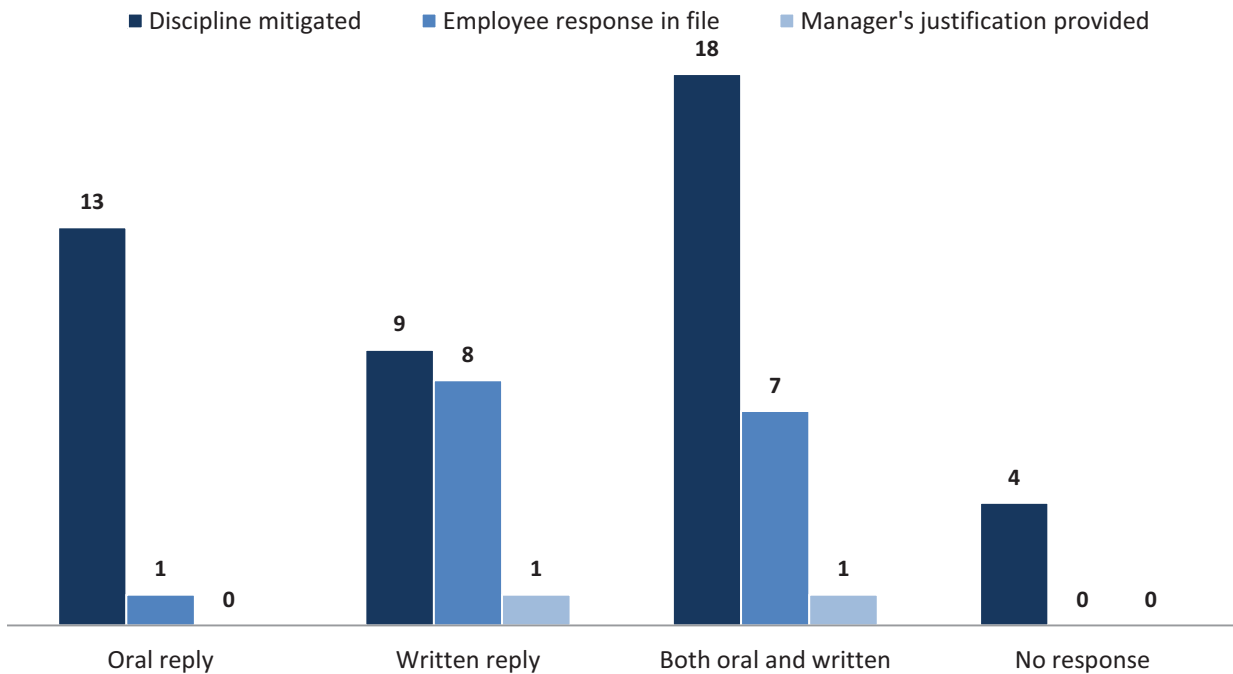
<sup>27</sup> *E.g.*, 5 U.S.C. 7513(a)(adverse actions appealable to the MSPB).



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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**



Source: USSS ERB

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





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

### 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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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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 [REDACTED]

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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 ■. However, management instead ■. All three employees received the same type of informal discipline, ■. 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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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).





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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### **Security Appeals Board Appointments and Composition Need Attention**

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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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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)



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.



## **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.



## **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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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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.





## OFFICE OF INSPECTOR GENERAL

### Department of Homeland Security

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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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

- 2 -

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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

- 3 -

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

- 4 -

**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-findings.

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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

- 5 -

**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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

- 6 -

**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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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- 7 -

**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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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%	49.1%	9.1%	5.7%	2.4%	2.1%	
		817	1,264	234	146	61	53	
2. I am aware of avenues available to Secret Service employees to report misconduct.	86.7%	35.2%	51.5%	7.2%	5.1%	0.9%		NA
		907	1,327	186	131	24		
3. I can report a suspected violation of any law, rule, regulation, or standards of conduct without fear of retaliation.	55.8%	23.5%	32.3%	21.7%	13.8%	8.6%		NA
		605	833	559	356	222		
4. I trust my immediate supervisor to respond appropriately to reported misconduct.	76.4%	37.6%	38.8%	13.2%	6.0%	4.5%		NA
		969	998	339	154	115		
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%	39.8%	11.8%	2.6%	1.4%		NA
		1,143	1,024	305	67	36		
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%	26.3%	16.6%	11.7%	11.1%	10.7%	
		608	677	427	301	286	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%	30.8%	16.4%	12.0%	7.8%	9.0%	
		617	793	423	310	200	232	



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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	



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

	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. <i>[A senior manager supervises several supervisors and their staff.]</i>	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. <i>[A supervisor is the first-line manager who monitors and regulates employees in their performance of assigned or delegated tasks.]</i>	53.6%	21.2%	32.4%	17.5%	7.4%	4.4%	17.1%
		546	835	450	190	113	441



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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

**If the respondent selected: *Solicitation of Prostitutes***

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

***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%	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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

*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





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

*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

*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.	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

**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.	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

I learned about this behavior through a casual conversation that I considered gossip.	51.6%	79
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Other	5.9%	9
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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	15.8%	6
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No	84.2%	32
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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.	12.5%	4
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I was afraid of reprisal or retaliation for reporting the behavior.	37.5%	12
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I do not believe management is supportive of employees reporting the behavior.	56.3%	18
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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
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I did not believe the employee would be investigated even if reported.	43.8%	14
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I did not want to cause an adverse action against a co-worker.	18.8%	6
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I did not want to get involved.	21.9%	7
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Management was already aware of this behavior.	31.3%	10
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Other	28.1%	9
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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
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No	46.4%	71
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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
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This behavior is systemic throughout the Secret Service.	19.6%	30
--	-------	----

This behavior is more than isolated but less than systemic.	41.8%	64
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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.	14.7%	17
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I learned about this behavior from the person who engaged in it.	21.6%	25
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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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

*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	17.6%	3
No	82.4%	14

*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.	14.3%	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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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



## 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%	59.6%	3.7%	1.9%	0.6%	2.5%	
		51	96	6	3	1	4	
2. I am aware of avenues available to Secret Service employees to report misconduct.	94.4%	37.3%	57.1%	4.3%	1.2%	0.0%	NA	
		60	92	7	2	0		
3. I can report a suspected violation of any law, rule, regulation, or standards of conduct without fear of retaliation.	65.3%	22.4%	42.9%	26.7%	6.8%	1.2%	NA	
		36	69	43	11	2		
4. I trust my immediate supervisor to respond appropriately to reported misconduct.	85.7%	36.0%	49.7%	9.3%	3.7%	1.2%	NA	
		58	80	15	6	2		
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 %	39.8%	7.5%	0.0%	0.0%	NA	
		85	64	12	0	0		
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%	39.1%	11.8%	14.3%	2.5%	7.5%	
		40	63	19	23	4	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%	50.3%	10.6%	8.7%	1.9%	1.9%	
		43	81	17	14	3	3	



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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	





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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

**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.	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

*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	6.7%	1
No	93.3%	14

*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.	14.3%	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Management was already aware of this behavior.	28.6%	4
Other	7.1%	1

d. Did the excessive alcohol consumption occur during a protective assignment?

Yes	55.0%	22
No	42.5%	17
Declined to answer	2.5%	1

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>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

**If the respondent selected: *Solicitation of Prostitutes***

a. How did you become aware of the solicitation of prostitute(s)? [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.	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

***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

<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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

*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

**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.	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

*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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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

***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	100.0%	1
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 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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**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





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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

**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.	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

***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	50.0%	3
No	50.0%	3

***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.	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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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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
<b>Guideline A: Allegiance to the United States</b>	(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.
<b>Guideline B: Foreign Influence</b>	(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.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

<b>Guideline C: Foreign Preference</b>	(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.
<b>Guideline D: Sexual Behavior</b>	(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.
<b>Guideline E: Personal Conduct</b>	(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



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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>
<b>Guideline F: Financial Considerations</b>	<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>
<b>Guideline G: Alcohol Consumption</b>	<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>
<b>Guideline H: Drug Involvement</b>	<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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Department of Homeland Security

	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]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] revocation of Employee 4's security clearance. The CSO said [REDACTED]  
[REDACTED]  
[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]

[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]  
[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 [REDACTED] 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].



### 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.

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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Department of Homeland Security

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]

[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]

[REDACTED] the revocation of Employee 7’s security clearance. [REDACTED] the employee’s behavior in Cartagena placed him [REDACTED]





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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]

[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]

[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]



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[REDACTED]

[REDACTED] Employee 8 was advised that the proposal [REDACTED]  
[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]  
[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]  
[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]  
[REDACTED]

Employee 9 alleged that he felt coerced [REDACTED]  
[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>

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<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], 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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Department of Homeland Security

[REDACTED]

Employee 11 alleged during an interview with OIG investigators that [REDACTED]

Employee 11 said [REDACTED]

Employee 11's assertion that [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]

[REDACTED]. The FFN told inspectors that payment for sexual services was discussed prior to engaging in sexual intercourse, [REDACTED]

[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]"

[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. [REDACTED]

Employee 12 resigned effective [REDACTED]

Employee 12 alleged that [REDACTED]

[REDACTED] determined [REDACTED]

[REDACTED]. However, we

[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].



## **Appendix H**

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## **Appendix I**

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## OIG HOTLINE

To expedite the reporting of alleged fraud, waste, abuse or mismanagement, or any other kinds of criminal or noncriminal misconduct relative to Department of Homeland Security (DHS) programs and operations, please visit our website at [www.oig.dhs.gov](http://www.oig.dhs.gov) and click on the red tab titled "Hotline" to report. You will be directed to complete and submit an automated DHS OIG Investigative Referral Submission Form. Submission through our website ensures that your complaint will be promptly received and reviewed by DHS OIG.

Should you be unable to access our website, you may submit your complaint in writing to:

Department of Homeland Security  
Office of Inspector General, Mail Stop 0305  
Attention: Office of Investigations Hotline  
245 Murray Drive, SW  
Washington, DC 20528-0305

You may also call 1(800) 323-8603 or fax the complaint directly to us at (202) 254-4297.

The OIG seeks to protect the identity of each writer and caller.