



U.S. Department of Energy
Office of Inspector General
Office of Audits and Inspections

Special Inquiry

Alleged Mismanagement of the
Department of Energy's Executive
Protection Operations

INS-SR-13-02

April 2013



Department of Energy
Washington, DC 20585

April 15, 2013

MEMORANDUM FOR THE SECRETARY

Gregory H. Friedman
FROM: Gregory H. Friedman
Inspector General

SUBJECT: INFORMATION: Special Inquiry on "Alleged Mismanagement of the Department of Energy's Executive Protection Operations"

BACKGROUND

The Office of Special Operations (Special Operations) has primary responsibility for the protection of the Secretary of Energy and other executive personnel as designated by the Secretary. Special Operations, a part of the Office of Health, Safety and Security (HSS), employs special agents charged with managing executive protection operations. These special agents apply tactics, techniques and procedures designed to protect an individual from physical assault or harm. Special Operations agents are augmented by Office of Secure Transportation (OST) agents while the Secretary is on travel status, and in coordination with HSS Headquarters Security Police Officers (SPOs) when in the Headquarters building.

The Office of Inspector General (OIG) received allegations of mismanagement of the Department of Energy's Executive Protection forces. The complaints were varied but generally fell into the following categories: (1) ineffective executive protection policies and procedures; (2) compromised performance assurance tests; (3) inadequate training; (4) mismanagement of resources, such as failure to provide appropriate body armor; and (5) lack of implementation of recommendations for improvement. It was also alleged that the Department's Office of the General Counsel failed to provide clarification on legal authority and firearms policy, despite frequent requests.

We initiated an inspection to review the facts and circumstances surrounding the allegations. The Chief Health, Safety and Security Officer also requested that we conduct an independent review of these matters. One element of the allegations involved reported misuse of premium class travel by the Deputy Secretary. That allegation was reviewed separately but was not substantiated. The results of our review of that matter were reported separately in January 2013.

RESULTS OF INSPECTIONS

While certain aspects of the allegations were substantiated, the evidence did not support a number of concerns that had been raised. However, perhaps of greatest importance, the Special Operations agents generally described their work environment as one permeated by low morale.

We noted that:

- With regard to policy and procedures, since 2010 Special Operations, in coordination with various Department program offices, had worked on updating its 2006 procedures for security operations. Many of the procedures governing critical operations were completed in July 2012. Despite the fact that agents appeared to have been provided drafts of procedures and given the opportunity to provide comments, a number of agents told us that they lacked working knowledge of the procedures. We were unable to reconcile the conflicting evidence of agents' involvement in policy and procedure development.
- Special Operations management officials told us that they misinterpreted the no-notice requirements for Fiscal Years 2011 and 2012 Performance Assessment Tests, resulting in the inadvertent compromise of the tests. Special Operations officials indicated that they considered the tests to be training opportunities and had taken action to guide agents in responding to questions. The HSS evaluator who administered the tests reported to senior Special Operations officials that the agents had demonstrated competency in the tested areas even though the agents had either not completed portions of the tests and/or they lacked requisite knowledge. We could not determine the evaluator's rationale behind the misinformation provided to the Special Operations officials.
- Certain operational training had not been completed. However, we found that the agents had undergone significant training. Further, collaborative training exercises involving all elements of Federal protective forces, Special Operations, OST, and SPOs had also not been completed. The benefits of such training are consistent with principles set forth in existing Department training regulations. Notably, the agents we interviewed viewed this sort of training as something that could help ensure cohesive operations in the event of an emergency.
- Individual purchases of body armor were not made between 2007 and 2012. Yet, in mid-2012, management purchased such armor for agents. The purchases were made following an anonymous complaint filed with the Occupational Safety and Health Administration in February 2012. We found that management had provided informal guidance to agents regarding the use of such armor.

We did not substantiate a number of other specific allegations involving issues such as inadequate management and use of resources, and failure to complete recommended actions. In addition, we did not substantiate the allegation that the Department's Office of the General Counsel failed to provide clarification on legal and firearms authority, despite frequent requests. Information regarding specific elements of the allegations that were not substantiated is summarized in the body of the attached report (see Appendix 1 of the report for a complete listing of the allegations).

During the course of our review, it became clear that morale among many members of the Special Operations staff was low and that there appeared to be a lack of trust between the agents and management. Agents told us that there was an apparent unwillingness to work together to resolve differences of professional opinion. On these and other related issues, we were also

provided information by the respective parties that was inconsistent and, at times, contradictory. Positions were often irreconcilable. For example, we were unable to get agreement on whether the problems that had been alleged, even if confirmed, represented a significant risk to the Department's Executive Protection Program. In short, there was little doubt that the morale and trust issues influenced many of the concerns brought to our attention.

Additionally, it became clear that there are certain institutional issues that make management of the Department's Executive Protection Program a challenge. Most prominently, given the nature of the mission and the limited number of executives afforded protection, Special Operations relies on a relatively small, core professional staff. Inherently, this limits opportunities for promotion to management positions, the availability of rotational assignments and the size and scope of in-house training. Further, as noted, at times, the current structure requires the augmentation of the Executive Protection staff with OST agents. While our review did not link specific failures to these institutional issues, we concluded that the issues contributed to dissatisfaction among the agents.

During the course of our review, we found that HSS had taken action in the recent past to help resolve issues with agents' concerns and morale. In particular, in 2012, HSS commissioned an independent review of Special Operations. That review identified a number of recommended corrective actions, most of which Special Operations management officials indicated had been implemented. During our inspection, we specifically noted that corrective actions relating to the development of an executive protection manual, assignment of an intelligence coordinator and training coordinator and the maintenance of a medical profile for the protectee, were among those that had been implemented. Management elected not to implement two recommendations regarding the creation of an ombudsman position and development of a counter surveillance program. We were told that the Department has a general ombudsman who is currently available to the agents and that Special Operations does not have the required resources to implement a counter surveillance program.

Finally, executive protection is vital to the functioning of the Department and its critical mission objectives. For those reasons, as difficult as cultural changes can be, we believe that management should intensify its efforts to address the concerns raised by Special Operations agents ensuring that the executive protection function is operating as effectively as possible. As such, we made several recommendations designed to help address the issues outlined in this report.

MANAGEMENT REACTION

Management concurred with the recommendations in the report. Specifically, the Chief Health, Safety and Security Officer (Chief) agreed to take action to develop a new Performance Assurance Program that will afford agents the opportunity to review and comment on the plan prior to it being finalized. Further, the Chief agreed to develop an annual training list for all collaborative training including COOP training for the agents. Finally, the Chief indicated that a recent independent evaluation of the organizational and safety culture of the HSS organization

identified areas of improvement, including aspects of HSS employee morale. As appropriate, we modified our report to address other technical comments from management. The comments provided by HSS are attached in their entirety in Appendix 5.

Attachment

cc: Deputy Secretary
Chief of Staff
Acting Administrator for the National Nuclear Security Administration
Chief Health, Safety and Security Officer
General Counsel

REPORT ON ALLEGED MISMANAGEMENT OF THE DEPARTMENT OF ENERGY'S EXECUTIVE PROTECTION OPERATIONS

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ALLEGED MISMANAGEMENT OF THE DEPARTMENT OF ENERGY'S EXECUTIVE PROTECTION OPERATIONS

Only certain components of the allegations were substantiated. We found that the Office of Special Operations (Special Operations) management completed specific executive protection procedures for a number of critical operations in July 2012. Additionally, we learned that there had been a compromise of Performance Assessment Tests for Fiscal Years (FY) 2011 and 2012, and that the test results had been inaccurately reported to Special Operations management at the time. We also noted that certain individual operational training and collaborative training exercises involving all elements of protective forces, Special Operations, Office of Secure Transportation (OST), and Security Police Officers (SPOs) had not been completed. Further, although individual body armor purchases were not made during the period of 2007 to 2012, we found that management had recently purchased body armor for agents and provided informal guidance, through email correspondence, regarding the use of such armor.

We did not substantiate a number of other, specific, detailed allegations involving issues such as inadequate management of resources and failure to implement recommended actions from an external review of Special Operations activities. In addition, we did not substantiate the allegation that the Office of the General Counsel (GC) failed to provide clarification on legal and firearms authority, despite frequent requests. Information regarding other specific elements of the allegations is summarized in Appendix 1 of this report.

Executive Protection Procedures

Special Operations management, in coordination with various Department program offices, had been working on updating the 2006 procedures for security operations since 2010; however, it did not complete specific procedures for a number of critical operations until July 2012. The specific procedures in question, which are enumerated in Appendix 2, included active shooter¹ response, fire evacuation, direct threat to principal, medical emergency, security room operations, motorcade operations, and bomb threats. Department Order 473.3, *Protection Program Operations*, requires Special Operations, and other Federal protective forces, to have written procedures covering emergencies, protection strategies, tactical response, and other

¹ Active shooter is defined as an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims.

operational requirements.² Until July 2012, there were no specific procedures on certain executive protection operations. We determined that specific procedures were finalized in July 2012 pertaining to fire evacuation, security room operations and bomb threats. We also determined that in October 2012, an *Executive Protection Guide* (Guide) was completed to provide procedures on the remaining executive protection operations — active shooter response, direct threat to principal, medical emergency and motorcade operations. This guide was disseminated to agents in late October 2012.

Management officials told us that they had taken actions to complete the procedures and disseminated them to all agents shortly after they were completed. However, more than half the agents (13 Special Operations and 3 OST) we interviewed told us that they did not have a working knowledge of the July and October 2012 procedures. Agents told us that they did not have adequate knowledge of the procedures despite the fact that the drafts were distributed via email to each of the agents as they were being developed. The communications from management distributing the drafts specifically asked agents to review and provide comments and/or recommendations for change to the proposed updates of the 2006 procedures. In summary, the agents' testimonies appeared to be inconsistent with the evidence provided by management in this regard.

Performance Assurance Tests

Our inspection revealed that HSS officials inadvertently compromised FY 2011 and FY 2012 *Duress Alarm Response Assessment Performance Tests* (Tests) designed to assess the agents' ability to respond to threats. OSO officials acknowledged misinterpreting the no-notice requirements for these tests. The HSS evaluator administering the Tests also reported to senior Special Operations officials that the agents had demonstrated competency in the tested areas, when in fact the agents had either not completed portions of the test or lacked the requisite knowledge. Department Order 473.3 requires Federal protective forces, including agents providing executive protection, to participate in exercises and performance tests as established in the *HSS Performance Assurance Program* (Program). As a part of the Program, Special Operations agents are required to participate in

² Federal protective force (including Special Operations agents) are those used in either an armed or unarmed status for the purpose of protecting and/or investigating offenses against Department assets including facilities, personnel, sensitive materials and other property.

performance tests annually without advanced notice. These Tests are administered using a pass/fail question format, and were designed to be used to ensure agents have a readiness posture that reflects effective communications, rapid response, and credible executive protection. The Program requires a trusted agent to treat information regarding the Test as propriety information that should not be shared with Test participants.

Contrary to these requirements, we were told that Special Operations management notified agents of an upcoming Test the day prior to its actual administration. For example, an agent told us that in preparing for the 2011 Test, Special Operations management conducted a pretest regarding the functions of the security operations room to assist them in passing the Test. During our inspection, Special Operations management officials confirmed that they notified agents of the Test in advance and indicated that there were no internal Standard Operating Procedures (SOPs) for implementing security room operations at the time the 2011 Test was administered. Special Operations management also informed us that the "pretest" was considered to be a method of training the agents.

In another example of a compromised Test, two agents told us that during the FY 2012 Test, they notified the HSS evaluator that they [the agents] lacked knowledge of all security room operations and did not have a copy of the Security Room SOP. The agents then indicated that the HSS evaluator coached them or provided answers during the test and gave them a copy of the draft Security Room SOP, providing specific alarm response procedures. When we discussed this matter with the HSS evaluator, the official indicated that the agents were not coached but were provided guidance, including a copy of the procedures. Another senior Special Operations official indicated that he would be concerned that the agents were coached or notified of the test in advance, because those actions would remove the element of surprise.

In addition, we noted that based on information provided by test participants, the results of the FY 2011 and FY 2012 Tests appeared to have been inaccurately reported in the Headquarters Security Performance Assurance Program Evaluation Report:

- Command and Control: The HSS evaluator's comments identified two agents participating in the FY 2011 Test; however, we determined that only one agent participated

in the Test. However, the Test response indicated that **"one agent assessed the situation and directed the other agent** to maintain assessments, communications and notifications to security operations management" [emphasis added]. We brought this matter to the attention of the HSS evaluator who could not recall whether a second agent was present during the Test.

- **Response Time:** The FY 2012 Test results indicated that the agents responded within the allotted time and to the correct location as outlined in the Executive Protection Response and Evacuation Plan (Evacuation Plan). However, during our interviews, the two agents tested indicated that they had no knowledge of the Evacuation Plan or the specific response time required. The HSS evaluator who conducted the Test indicated that the response time was classified, but that the agents should have known this information.
- **Tactical Movement:** The response in the FY 2012 Test indicated that the agents demonstrated a walkthrough cover and concealment configuration of the corridors and office space. However, during our interview with the HSS evaluator, the official stated that the agents did not demonstrate the walkthrough because the exercise was discontinued due to visitors in the vicinity. Further, the agents indicated that the Test was administered in a question and answer format, and as a result, did not include a walkthrough. Thus, both the agents and the HSS evaluator confirmed that there was no walkthrough, although the Test results indicated a walkthrough occurred.
- **Use of Closed Circuit Televisions:** Agents in Headquarters use closed circuit televisions to monitor activity within executive office spaces. During the FY 2012 Test, one agent provided an incorrect response to a question regarding the appropriate first response to an alarm activation. The agent indicated that the HSS evaluator coached him on the proper course of action to take upon activation of alarms. Our examination of the reported test results, however, revealed that the HSS evaluator indicated that the agent provided the appropriate response to the test question.

In response to an earlier draft of this report, management indicated that "the ultimate determination of competency made by the tester was based both on a verbal response to questions dealing with procedures for responding to a duress alarm and the demonstration of responses." Further, management stated that the pass/fail determination was based on the tester's assessment of the Special Agent's knowledge and skills. However, our review revealed that both the agents who tested and the HSS evaluator indicated that the test was question and answer format with no demonstration of actions. Based on our review, the pass/fail determination was based on advanced Test notice, coaching and providing written SOP to the agents. As a result the agents' knowledge and skills set may not have accurately determined pass/fail.

The issues we identified with the compromised Tests and inaccurate reporting reduced Special Operations management's ability to effectively measure the agents' knowledge regarding certain emergency response activities.

Training and Collaborative Exercises

Although agents had undergone what was, in our judgement, significant training, we noted that certain operational training for individual agents had not been completed. Further, as alleged, collaborative training exercises involving all elements of Federal protective forces, Special Operations, OST, and SPOs had not been completed. Such training is consistent with principles set forth in the Department's regulation to help ensure cohesive operations. Department Order 473.3 indicates that training and exercises must be conducted for the purpose of achieving and maintaining skills and assessing individual and team competency levels. Contrary to this requirement, we determined that agents had not received certain individual training.

Our inspection revealed that the agents received individual operational training regarding active shooter response, defensive driving, direct threat to principal and medical emergency at the Federal Law Enforcement Training Center as well as other training sources. However, we did not find any evidence of training for fire evacuation, bomb threats, and security room operations. Management informed us that due to scheduling conflicts, agents are unable to readily train or exercise these functions and that those agents know the evacuation routes and should rely on their previous experience to effectively perform their duties. Special Operations agents confirmed that they would rely on their previous experiences concerning these operations (fire evacuation, bomb

threats, and security operations). Department Order 473.3, however, requires that agents have individual training to maintain their skills and abilities.

The agents also expressed concerns that there had been a lack of collaborative training with OST and SPO personnel to ensure a consistent response to security incidents. Their concerns were based on the premise that each group, and in some instances, individuals were trained to respond differently during security operations and situations. Specifically, Special Operations agents indicated that they had reservations about OST agents' and SPOs' responses to threats, thereby potentially endangering themselves or others while protecting the Secretary. As noted in the Department's training order, collaborative or joint training is helpful in ensuring team competency levels.

Regarding the Continuity of Operations Program (COOP), the agents told us that they are aware of COOP and have completed the annual computer-based COOP training, as required. However, agents expressed concerns regarding a proper response to a COOP situation because they had not participated in COOP exercises. Also, agents told us that although they are aware of the Alternative Operating Facility (AOF), they would not know the exact location because they had not physically visited the AOF. Further, Department Order 150.1, *Continuity Programs*, requires the development and implementation of a COOP training, testing, and exercise (TT&E) program to assess, demonstrate and improve the Department's ability to respond to a continuity event. Contrary to the Order, we noted that Special Operations' Continuity of Operations Implementation Plan, HS-94, (COOP Plan) June 2012 excluded details for ensuring TT&E within Special Operations. We noted that the HSS COOP Plan established a TT&E program, which required training and exercises for all HSS staff. However, Special Operations agents indicated that they have not participated in COOP training or exercises. Further, agents that perform essential functions must participate in individual and team training on an annual basis to familiarize essential personnel with alert, notification and deployment procedures, and to ensure that COOP plans are implemented accordingly.

Issuance/Usage of Body Armor

We determined that body armor was not acquired for agents hired between 2007 and 2012 until an anonymous complaint was filed with the Occupational Safety and Health Administration (OSHA) in February 2012. In response to the OSHA complaint, Special

Operations management indicated that in consultation with the Department's HSS officials, they had determined that body armor was warranted for use in designated high threat areas or when the agent determined that the use of body armor was warranted. As such, in August 2012, Special Operations management purchased eight non-custom fitted vests in various sizes. Management had provided an informal policy, through email correspondence, regarding when to use such armor.

During our interviews, Special Operations agents informed us that they were not aware the body armor was available until August 2012, when the body armor was first received. The agents also indicated that management purchased vests in various sizes versus custom fitted vests, equipment that maximizes comfort and ballistic stoppage capability. We noted that there are 8 non-custom fitted vests for 13 Special Operations agents. We were told by Special Operations management that they opted to acquire various sizes of non-custom fitted vests in lieu of custom fitted vests due to the high attrition rates of agents and replacement costs for the vests. In response to an earlier draft of this report, OSO management indicated that although three agents checked out the vests, the agents did not utilize the vests. We did not confirm this information with the agents.

Legal and Firearms Authority

We did not substantiate the allegation that the Department's GC did not provide clarification of legal authority, scope of authority, or firearms authority despite frequent requests.

Legal Authority

Our review found that Special Operations management had requested and received comments from GC on Special Operations draft policies and procedures. Additionally, Special Operations management had requested that GC provide clarification regarding the Law Enforcement Officer Safety Act's (LEOSA) application to agents in Special Operations. Specifically, the concern was whether off duty Special Operations agents were authorized to carry personal firearms under LEOSA. At the time of our review, GC and Special Operations had not resolved the matter.

Scope of Authority

Further, we noted during the course of our inspection that Special Operations management was seeking a legislative change to allow agents to provide armed protection without deputization authority from the United States Marshals Service. We noted that this issue was also raised during the external review of Special Operations, a situation that Special Operations management is currently

addressing through collaboration with a government-wide working group on protective services. GC informed us that while it may provide comments or guidance on requests for this amendment, it will not be involved in the decision to enact the legislation.

Firearms Authority

In addition, we were informed by senior GC officials that they had reviewed Special Operations' SOP regarding agents carrying duty firearms off duty and found that the practice appeared to be prohibited by Special Operations policies. We were informed by GC officials that they referred this matter to HSS management and HSS made a decision not to authorize the agents to carry duty firearms off duty.

**CONTRIBUTING
FACTORS AND
IMPACT**

During the course of our review, it became clear that morale among several members of the Special Operations staff was low and the environment suffered from what appeared to be a lack of trust. There was, what was described to us as, an unwillingness to work together to resolve differences of professional opinion. We were faced with testimony and evidence provided by the respective parties that was inconsistent, often contradictory and, at times irreconcilable. For example, we were unable to get agreement as to whether the problems that had been alleged, even if confirmed, represented a significant risk to the Department's Executive Protection Program. In short, there was little doubt the present atmosphere was at the center of many of the concerns brought to our attention.

Additionally, it became clear that there are certain systemic issues that make management of the Department's Executive Protection Program a challenge. Most prominently, given the nature of the mission and the limited number of executives afforded protection, Special Operations relies on a relatively small, core professional staff. Inherently, this limits opportunities for promotion to management positions, the availability of rotational assignments, and could impact the size and scope of in-house training. Further, as noted, at times, the current structure requires the augmentation of the Executive Protection staff with OST agents. While our review did not identify specific failures tied to the institutional issues, it was our observation that these issues contributed to the general atmosphere.

During the course of our review, we did find that HSS had taken action in the recent past to help resolve issues with agents' concerns and morale. In particular, HSS commissioned an independent review of Special Operations. That review identified a number of recommended corrective actions, most of which

Special Operations management officials indicated had been implemented. During our inspection, we noted that corrective actions relating to the development of an executive protection manual, assignment of an intelligence coordinator and training coordinator, and the maintenance of a medical profile for the protectee, were among those that have been implemented. Management elected not to implement two recommendations regarding the creation of an ombudsman position and development of a counter surveillance program. We were told that the Department's ombudsman position is currently located in the Forrestal Building and that Special Operations does not have the required resources to implement a counter surveillance program.

Finally, executive protection and the role of Special Operations are vital to the functioning of the Department and its critical mission objectives. For those reasons, as difficult as cultural changes can be, we believe that management should intensify its efforts to address the concerns raised by Special Operations agents ensuring that the executive protection function is operating as effectively as possible. As such, we made several recommendations designed to help address the issues outlined in this report.

RECOMMENDATIONS

To address the issues we identified in this report, we recommend that the Chief Health, Safety and Security Officer:

1. Require responsible officials to ensure that performance assurance tests are appropriately administered and accurately reported;
2. Establish a process to ensure consistent and adequate training and required COOP training for all agents, including collaborative training with the Office of Secure Transportation and Security Police Officers; and,
3. Establish a process to address agents' concerns regarding morale and implement corrective actions, as necessary.

MANAGEMENT COMMENTS

Management concurred with the three recommendations in the report. Specifically, regarding Recommendation 1, the Chief Health, Safety and Security Officer developed a new Performance Assurance Tests Program to ensure that the Tests are appropriately administered and accurately reported. Also, management concurred with Recommendation 2, and stated that it is reviewing training requirements and developing a training database to ensure

that relevant training, including COOP, is conducted for all agents. In addition, management is currently undertaking collaborative training with Headquarters Protective Force. In response to Recommendation 3, management indicated that an independent evaluation of the organizational and safety culture of the organization has been recently completed. The review identified a number of areas for improvement, including morale. It is management's belief that the review combined with the Department's ombudsman program will assist in resolving differences within the organization.

Matrix for Showing Merit of Other Allegations

	Allegation Theme	Allegation Content/Thrust	Disposition
1)	Inadequate Management and Use of Office of Special Operations (Special Operations) Resources	Special Operations management failed to provide basic safety equipment including updated medical equipment.	An inspection of several medical bags maintained in the security operations room, Special Operations storage room and in three Secretarial vehicles determined that life-saving equipment including automated external defibrillators were current. Special Operations management was advised, however, that more generic and over the counter medical solutions, including oxygen tanks were found to be outdated by several years. Special Operations management is in the process of taking corrective actions.
		Special Operations management failed to manage and use long rifles and related type firearms.	A review of internal management correspondence revealed that there was adequate justification for the long guns currently assigned to Special Operations.
		Special Operations management failed to manage and use secure communications.	Special Operations management was found to have taken appropriate actions to mitigate concerns regarding interrupted radio reception/communications within the Department's Headquarters facility through the use of Local Area Network lines and cell phones.
		Special Operations management failed to manage and use law enforcement vehicles especially those used during motorcade operations.	According to Special Operations management, senior Department officials requested that motorcade operations be limited to one vehicle instead of three to conserve fuel consumption. Also, vehicles were assigned to two supervisory agents for the purpose of providing immediate responses to the Secretary and Deputy Secretary after hours. Another vehicle was assigned to an agent on detail to the Joint Terrorism Task Force (JTTF).
		Special Operations management failed to manage and use personnel by exiling an unwanted senior agent to multi-year detail assignment.	According to separate memoranda of understanding, the agent, as well as other agents, were detailed to JTTF and the Federal Law Enforcement Training Center to enhance their knowledge, skills and abilities; and also, to provide the agents with other investigative opportunities.

Appendix 1 (continued)

	Allegation Theme	Allegation Content/Thrust	Disposition
		Special Operations management failed to manage and use personnel. Specifically, two agents were not allowed to perform assigned duties by request of the Secretary, Deputy Secretary and/or staff, due to lack of professionalism.	According to senior Special Operations management, there had been no request from the Secretary, Deputy Secretary, or their staff to prohibit certain individuals from providing protective duties.
		Cover-up by a Special Operations senior official of a drinking incident involving an agent while on duty.	Special Operations was found to have conducted a formal review of the incident with an agent drinking while on duty and initiated corrective actions. HSS also conducted a formal review of an alleged management cover-up of the drinking incident and concluded that no inappropriate actions occurred.
2)	Lack of implementation regarding recommendations from an external review of Special Operations operations	Special Operations management failed to implement corrective actions on recommendations made in an independent review of Special Operations operations.	Special Operations management was found to have taken steps to address 9 of the 11 recommendations from an external review completed in June 2011 to examine the mission and functions of the Special Operations. Specifically, Special Operations management declined to develop a counter surveillance capability indicating that the office does not have the required manpower to implement such a program. Additionally, Special Operations management declined to designate an ombudsman to resolve internal complaints indicating there are other avenues available within the Department to address employees' grievances.

Appendix 2

2012 GUIDANCE FOR EXECUTIVE PROTECTION OPERATIONS (As of November 6, 2012)

Policy	2012 Guidance	Familiarity with Policies (Special Operations/OST)	
		Yes	No
Active Shooter Response	October 23, 2012 – Included in Executive Protection Guide	1 OST	5 Agents 8 Supervisors 2 OST
Fire Evacuation	July 30, 2012 – Included in Security Room Operations Standard Operating Procedures (SOP)	1 Supervisor 1 OST	5 Agents 7 Supervisors 2 OST
Direct Threat to Principal	October 23, 2012 – Included in Executive Protection Guide	1 OST	4 Agents 8 Supervisors 2 OST 1 Agent with No Response
Medical Emergency	October 23, 2012 – Included in Executive Protection Guide	1 Supervisor 1 OST	4 Agents 7 Supervisors 2 OST 1 Agent with No Response
Security Room Operations	July 30, 2012	2 Agents 3 Supervisors 1 OST	3 Agents 5 Supervisors 2 OST
Duress System Response	July 30, 2012 – Included in Security Room Operations SOP	2 Agents 3 Supervisors 1 OST	3 Agents 5 Supervisors 2 OST
Bomb Threat	July 30, 2012 – Included in Security Room Operations SOP	1 Supervisor 2 OST	5 Line Agents 7 Supervisors 1 OST
Motorcade Operations	October 23, 2012 – Included in Executive Protection Guide	3 Agents 2 Supervisors 2 OST	1 Agent 5 Supervisors 1 OST 1 Agent and 1 Supervisors with No Response

Note: The above referenced policies were updates to the 2006 Office of Special Operations Standards and Operating Procedures, which covered the following topics: Organization and Structure, Law Enforcement Authority, Firearms, Badge and Credentials, Use of Force, Administrative Procedures and Executive Protection Operations Plans and Procedures.

Appendix 3

OBJECTIVE

The objective of this inspection was to determine the facts and circumstances surrounding allegations related to the Office of Special Operations (Special Operations) management. The complaints were varied but generally fell into the following categories: (1) ineffective executive protection policies and procedures; (2) compromised performance assurance tests; (3) inadequate training; (4) mismanagement of resources to provide appropriate body armor; and (5) lack of implementation of recommendations for improvement. It was also alleged that the Department of Energy's (Department) Office of the General Counsel failed to provide clarification on legal authority and firearms policy, despite frequent requests.

SCOPE

This allegation-based inspection was performed from November 2012 through February 2013, at Department Headquarters in Washington, DC.

METHODOLOGY

To accomplish the inspection objective, we:

- Reviewed and analyzed Federal and Department regulations, Department contracts, and pertinent documents; and,
- Interviewed Department officials, Headquarters personnel, current and former Special Operations agents, Office of Secure Transportation agents, and Security Police Officers.

We conducted this allegation-based inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*. Those standards require that we plan and perform the inspection to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusions and observations based on our inspection objective. We believe the evidence obtained provided a reasonable basis for our conclusions and observations based on our inspection objective. Accordingly, the inspection included tests of controls and compliance with laws and regulations to the extent necessary to satisfy the inspection objective. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our inspection. Finally, we relied on computer-processed data, to some extent, to satisfy our objective. We confirmed the validity of such data, when appropriate, by conducting interviews and analyzing source documents.

We held an exit conference with management on April 15, 2013.

PRIOR REPORTS

- Inspection Report on [*Tactical Response Force Pursuit Operations at Idaho National Laboratory*](#) (INS-O-13-02, November 2012). The inspection was initiated to determine whether Idaho National Laboratory's Tactical Response Force was properly prepared, trained and equipped to execute its mission related to pursuit of suspects across jurisdictional lines. Our inspection revealed several weaknesses in coordination, communication and equipment that could, if not addressed, result in confusion and lead to injury of members of the public. Management concurred with the report's recommendations.
- Special Report on [*Review of the Compromise of Security Test Materials at the Y-12 National Security Complex*](#) (DOE/IG-0875, October 2012). Following the July 28, 2012, security breach at the Y-12 National Security Complex (Y-12), the Department of Energy's (Department) Office of Health, Safety and Security (HSS) was tasked with conducting a comprehensive inspection of the site's security organization, which included both practical exercises and tests designed to evaluate the knowledge, skills and abilities of the site's Protective Force. Our inquiry was initiated to review the alleged compromise of the HSS inspection. Our inquiry confirmed that the security knowledge test, including answers to the test questions, had been compromised and that it had been distributed in advance of the test to numerous WSI-Oak Ridge (WSI-OR) Captains, Lieutenants, and Security Police Officers, the very people whose knowledge was to have been evaluated as part of this process. Specifically, despite the fact that the document was labeled as a test and was initially distributed via encrypted email to individuals appointed as "Trusted Agents," WSI-OR officials treated the document as if it were a training aid, mentioned its receipt at daily Protective Force supervisor meetings, and widely distributed it to a variety of officers. We made several recommendations that, if fully implemented, should help restore confidence in the integrity of the Department's protective forces. Management generally concurred with the recommended actions.

MANAGEMENT COMMENTS

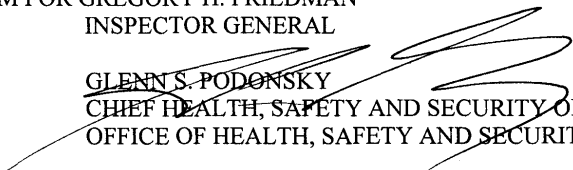


Department of Energy

Washington, DC 20585

March 26, 2013

MEMORANDUM FOR GREGORY H. FRIEDMAN
INSPECTOR GENERAL

FROM:  **GLENN S. PODONSKY**
CHIEF HEALTH, SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: COMMENTS FOR IG DRAFT SPECIAL INQUIRY REPORT
on "Alleged Mismanagement of the Department of Energy's
Executive Protection Operations" (S13IS001)

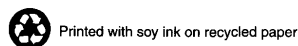
In response to your March 1, 2013, request, my office has reviewed the draft report on the subject special inquiry which you furnished. We appreciate the effort by your office to examine the issues brought to your attention, and the opportunity to provide a response to this draft report. We are in general agreement with the report, and provide the following comments:

Recommendation 1: To address the issues we identified in this report, we recommend that the Chief Health, Safety and Security Officer: Require responsible officials to ensure that performance assurance tests are appropriately administered and accurately reported.

HSS Response: Concur. A new Performance Assurance Program (PAP) specifically focused on the Office of Special Operations (OSO) is being developed within HS-1.2. Special Operations Special Agents will be afforded the opportunity to review and comment on the plan before it is finalized in an effort to avoid any misunderstandings. We estimate completion of this plan by June 1, 2013, and PAP testing to be conducted twice yearly thereafter.

Recommendation 2: To address the issues we identified in this report, we recommend that the Chief Health, Safety and Security Officer: Establish a process to ensure consistent and adequate training and required COOP training for all agents, including collaborative training with the Office of Secure Transportation and Security Police Officers.

HSS Response: Concur. OSO is currently reviewing all training requirements and is compiling a roster (database) to indicate when training is required and to ensure all training is annotated when complete. Additionally, all FLETC training course requirements were submitted to FLETC on February 22, 2013, for the next five years. OSO is also developing an annual training listing of training that will be completed by agents during the last quarter of the calendar year.



OSO has already reviewed the COOP training cycle. In 2013 alone, OSO has already sent 10 agents through COOP training with the Whitehouse Military Office (WHMO) and conducted an on-site tour of COOP facilities for those 10 agents. In addition to the already completed training, OSO is working with the WHMO to use available COOP training slots in an effort to refresh COOP training every 18 months. This is in addition to the mandatory DOE COOP training annual requirements that each agent completes.

Efforts are currently underway for collaborative training with the Headquarters Protective Force. The initial topic for training is dealing with the active shooter, and the first planning meeting is scheduled for March 27, 2013.

Recommendation 3: To address the issues we identified in this report, we recommend that the Chief Health, Safety and Security Officer: Establish a process to address agents' concerns regarding morale and implement corrective actions, as necessary.

HSS Response: Concur. An independent evaluation of the organizational and safety culture of the entire HSS organization has recently been completed. This evaluation identified a number of areas for improvement, including aspects of HSS employee morale. A special agent from the OSO has been identified to participate in the HSS Organization Culture Core Team which has been created to focus on the evaluation report's conclusions and recommendations. OSO continues to firmly support the DOE ombudsman program. Management will continue efforts to resolve differences with individual agents in line with the operational mission, established guidelines, practices and relevant laws.

While we concur with these three recommendations, we do have a few concerns with the draft report that we would like to bring to your attention for consideration:

Page 1 (summary report, RESULTS OF INSPECTION section). The statement at the bottom of the page that describes the, "work environment as one permeated by low morale, suggesting that effectiveness of Executive Protection operations was at risk." While we acknowledge the issue with morale. However, protection operations are not at risk. This is also noted in the first paragraph of page 3.

Page 2 (summary report, RESULTS OF INSPECTION section), last bullet. Please change the second sentence to read "mid" 2012 verse "late" 2012, as the body armor was put into service in August 2012. Additionally, please add the fact that no agent has used the body armor that was purchased earlier in 2012, despite the fact it has been available.

Page 2 (summary report, RESULTS OF INSPECTION section), final sentence. We would like to add a statement that Management has made efforts to resolve differences with individual agents; however, agents are at times unwilling to accept Management's decisions if they run counter to what they desire.

Regarding the discussion of the Performance Assurance Program (PAP) testing that was conducted in 2011 and 2012. We acknowledge that there was a misunderstanding of the

purpose and scope of the testing. This resulted in Special Operations Managers providing advance notice and preparation to Special Agents on duty. There was not a deliberate attempt to compromise the test, but there was a misunderstanding on the part of Special Operations Management who was using the PAP testing as a training tool rather than a readiness assessment. There was apparently a miscommunication between the tester and the agents being tested as well. The ultimate determination of competency made by the tester was based both on verbal response to questions dealing with procedures for responding to a duress alarm and the demonstration of responses. The pass/fail determination was based on the tester's assessment of the Special Agents' knowledge and skills. We will take steps to assure that future performance testing of the Special Agents avoids these pitfalls.

Page 5 (main report), Issuance/Usage of Body Armor section. Please add the fact that since the procurement of the body armor in August 2012, it has not been utilized by any of the Special Agents. We note that three Special Agents checked out armor for trips on one occasion, but the newly acquired armor has not been actually utilized by any of the Special Agents.

In addition we offer the following minor comments for clarification in the report:

- First page of the summary report, in the BACKGROUND section. End the last sentence of the first paragraph with the word "status" and delete "and by HSS Headquarters Security Police Officers (SPOs) when in the Headquarters building." While Executive Protection (EP) works closely with the HSS SPOs at Headquarters, the SPOs do not augment EP staff.
- Third page in the summary report, in the RESULTS OF INSPECTION section, first full paragraph, third line from end. End the sentence with "OST agents." This is needed since SPOs do not augment EP.

Also in this same paragraph, please add a sentence to document the fact that HSS entered into the arrangement of having OST agents augment EP as a management effort to improve morale. At the time the agreement was initiated, HSS and Special Operations management was attempting to relieve the travel burden on the Special Operations Special Agents who were unhappy about the amount of time they had to spend in travel status. This expressed purpose was communicated to the Special Agents numerous times.

- Page 6 (main report), Firearms Authority section: Insert the word "duty" before the word firearms in the second and last lines in order to make a distinction between personally owned firearms and duty firearms provided by DOE.
- Page 7, (main report) second line from top of page: Insert "coordination with" in front of "SPOs" since the SPOs do not augment the EP staff, but EP does coordinate activity with them.

- APPENDIX 2. Replace “Special Operations Manager” with “Supervisors” to indicate all GS-14 and above Special Agents and replace “Line Agent” with “Agents” to avoid confusion.

Thank you for the comprehensive review into this matter. We have noted several opportunities to improve our Special Operations Program in addition to the formal recommendations identified in the report and plan to implement modifications to our operating practices and procedures.

If you have any questions, please contact me at (202) 586-0271 or have a member of your staff contact Mr. Robert M. Lingan, Director, Office of Corporate Security Strategy, Analysis and Special Operations, at (202) 586-1461.

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