

**DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**I16-FLETC-SID-04514  
I17-FLETC-SID-03172  
I17-FLETC-SID-06112**



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# OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

## REPORT OF INVESTIGATION

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| <i>Case Number:</i>          | I16-FLETC-SID-04514; I17-FLETC-SID-03172;<br>I17-FLETC-SID-06112   |
| <i>Case Title:</i>           | Connie Patrick, et al.<br>Former Director<br>Federal Law Enforcement Training Center<br>Glynco, GA   |
| <i>Report Status:</i>        | Final  |
| <i>Alleged Violation(s):</i> | 18 U.S. Code § 641, Public money, property or records; 18 U.S. Code § 287, False, fictitious or fraudulent claims; 5 U.S. Code § 2302, Prohibited Personnel Practices; 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch |

### INTRODUCTION AND SUMMARY

We undertook this investigation after receiving numerous complaints regarding the management of the Federal Law Enforcement Training Center (FLETC), Glynco, GA. Between the dates of January 2, 2016 and April 17, 2017, we received approximately 31 complaints containing 43 allegations, 10 of which were determined to be duplicates. These complaints included: allegations of travel fraud and excessive travel by Connie Patrick, Director, FLETC, Glynco, GA; mismanagement of FLETC funds and personnel; an improper relationship between Patrick and a subordinate employee; prohibited personnel practices to include preselection for employment; retaliation; and misuse of authority on the part of the FLETC Office of Professional Responsibility (OPR). Some of the complaints contained relatively specific allegations of potential criminal acts, but most contained vaguely stated allegations made anonymously and were not susceptible to conclusive investigative approaches.

We conducted a preliminary inquiry on all allegations, and followed through with complete investigations of discernable allegations of any potential criminal acts or substantive misconduct. Many of the complaints (23 of the 31 total complaints) were made anonymously and appeared to be based on rumor, innuendo or uncertain second-hand information. These complaints were not

|                           |                                |   |                      |          |
|---------------------------|--------------------------------|---|----------------------|----------|
| <b>Reporting Agent</b>    |                                | Signature: (b) (6), (b) (7)(C)<br>Date: 12/5/2017 | <b>Distribution:</b> |          |
| Name: (b) (6), (b) (7)(C) | Title: Senior Special Agent    |   | SID                  | Original |
| <b>Approving Official</b> |                                | Signature: (b) (6), (b) (7)(C)<br>Date: 12/9/17   | Headquarters         | cc       |
| Name: Nancy Kennedy       | Title: Special Agent in charge |   | Component(s)         | cc       |
|                           |                                |   | Other                | cc       |

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## REPORT OF INVESTIGATION

further investigated. Some complaints were directed at funding decisions by management officials with which the complainants disagreed, including, for example, funding for signage at FLETC Glynco and for the renovation of office suites.

Many of the complaints involved ineffective management and leadership at FLETC, and we found support for some of these allegations. It should be noted that the number of complaints we received increased significantly after Patrick disclosed her plans to retire. Our investigation revealed the existence of factions between senior managers with competing views and interests regarding a replacement for Patrick. This contributed to distrust and poor functional relationships between these managers, and a level of ineffectiveness that lower-level managers felt was impacting line-level employees.

DHS OIG attempted to develop a good understanding of the command climate at FLETC through this investigation. We conducted more than 50 interviews, and reviewed numerous email files, travel records, and hiring packets.

### GENERAL ALLEGATIONS

#### FLETC and Favoritism/Nepotism

Many of the complaints we received alleged favoritism and/or nepotism in hiring actions. Such complaints appear to be relatively common at FLETC. This may be due to certain conditions unique to FLETC, including the fact that FLETC faculty positions are filled by experienced Federal law enforcement officers from around the country who bring with them family members who also apply for positions at FLETC. It is also very common for applicants coming from Federal law enforcement agencies to know and have professional relationships with personnel already employed at FLETC. These conditions can give rise to an appearance of favoritism or nepotism, even where it is not present. (Exhibits 24, 25, 26, 27, 36, 37, 38, 39)

Two examples are illustrative. We received a complaint alleging the improper hiring of (b) (6). Mrs. (b) (6) had in excess of 15 years of experience in various administrative fields with her last position as a (b) (6), (b) (7)(C). Mrs. (b) (6) is also (b) (6), (b) (7)(C). She was hired by FLETC for a General Service (GS) grade position, (b) (6), (b) (7)(C). Another allegation of improper hiring concerned (b) (6), (b) (7)(C). Mrs. (b) (6), (b) (6) was hired as a FLETC rehired annuitant (GS-13) on a temporary appointment (b) (6), (b) (7)(C). These individuals were sufficiently qualified for the positions for which they were hired and it appears

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## REPORT OF INVESTIGATION

all applicable and appropriate hiring rules were followed. The complainants felt that the hiring of these individuals resulted from favoritism and nepotism because of their marital relationships with FLETC employees, when such relationships are not necessarily disqualifying factors. We found no specific wrongdoing in these hiring actions. (Exhibits 24, 36, 38, 39)

### **The Competition to Replace Patrick Contributed to Ineffective Senior Management**

In order to investigate the broader complaints about senior management at FLETC, we interviewed several employees at FLETC, including (b) (6), (b) (7)(C), who wished to remain anonymous for fear of reprisal. Some of these employees described senior managers engaged in what they characterized as treachery, deceit, and alliance-building in efforts to influence the selection of the future Director of FLETC. They felt that some senior managers were targeting Patrick or their peers who might become her successor because they saw this as a way to enhance their career opportunities. One individual interviewed who has an extensive background with FLETC organizational management felt that senior management at FLETC was seriously dysfunctional. This source stressed that FLETC employees do a commendable job in the training of the nation's Federal law enforcement officers, but the ineffectiveness at the senior management level was negatively impacting line level employees. (Exhibits 33, 34)

A number of individuals interviewed felt the problems in management began when Patrick disclosed her plans to retire and two individuals began vying for the Director position. Witnesses identified one of the individuals as (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) who retired from FLETC in late 2015, after Patrick informed him that he would be reassigned to another DHS component. According to statements we obtained, Patrick proposed (b) (6), reassigned after he had allegedly made numerous disparaging remarks about her and her leadership at FLETC. (b) (6), now retired, told current FLETC employees that he planned to seek the Director position after Patrick's retirement. (b) (6), appears to have continuing relationships with numerous FLETC employees. (Exhibits 2, 33, 34, 35)

Another individual identified as someone potentially seeking the Director position is (b) (6), who was the FLETC (b) (6), (b) (7)(C). (b) (6), was initially hired as the (b) (6), (b) (7)(C). At the time of (b) (6), hiring, Patrick apparently planned to hire a Deputy Director for Management. The Deputy Director for Management position was never filled, however, and (b) (6), remained the sole (b) (6), (b) (7)(C). Interviews of sources indicated that (b) (6), had directed that his title be changed from (b) (6), (b) (7)(C), and he further directed that all outward-facing signage and the FLETC website be updated to reflect this title change. During an interview of Patrick, she stated that after informing (b) (6), she planned to retire as early as December 2016, (b) (6), attempted to take control over management decisions. Patrick further stated she had been informed that (b) (6), told someone in another DHS component that FLETC "is a shit show down there and I cannot wait until she retires so I can fix it." (Exhibit 2, 33, 34, 35)

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## REPORT OF INVESTIGATION

Many who were interviewed believed that, in addition to (b) (6), (b) (7)(C), every Assistant Director assigned to FLETC had stated an intent to apply for the vacant Director position upon Patrick's retirement, and that this condition was unhealthy for FLETC. FLETC GS-15 career government employees interviewed felt the future FLETC Director should not be someone internal to FLETC or from a partner organization [Federal law enforcement agencies that receive training from FLETC]. These more senior sources believed that if the future Director was selected internally or from a partner organization, this would perpetuate the management problems at FLETC. The sources felt strongly that the incoming Director must be a very strong leader with an extensive background in organizational leadership, but not necessarily with a background in law enforcement. (Exhibits 33, 34, 51)

### **Allegations Regarding (b) (6), (b) (7)(C) OPR Investigation and Patrick's Involvement**

Patrick has a close, personal friendship with (b) (6), (b) (7)(C). They have maintained this friendship for years and Patrick was involved in the promotion (b) (6), (b) through the ranks to her present grade (GS-15). (b) (6), and Patrick traveled together frequently when Patrick was Director and (b) (6), was (b) (6), (b) (7). On August 30, 2016, the FLETC OPR initiated an investigation based on a complaint that (b) (6), had a subordinate complete her DHS required on-line training and further authorized this subordinate to receive compensatory time for completing this training. The OPR also investigated an allegation that (b) (6), had hired a family friend over individuals within the PCO who were more qualified for the position. OPR substantiated both allegations. (b) (6), subsequently filed a complaint with DHS OIG alleging that she was mistreated during the OPR investigation because the investigators failed to allow her to have legal counsel during interviews, did not provide copies of documents she had signed, and imaged her computer and obtained her official email without proper authorization. DHS OIG did not substantiate (b) (6), (b) complaint and found no evidence that she was mistreated or that OPR violated any policies in obtaining email records. (Exhibits 41, 44, 45, 46, 47, 48, 49, 50, 51)

Although Patrick did not take an active role in the OPR investigation (b) (6), (b) she admitted to conducting research for (b) (6), (b) defense, and Patrick termed the OPR investigation of (b) (6), a "witch hunt." (Exhibit 51)

## **SPECIFIC ALLEGATIONS**

### **Prohibited Personnel Practices**

We received approximately 14 allegations regarding prohibited personnel practices, including: preselection and favoritism in hiring actions; improper cancellation of positions to avoid an unwanted selection; improper classification of a position; and retaliation in the creation of a supervisory position. The following discussion is provided concerning these allegations:

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## REPORT OF INVESTIGATION

- Three complaints were received regarding the development of a supervisory criminal investigator (GS-15, Series 1811) position with the duties of overseeing the FLETC OPR and the FLETC Office of Security Operations. The allegations were that: 1) the position was created as retaliation towards OPR after its investigation (b) (6), (b) (7) who was a friend of Patrick; 2) FLETC employees were not informed the position was being created until the position announcement was published; and 3) the position was not classified correctly. DHS OIG found no substantiation for these allegations. The position was created as part of a FLETC wide reorganization suggested by (b) (6), upon his arrival to FLETC in May 2016. The position description was drafted in June 2016, but the investigation concerning (b) (6), (b) (7) was not initiated until August 30, 2016. There was no requirement to announce the position to FLETC staff, and proper Office of Personnel Management (OPM) procedures were followed in the creation and advertisement of the position. Several factors are involved in determining the classification assigned to any position. These include the amount of time the incumbent will spend performing a specific function, the overall importance of that function to the position, and the job series of the subordinates involved. The classification of the position was the decision of the agency head [Patrick], which our investigation determined was made in accordance with OPM guidelines and in consultation with the FLETC Human Capital Officer. (Exhibits 33, 34, 43, 44, 45, 46, 49, 50, 51)
- Three complaints were received regarding the hiring of (b) (6), (b) (7), (b) (6), (b) (7), Glynco, GA. The allegations were that: 1) (b) (6), (b) (7) was preselected for the position; 2) the job announcement was timed to coincide with (b) (6), (b) (7) mandatory retirement date from the (b) (6), (b) (7)(C); 3) FLETC hired (b) (6), (b) (7) into a temporary GS-15 position to make him competitive for the Senior Executive Service (SES) (b) (6), (b) (7); and 4) FLETC hired (b) (6), (b) (7) while he was under investigation by the (b) (6), (b) (7). Our investigation found that some FLETC senior managers were attempting to arrange a lateral transfer of (b) (6), (b) (7) into the (b) (6), (b) (7) position. At the time, (b) (6), (b) (7) was the (b) (6), (b) (7) 7)(C) (b) (6), (b) (7)(C), which was an SES position and had a mandatory retirement date from (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C). [(b) (6), (b) (7) was in a criminal investigator - GS-1811 series position with a mandatory retirement age of 57.] In an email exchange, dated September 7, 2016, which was prior to the official job announcement, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Glynco, GA, discussed their desire to hire (b) (6), (b) (7). While (b) (6), (b) (7) and (b) (6), (b) (7) expressed their desire to hire (b) (6), (b) (7) for the position, neither (b) (6), (b) (7) was the hiring manager or selecting official. The investigation also determined that shortly after the email exchange between (b) (6), (b) (7) and (b) (6), (b) (7)(C) approached Patrick and suggested (b) (6), (b) (7) be hired as an SES under a lateral appointment, but Patrick directed the position be announced competitively. (Exhibits 6, 21, 22, 23, 24, 25, 27, 28, 30, 31, 36, 37, 39)

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## REPORT OF INVESTIGATION

Based on a time line provided by the FLETC DHS Human Capital Officer, the following events took place:

- The position announcement was published by OPM on September 16, 2016, as a competitive hiring, and (b) (6), (b) applied. (Exhibits 22, 23, 31)
- On September 28, 2016, the (b) (6), (b) (7)(C) granted (b) (6), (b) an extension of his mandatory retirement date to November 25, 2016. (Exhibits 29, 31)
- On October 25, 2016, after selection panels reviewed the resumes and conducted interviews of candidates, (b) (6), (b) was selected by the panels and Patrick as the most qualified candidate. (Exhibits 23, 25, 31,)
- On November 14, 2016, the SES packet containing (b) (6), (b)' SES Executive Core Qualifications (ECQs) was forwarded to OPM for approval. (Exhibits 23, 31)
- While (b) (6), (b)' appointment was pending OPM certification of his ECQs, FLETC hired him on November 27, 2016, under a temporary appointment, not to exceed 90 days, as a (b) (6), (b) (7)(C), GS-15 employee in a job series which does not have a mandatory retirement age (Series 1801). (Exhibits 25, 27, 31)
- On December 9, 2016, OPM disapproved the hiring packet of (b) (6), (b) for the SES position at FLETC because his ECQs had not been certified. (b) (6), (b) had never been certified as an SES by OPM as (b) is an excepted service organization and self-certifies SES candidates. As a result (b) (6), (b) was required to resubmit his SES ECQs to OPM for certification, which he completed on January 9, 2017. (Exhibits 23, 25, 30, 31)
- On February 5, 2017, following OPM approval of the resubmitted SES ECQs, (b) (6), (b) was appointed into his current position at FLETC. (Exhibits 23, 25, 31)

Given these facts, the allegations of misconduct regarding preselection, the timing of the announcement around his mandatory retirement date, and hiring of (b) (6), (b) as a temporary GS-15 to aid his candidacy for the (b) position were not substantiated.

The allegation that (b) (6), (b) was selected as the (b), (b) (6), (b) (7), while he was under investigation by (b) (6), (b) is founded, although DHS OIG developed no evidence that FLETC personnel were aware of the (b) (6), (b) (7). During the selection process, (b) (6), (b) was not questioned regarding any OPR investigations or adverse personnel actions against him. Further, background checks completed on (b) (6), (b) prior to hiring did not include coordination with (b) (6), (b) or inquiries that would have developed this information. (Exhibits 27, 32, 36, 37)

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## REPORT OF INVESTIGATION

- Two complaints were received that Patrick cancelled a vacancy announcement for the Deputy Director for Management position during the selection process, and that when no selection was made for the position, (b) (6), who according to the complaint lacked the Mandatory Technical Qualifications, (b) (6) assumed the duties this position would have encompassed. Interviews of Patrick and others disclosed that some selections for FLETC senior management positions were not based solely on the qualifications of the applicants. In some instances, Patrick considered whether an applicant's selection would result in consternation or tumult amongst current FLETC staff, and selected the applicant with the least potential for this. According to Patrick, this issue factored into the selection process for the position (b) (6), (b) (7)(C), for which (b) (6) was selected in May 2016. At the time of his application, (b) (6) was an (b) (7) employee of the (b) (6), (b) (7)(C) and was the only (b) (7) external candidate. There were two internal FLETC candidates for the position, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C). Patrick admitted she viewed (b) (6) as the most qualified candidate due to his experience and proven track record while serving as an (b) (6) for FLETC, but she selected (b) (6) because he was an external candidate. Patrick felt (b) (6) that selecting (b) (6) would have (b) (7) been disruptive, because (b) (6) had support from a competing faction (b) (7) within FLETC and she felt (b) (6) would have (b) (7) filed a complaint. With regard to the FLETC Deputy Director for Management position, the final two candidates were both internal. Rather than making a selection between the two internal candidates, which she felt would cause disruption between the competing factions and the filing of grievances she elected to cancel the announcement. After this position announcement was cancelled, (b) (6) assumed the duties of both the (b) (6), (b) (7)(C). While inconsistent with the best hiring practices, the cancelation of the position announcement was not clearly improper. It was Patrick's judgement that it was better for FLETC overall to avoid the selection of an internal candidate and to give the duties of this position instead to (b) (6), who was an OPM certified SES employee and met the qualifications for the (b) (7) position. (Exhibits 36, 40)

Other complaints were received concerning alleged prohibited personnel practices, but did not contain sufficient facts to warrant a full investigation. Nevertheless, these complaints were addressed in broad terms by DHS OIG investigators during interviews of FLETC employees thought potentially to have knowledge of the general nature of the allegations.

- An anonymous complainant reported that two individuals were serving in acting positions without compensation for the added responsibilities. (b) (6), (b) (7) was serving in an acting capacity as the (b) (6), (b) (7)(C), without additional compensation, and (b) (6), (b) (7) was serving in an acting capacity as the (b) (6), (b) (7)(C), also without compensation. There was no substantiation

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## REPORT OF INVESTIGATION

for the allegation that FLETC violated personnel practices with regard to these temporary assignments. (Exhibit 40)

- An anonymous complainant alleged that (b) (6), hired friends into positions, but the three individuals who the complainant listed as examples of friends and family improperly hired were all long-term FLETC employees. DHS OIG was unable to substantiate any claims of favoritism or nepotism in these hiring actions. (Exhibits 24, 36, 38, 39)
- An anonymous complainant alleged that Patrick was improperly involved in the hiring process of Regional Coordinators and that she improperly waived qualifications during a hiring action. DHS OIG did not substantiate these allegations. In general, hiring at FLETC is ultimately the responsibility of the FLETC Director and Patrick's involvement in any hiring action without some added wrongdoing, would not be improper. DHS OIG found no specific wrongdoing. (Exhibits 6, 11, 53)
- An anonymous complainant alleged that Patrick pressured managers to hire (b) (6), (b) (6), (b) (6), (b) (7)(C), (b) (6), (b) (7) is (b) (6), (b) (7)(C). DHS OIG found no evidence that Connie Patrick was involved in the hiring process of (b) (6), (b) or pressured managers who were. Patrick addressed this hiring with the FLETC Designated Agency Ethics Officer and properly recused herself from any involvement, direct or through others, in deciding or influencing the hiring of her husband. This was evidenced by a recusal letter. This allegation was not substantiated. (Exhibits 4, 6, 9, 11)
- An anonymous complainant alleged that (b) (6), pressured a subordinate to hire Patrick's (b) (6), (b) (7)(C), for a FLETC instructor position. While DHS OIG learned that (b) (6), had asked a subordinate about the position in which (b) (6), (b) was interested, ultimately (b) (6), (b) was not included on the certification list of qualified candidates and he was not considered for employment.
- An anonymous complainant alleged that Patrick improperly contacted FLETC partner organizations attempting to find employment for (b) (6), (b). The complainant provided no specifics, however, and DHS OIG did not investigate this claim. (Exhibit 10)

### Misuse of Resources

We received seven allegations regarding the misuse of government resources by FLETC Management:

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## REPORT OF INVESTIGATION

- An anonymous complainant alleged that Patrick misused FLETC resources to support the Law Enforcement Explorers program<sup>1</sup>, which the complainant alleged has no nexus to the FLETC training mission. The usage of resources to fund activities, to include conferences, associated with the National Law Enforcement Explorers Program falls under the purview of FLETC's Office of State and Local Training. Annual funding appropriation for FLETC carries specific language authorizing the expenditure of funds for "public awareness and enhancement of community support for law enforcement training." Accordingly, this allegation was unsubstantiated. (Exhibits 6, 10, 11)
- An anonymous complainant found fault in a training partnership between FLETC and the Port of Los Angeles because it allegedly contributes little to the FLETC core mission. However, FLETC has authority to train state and local officers on a reimbursable or non-reimbursable basis through its Office of State and Local Training, as well as under legislation (6 U.S.C. § 464d), which states that training may be offered to "state and local training on a space-available basis." FLETC entered into the training partnership with the Port of Los Angeles under a memorandum of understanding providing for FLETC marine training on the west coast to state, local and tribal officers and possibly in the future to Federal law enforcement personnel. The training partnership appears to be consistent with the mission of the FLETC Regional and Local Training Directorate, and provides certain cost, logistical and functional efficiencies. It is meant to ensure that effective functional relationships are nurtured prior to critical incidents where they would be needed, such as an act of terrorism at the Port of Los Angeles. It also provides FLETC with a ready, no-cost training site for advanced training on the west coast as needed. DHS OIG did not find wrongdoing in the decision to engage in this partnership. (Exhibits 6, 10, 11)
- An anonymous complainant alleged that Patrick gave improper preferential treatment to Simon Industries, a private entity that employed (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C), by allowing Simon Industries to participate in FLETC training. Investigation revealed that the Chief Executive Officer of Simon Properties requested that FLETC provide training to its private security employees, and FLETC agreed on the basis that the primary mission of the company is to provide security for shopping malls around the country and shopping malls are potential sites for terrorist attacks. The DHS National Protection and Programs Directorate also participated as a partner in this training. FLETC has authority under 6 U.S.C. § 464 and H.R. 3842 to offer training to private

<sup>1</sup> The purpose of this program is to provide young adults who may be interested in a career in law enforcement with a comprehensive program of training, competition, service and practical exercises. Character development, physical fitness, good citizenship and patriotism are integral components of the overall program. Through their involvement in the program, Explorers develop an awareness of the purpose, mission and objective of law enforcement.

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## REPORT OF INVESTIGATION

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sector security stakeholders. It appears that Patrick followed proper procedures to recuse herself from decisions related to this matter, and has a recusal letter on file. DHS OIG did not substantiate this allegation. (Exhibits 10, 11, 54)

### **Misuse of Travel Funds/Misconduct Involving Travel**

We received four specific complaints alleging Patrick's abuse of travel funding or other misconduct regarding travel.

- An anonymous complainant alleged that Patrick engaged in unnecessary and excessive travel inconsistent with the FLETC core mission, especially with respect to her international travel. We conducted interviews of personnel from FLETC's Travel and Payroll Branch, Regional and International Training Directorate and of Patrick. We reviewed Patrick's travel records for trips completed from January 2014 to June 2016 and determined Patrick took 38 domestic and 6 international trips during that time frame. A FLETC Director's travel to and around these locations is not inconsistent with the duties and responsibilities of the Director in support of FLETC's international mission. FLETC's responsibility includes conducting training at satellite campuses throughout the United States and abroad to support domestic and foreign law enforcement agencies. FLETC is involved in providing trainers to the various International Law Enforcement Association (ILEA) locations, such as Singapore. It was determined that Patrick held the role of the International Criminal Police Organization Chairperson and participated in ILEA events. On each occasion, Patrick's travel had a mission-related nexus, and the number of trips taken by Patrick does not appear excessive based on the facts revealed by DHS OIG investigation. These allegations were not substantiated. (Exhibits 1, 6, 11, 14, 15, 16, 52, 55)
- DHS OIG investigated allegations that for several years Patrick and (b) (6), failed to utilize the DHS electronic travel system for flights, reservations and the preparation of their travel in violation of DHS policies. Interviews of personnel involved in the preparation of Patrick's travel, to include staff from FLETC's Travel and Payroll Branch and Patrick's office, were conducted. Security concerns, the complexity of travel, and constantly changing travel itineraries were given as justifications for why Patrick and (b) (6), used paper vouchers instead of arranging travel through the electronic travel system. During a December 2016 interview, Patrick explained that she was working in coordination with the FLETC Chief Financial Officer and her staff to review the procedures related to processing her travel. While the justifications for not using the electronic travel system may be inadequate and inconsistent with policy, DHS OIG found no specific wrongdoing in using a paper system. (Exhibits 11, 12, 13, 14, 16)

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INV FORM-08



## REPORT OF INVESTIGATION

However, our review of Patrick's travel records identified the following problems:

- Travel Authorizations showed that actual costs were authorized for all domestic trips at 150 or 300 percent above GSA rates without the required justifications.
- Lodging costs exceeded GSA lodging rates for 16 of the 38 domestic trips without required justification. The excess lodging costs for these trips totaled \$4,087.
- Patrick rented intermediate vehicles, sport utility vehicles or full-size vehicles during seven of her domestic trips without the required justifications. Rental car expenses for these trips were \$3,015.
- Patrick purchased airfare for one international trip at a cost of \$14,193 without justification for the excessive cost when there was a cheaper option available.
- Patrick's use of first class accommodations for one international trip was not justified or approved by DHS' Secretary, as required by FLETC policy.
- Patrick purchased in-flight internet fees for 10 trips for a total of \$269 without the required advanced approval.
- Patrick used her personal credit card in one instance to purchase airfare for an international trip that cost \$12,279. (Exhibits 15, 16, 17, 52)

### Mismanagement

We received several complaints alleging additional mismanagement at FLETC.

- An anonymous complainant alleged that Patrick managed FLETC in a manner that degraded its operational effectiveness and harmed the relationships with partner organizations. This complaint contained no specific allegations of misconduct or mismanagement. Due to the lack of specificity, this allegation was not investigated by DHS OIG. As stated previously in this report, there appears to be a great deal of employee dissatisfaction with FLETC management and operations.
- An anonymous complainant alleged that Patrick improperly took no action against (b) (6), when he incurred a mobile data bill of over \$12,000 while traveling overseas. This incident took place approximately 2 years before it was reported. Interviews determined these charges were discovered when (b) (6), returned from an overseas mission. (b) (6), stated he had used the assigned mobile device while on official travel and to conduct official business. (b) (6), was advised the bill was excessive and was counseled on the proper use of mobile devices while overseas. DHS OIG did not further investigate this allegation. (Exhibit 7)
- An anonymous complainant alleged that Patrick overstaffed the PCO due to her personal relationship with (b) (6), and that the staffing was not warranted because the office does little to promote the FLETC core mission. No specific wrongdoing was alleged, and

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## REPORT OF INVESTIGATION

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DHS OIG did not evaluate the staffing requirements for or management decisions related to staffing at the PCO.

- An anonymous complainant alleged that Patrick misused funds when she detailed the Site Director from FLETC, Cheltenham, MD, to be the Acting Chief of Staff at FLETC, Glynco, GA, for 90 days. The complainant felt the position could have been filled by someone already assigned to the FLETC Glynco campus. The individual appointed by Patrick to serve as the Acting Chief of Staff had served in an equivalent position with his former agency. DHS OIG interviewed the FLETC Human Capital Officer who knew of no policy that required the Director or Deputy Director to make a selection for a temporary assignment from local permanent staff to provide cost savings. DHS OIG did not substantiate any misuse of funds related to the appointment, which appeared to be within the authority of the Director. (Exhibit 11)

### **Misuse of 40 USC 1315 Authority**

During our investigation, we discovered that FLETC employees who were not in law enforcement positions were improperly assigned weapons and were flying armed on commercial aircraft on both personal and official travel. These individuals had not been qualifying on a quarterly basis with their assigned weapons as required by DHS policy for law enforcement personnel. DHS OIG conducted interviews of personnel from FLETC and conducted records reviews in reference to the FLETC personnel authorized to operate in a law enforcement capacity under Title 40, United States Code, Section 1315. This statute, under certain provisions, allows the designation of DHS employees as officers or agents for duty in connection with the protection of property owned or occupied by the Federal government. The DHS Office of the Chief Security Officer (OCSO) manages the implementation requirements for Section 1315. In January 2017, at the request of OIG, the OCSO conducted an audit, of FLETC's practices under the Section 1315 authority. The OCSO found that FLETC was not in compliance with the OCSO's implemented requirements regarding the execution of Section 1315 authority. The OCSO audit report documented two findings. The first finding was that FLETC had not provided a current roster of law enforcement positions to OCSO, as they are required to do under the OCSO's implemented Section 1315 requirements. The maintenance of an accurate roster is the foundation for ensuring that the regulations applicable to law enforcement officers are being followed, including rules associated with proper credentialing, required training, firearms assignment, and the proper documentation of compliance with all requirements. The second finding was that the credentials issued to FLETC personnel contained "charge" language beyond the scope of Section 1315 authority, and reflected a facsimile signature of a previous DHS Secretary, with no indication that such a facsimile signature was authorized to be used in this context. (Exhibit 7, 11, 18, 19)

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INV FORM-08



## REPORT OF INVESTIGATION

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The OCSO has since confirmed that FLETC is now in compliance with their imposed regulations regarding the execution of the Section 1315 authority, to include maintaining all training requirements, maintenance of an accurate roster and reissuance of credentials with appropriate legal language and signatures. Additionally, the OCSO found it reasonable that FLETC personnel, in compliance with Section 1315, fly armed when traveling between FLETC locations. However, flying armed is not appropriate for these individuals while on personal travel. (Exhibits 18, 19, 20)

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INV FORM-08



REPORT OF INVESTIGATION

EXHIBITS

| NUMBER | DESCRIPTION  |
|--------|--|
| 1      | Memorandum of Activity, Records Review - Responses from (b) (6), (b) (7)(C), dated November 9, 2016                        |
| 2      | Memorandum of Activity, Interview of Connie Patrick, dated June 21, 2017   |
| 3      | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated June 20, 2017  |
| 4      | Memorandum of Activity, Interview (b) (6), (b) (7), dated November 8, 2016   |
| 5      | Memorandum of Activity, Records Review - Position Description, Chief of Protocol and Communication, dated November 9, 2016 |
| 6      | Memorandum of Activity, Predication, dated March 25, 2016  |
| 7      | Memorandum of Activity, Interview (b) (6), (b) (7)(C), dated March 22, 2017  |
| 8      | Memorandum of Activity, Records Review - Term Position Appointment (b) (6), dated November 9, 2016                         |
| 9      | Memorandum of Activity, Records Review - Email from (b) (6), (b) (7), dated November 9, 2016                               |
| 10     | Memorandum of Activity, Records Review - Email from (b) (6), (b) (7), dated January 30, 2017                               |
| 11     | Memorandum of Activity, Interview of Connie Patrick, dated March 22, 2017  |
| 12     | Memorandum of Activity, Interview of (b) (6), (b) (7), dated November 9, 2016  |
| 13     | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated Nov 9, 2016  |
| 14     | Memorandum of Activity, Records Review - Email from (b) (6), (b) (7), dated November 9, 2016                               |
| 15     | Memorandum of Activity, Records Review - SF1012 and email from (b) (6), (b) (7), dated January 30, 2017                    |
| 16     | Memorandum of Activity, Interview (b) (6), (b) (7), dated November 9, 2016   |
| 17     | Memorandum of Activity, Records Review - FLETC Manual 70-02.A., dated November 9, 2017                                     |
| 18     | Memorandum of Activity, Interview (b) (6), (b) (7)(C), dated January 27, 2017  |
| 19     | Memorandum of Activity, Records Review - Audit for Compliance Report, FLETC, dated April 28, 2017                          |
| 20     | Memorandum of Activity, Telephonic Interview of (b) (6), (b) (7)(C), dated September 20, 2017                              |
| 21     | Memorandum of Activity, Receipt of Complaint, dated March 7, 2017  |
| 22     | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated February 28, 2017  |
| 23     | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated March 3, 2017  |
| 24     | Memorandum of Activity, Interview (b) (6), (b) (7)(C), dated March 5, 2017   |
| 25     | Memorandum of Activity, Telephone Contact with (b) (6), (b) (7), dated March 5, 2017                                       |

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REPORT OF INVESTIGATION

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| 26 | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated March 6, 2017   |
| 27 | Memorandum of Activity, Records Review - Documents received from (b) (6), dated March 17, 2017  |
| 28 | Memorandum of Activity, Records Review - Documents received from (b) (6), dated March 23, 2017  |
| 29 | Memorandum of Activity, Records Review - Documents received from (b) (6), (b) (7), dated March 27, 2017   |
| 30 | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated April 6, 2017   |
| 31 | Memorandum of Activity, Records Review - Timeline Regarding the Appointment of (b) (6), (b) (7)(C), dated April 6, 2017                                     |
| 32 | Memorandum of Activity, Records Review - Additional Documents received from (b) (6), (b) (7), dated April 28, 2017  |
| 33 | Memorandum of Activity, Interview of Source of Information 1, dated June 20, 2017   |
| 34 | Memorandum of Activity, Interview of Source of Information 2, dated June 20, 2017   |
| 35 | Memorandum of Activity, Interview (b) (6), (b) (7)(C), dated June 13, 2017  |
| 36 | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated June 25, 2017   |
| 37 | Memorandum of Activity, Interview of Connie Patrick, dated June 25, 2017  |
| 38 | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated June 25, 2017   |
| 39 | Memorandum of Activity, Review of Letter from Director Patrick, dated July 3, 2017  |
| 40 | Memorandum of Activity, Telephone Contact with (b) (6), (b) (7), dated January 3, 2017  |
| 41 | Memorandum of Activity, Telephone Contact with (b) (6), (b) (7), dated January 30, 2017   |
| 42 | Memorandum of Activity, Telephone Contact with (b) (6), (b) (7), dated January 30, 2017   |
| 43 | Memorandum of Activity, Interview with (b) (6), (b) (7)(C), dated March 2, 2017   |
| 44 | Memorandum of Activity, Interview with (b) (6), (b) (7)(C), dated March 2, 2017   |
| 45 | Memorandum of Activity, Interview with (b) (6), (b) (7), dated March 5, 2017  |
| 46 | Memorandum of Activity, Receipt of Complaint, dated March 12, 2017  |
| 47 | Memorandum of Activity, Records Review - Receipt of FLETC Office of Professional Responsibility Report 2016-037 from (b) (6), (b) (7), dated April 27, 2017 |
| 48 | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated May 1, 2017   |
| 49 | Memorandum of Activity, Interview of (b) (6), (b) (7)(C), dated June 20, 2017   |
| 50 | Memorandum of Activity, Interview of (b) (6), (b) (6), (b) (7), dated June 20, 2017   |
| 51 | Memorandum of Activity, Interview of Connie Patrick, dated June 13, 2017  |
| 52 | Memorandum of Activity, Records Review - Travel Records for Connie Patrick, dated November 20, 2017   |

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## REPORT OF INVESTIGATION

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| 53 | Memorandum of Activity, Records Review - Email from (b) (6), (b) (7) , dated November 9, 2017 |
| 54 | Memorandum of Activity, Interview of (b) (6), (b) (7) , dated March 21, 2017                  |
| 55 | Memorandum of Activity, Interview (b) (6), (b) (7)(C) , dated July 19, 2016                   |

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