

**U.S. SECRET SERVICE: ACCOUNTABILITY FOR
MARCH 4, 2015 INCIDENT**

HEARING

BEFORE THE

**COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS**

FIRST SESSION

—————
MAY 14, 2015
—————

Serial No. 114-31

Printed for the use of the Committee on Oversight and Government Reform



Available via the World Wide Web: <http://www.fdsys.gov>
<http://www.house.gov/reform>

—————
U.S. GOVERNMENT PUBLISHING OFFICE

95-421 PDF

WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

JASON CHAFFETZ, Utah, *Chairman*

JOHN L. MICA, Florida	ELIJAH E. CUMMINGS, Maryland, <i>Ranking</i>
MICHAEL R. TURNER, Ohio	<i>Minority Member</i>
JOHN J. DUNCAN, JR., Tennessee	CAROLYN B. MALONEY, New York
JIM JORDAN, Ohio	ELEANOR HOLMES NORTON, District of
TIM WALBERG, Michigan	Columbia
JUSTIN AMASH, Michigan	WM. LACY CLAY, Missouri
PAUL A. GOSAR, Arizona	STEPHEN F. LYNCH, Massachusetts
SCOTT DESJARLAIS, Tennessee	JIM COOPER, Tennessee
TREY GOWDY, South Carolina	GERALD E. CONNOLLY, Virginia
BLAKE FARENTHOLD, Texas	MATT CARTWRIGHT, Pennsylvania
CYNTHIA M. LUMMIS, Wyoming	TAMMY DUCKWORTH, Illinois
THOMAS MASSIE, Kentucky	ROBIN L. KELLY, Illinois
MARK MEADOWS, North Carolina	BRENDA L. LAWRENCE, Michigan
RON DESANTIS, Florida	TED LIEU, California
MICK MULVANEY, South Carolina	BONNIE WATSON COLEMAN, New Jersey
KEN BUCK, Colorado	STACEY E. PLASKETT, Virgin Islands
MARK WALKER, North Carolina	MARK DeSAULNIER, California
ROD BLUM, Iowa	BRENDAN F. BOYLE, Pennsylvania
JODY B. HICE, Georgia	PETER WELCH, Vermont
STEVE RUSSELL, Oklahoma	MICHELLE LUJAN GRISHAM, New Mexico
EARL L. "BUDDY" CARTER, Georgia	
GLENN GROTHMAN, Wisconsin	
WILL HURD, Texas	
GARY J. PALMER, Alabama	

SEAN McLAUGHLIN, *Staff Director*
DAVID RAPALLO, *Minority Staff Director*
MIKE HOWELL, *Counsel*
TRISTAN LEAVITT, *Counsel*
SHARON CASEY, *Deputy Chief Clerk*

CONTENTS

Hearing held on May 14, 2015	Page 1
WITNESSES	
The Hon. John Roth, Inspector General, U.S. Department of Homeland Security	
Oral Statement	6
Written Statement	9
APPENDIX	
Chairman Jason Chaffetz, Opening Statement	62
Rep. Elijah E. Cummings, Opening Statement	65
Rep. Gerald E. Connolly, Opening Statement	67

U.S. SECRET SERVICE: ACCOUNTABILITY FOR MARCH 4, 2015 INCIDENT

Thursday, May 14, 2015

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

The committee met, pursuant to call, at 2:03 p.m., in Room 2154, Rayburn House Office Building, Hon. Jason Chaffetz [chairman of the committee] presiding.

Present: Representatives Chaffetz, Jordan, Walberg, Amash, Massie, Meadows, DeSantis, Buck, Walker, Blum, Hice, Russell, Carter, Grothman, Palmer, Cummings, Maloney, Norton, Clay, Lynch, Connolly, Cartwright, Kelly, Lawrence, Watson-Coleman, and Welch.

Chairman CHAFFETZ. Committee on Oversight and Government Reform will come to order. Without objection, the chair is authorized to declare a recess at any time.

We're meeting today to talk about the United States Secret Service and the accountability for the March 4, 2015, incident. On March 4, two senior Secret Service special agents—one had the title of Deputy Special Agent in Charge, the Presidential Protective Detail, that is Mr. Connolly, and the other one had a title of Assistant to the Special Agency in Charge for the Washington field office, that would be Mr. George Ogilvie—the allegation and the concern was that they drove through a criminal scene investigation of a potential bomb at the White House.

Following the incident, there were allegations that the two agents were intoxicated after being at a bar downtown for a retirement party. Most concerning, however, was the allegation neither agent was given a sobriety test, nor were the agents reprimanded in any way.

Part of the concern was what happened in this potential bomb scene, and what did they do about it, what did the supervisors know, when did they know it, and how did they report it up the chain of command? Instead, everyone involved was told to go home and pretend like nothing happened.

To get a better sense of what happened on March 4, Ranking Member Cummings and I met with Secret Service Director Clancy. Director Clancy could not answer our questions. Next, Mr. Cummings and I scheduled a public hearing on the incident. At the hearing, Director Clancy said he could not answer the questions. Instead, he deferred to the Department of Homeland Security Office of Inspector General, who was investigating the matter.

That investigation is now complete, and we're pleased to have Mr. Roth here with us today to talk about the conclusions of that investigation.

Now that the facts are in, it is time for accountability. The inspector general determined it was more likely than not both Agents Connolly and Ogilvie's judgment was impaired by alcohol. Since a sobriety test wasn't given to either agent the night of March 4, the inspector general came to the conclusion based on the facts. These included: Both Connolly and Ogilvie spent 5 hours in a bar running up a bar tab that included 14 drinks after 2 hours of an open bar, and the objective behavior of the two experienced Secret Service agents who should have known better.

The agents' impaired judgment resulted in them driving, "into a crime scene inches from what the rest of the Secret Service was treating as a potential explosive device and which, under different circumstances, could have been——

[Disturbance in hearing room.]

Chairman CHAFFETZ. Let me read that quote again. Sorry for the disruption.

The agents' impaired judgment resulted in them driving into, "into a crime scene inches from what the rest of the Secret Service was treating as a potential explosive device and which, under different circumstances, could have endangered their own lives and those of the Uniformed Division officers responding."

If that had been true, if it had been a real bomb, these agents would have been lucky to be alive. They were endangering the lives of too many people by doing what they had done.

Following the incident, the story of the incident began making its way up the chain of command, where it eventually reached Mr. Connolly himself, for, you see, he is in the chain of command. Though required to report what happened, Mr. Connolly chose not to. Mr. Connolly even met with his boss, Special Agent in Charge Robert Buster, on March 6 to talk about the suspicious package incident, but made no mention of being involved with the incident himself.

Mr. Ogilvie, likewise, had a duty to self-report, and chose not to. As the inspector general found, their failure to report, "reflects either poor judgment or an affirmative desire to hide their activities." Relying on the honor system for reporting this type of egregious misconduct does not work when agents do not act honorably.

Senior Uniformed Division leaders also violated their duty to report by failing to inform Mr. Connolly's boss, the head of the Presidential Protective Division.

Perhaps the situation would have been dealt with earlier if the agents were given breathalyzer tests that night. An officer on the scene told the inspector general the watch commander decided not to administer a breathalyzer to Mr. Connolly and Mr. Ogilvie because he was worried to do so would be a, "career killer." The watch commander was probably right.

Additionally, as the inspector general stated, the watch commander's decision was likely influenced by the, "Secret Service reputation for punishing or ignoring those who would further investigate or report violations." such as drunk driving.

And that is why the problems that led to this incident extend well beyond March 4, 2015. It is one of the ongoing concerns that the deep-seeded cultural problems within the Secret Service are pervasive and they continue. We have thousands of good men and women who serve this country honorably and patriotically, we appreciate them, but they are not above the law. The Secret Service has to abide by the law as well.

We've heard over and over again the source of morale problems within the Secret Service is that senior personnel are treated differently from the rank and file and that the Uniformed Division is treated differently from the agents. We have little doubt that because of this disparate treatment, Connolly and Ogilvie believed they could act in a way where they would be able to get away with it.

The culture of special treatment for senior agents must stop. It's an embarrassing and highly concerning pattern of misconduct and security incidents that need to end. The Secret Service mission is too important.

I want to commend Mr. Roth and his team for their good work on this report. They acted swiftly, they put a lot of people towards it, and it's produced a very worthwhile result, and it's why we're here today.

We look forward in the future to hearing from Director Clancy on this incident and learning whether the agency plans to take disciplinary actions against the individuals involved. I have a concern that just retiring or stepping aside doesn't solve the problem, that they don't truly have the consequences that would be associated with such egregious behavior. The job of the Secret Service is too important not to reprimand those who exercise shockingly poor judgment, which could put the President and his family at risk.

One of the other things that we're going to explore is how within the Department of Homeland Security there are different tables of penalties within the Department itself. While there's a standard for the Department of Homeland Security, there seems to be a different standard within the Secret Service and other agencies themselves, and yet this is the very reason we formed—one of the reasons we formed the Department of Homeland Security is to make sure that they have got best practices and management together so they could have this uniform across, but it's not.

In fact, one of the things that the inspector general found is that even the most senior people didn't understand what the alcohol policy was. Sort of an important thing to do and certainly an important thing to understand and know.

Again, we appreciate the good work of Mr. Roth and look forward to a good, vibrant discussion today about his findings from him and his team.

With that, I'll now recognize the ranking member, Mr. Cummings, for 5 minutes.

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

And I want to thank you, General Roth, and your team for all your hard work on this investigation from the very beginning. You worked with us and met with us, and we took your guidance, and we really appreciate all that you all have done.

You all started immediately after receiving these allegations on March 12, a week after the incident, and finished them in less than 8 weeks, and that says a lot. In that time, they conducted an impressive 48 interviews and obtained a wide variety of documents and other materials.

The report released by the inspector general confirms some key allegations, such as the claim that two agents, Mr. Connolly and Mr. Ogilvie, in fact had been drinking before driving a government vehicle to the White House and then driving their government vehicles home.

The report also debunks other allegations. It concludes, for example, that there is, “no evidence that the video of the incident was intentionally deleted or destroyed.”

This was a model of how an investigation should—should—be conducted, and it demonstrates why Congress and this committee in particular rely so heavily on the work of our IGs.

Unfortunately, this report makes clear that there is still much work to be done to improve the culture at the Secret Service. At a previous hearing on September 30 of last year, I expressed grave concern with a Secret Service culture that seems to punish those who raise concerns, a culture in which employees are afraid to report incidents up the chain of command.

At the time, we were discussing an incident in 2011 when multiple shots were fired at the White House. One officer on the scene believed bullets had hit the White House, but she feared the consequences of disputing her superiors. As a result, it was not discovered until 4 days later that the White House had been struck 7 times.

The inspector general’s report indicates that this cultural problem is indeed widespread. For example, the report highlights, “the Secret Service’s reputation for punishing or ignoring those who would further investigate or report such violations.”

According to the inspector general’s report, some officers relayed that the watch commander at the scene on the night of the incident raised concerns. According to one officer, the watch commander told his colleagues that the agents who drove into the barricade were, “hammered.” According to that officer, however, the watch commander said ordering a sobriety test would have been, “a career killer.” Therefore no sobriety test was done, and both agents drove their government vehicles home after a night of drinking.

The inspector general’s report concludes, “The watch commander’s actions must be considered in light of the vast disparity and rank between the watch commander and Connolly, who was in the watch commander’s chain of command.”

I’m also extremely concerned, because just 2 days ago, our committee conducted a key interview that further corroborates this view. Committee staff interviewed Alfonso Dyson, the Deputy Chief of the Uniformed Division, who manages more than 600 officers. Mr. Dyson admitted to our committee staff that he had two telephone calls with Mr. Connolly on the night of the incident, one while Mr. Connolly was in the middle of the suspicious package scene and another as Mr. Connolly was driving home later that night.

In those calls, Mr. Dyson warned Mr. Connolly that the watch commander, "was going to make it a problem." Mr. Dyson also admitted that he told Mr. Connolly that the watch commander might cause trouble for him. Mr. Dyson stated, "He was going to stir the pot, he was going to spread the rumors, he was going to get the guys riled up. That's what I believed and that's what I relayed to DSAIC Connolly."

This is simply unacceptable. Based on the IG report, the watch commander should have done more that night, not less. And it is appalling that senior Secret Service officials would discourage junior officers from doing the right thing. The agents and the officers of the Secret Service will never have the full trust of their colleagues while the fear of retaliation continues.

Finally, let me conclude by thanking Director Clancy for his cooperation and quick action. As the inspector general report concludes, "Director Clancy acted appropriately upon receiving information about potential misconduct." The inspector general also informed our committee that he received, "outstanding," cooperation from Director Clancy and the Secret Service during the entire investigation.

Although we had hoped that Director Clancy would be available today, this is Police Week, and he's attending several events to honor officers for acts of valor and the families of those who have fallen in the line of duty. And he called personally the chairman and yours truly to express his concern and his regrets that he could not be with us at this hearing. And I know that the chairman understood that, I understood it, and I want to thank him for all he's done. He has offered to reschedule for another date, and I look forward to hearing from him, Mr. Chairman.

And with that, I yield back.

Chairman CHAFFETZ. I thank the ranking member. And it is true that I really do believe through experience that Director Clancy has been more than responsive to requests from Congress, and his availability is very much appreciated. We may disagree on some points, obviously, but his accessibility has been one of the best that we have seen.

I also want to highlight, just at this moment the Secret Service was evidently involved and engaged in apprehending somebody who was trying to fly a drone. I'm basing this solely on media reports. But every day these men and women are dealing with very exceptionally difficult situations. Something can go wrong at any given time. They do far more than we ever hear or see, and we greatly appreciate that.

It is not enough to just say we appreciate it. They need to know we love and care for them and we pray for them. And they have a no-fail mission. And that's why when something goes so terribly wrong, we've got to learn from it and make sure that we fix the problems, because some of this egregious behavior is just unacceptable.

I would also note that just literally happening here today, the Secretary's Award for Valor was given to one of the Secret Service agents, William Uher. I hope I'm pronouncing his name properly. Hometown of Scranton, Pennsylvania. His duty station is Washington, D.C. Let me just read the paragraph.

“While en route to work on November 22, 2014, the U.S. Secret Service Sergeant Technician William Uher came upon a motor vehicle accident at the Baltimore-Washington Parkway and was the first to respond. After notifying 911, he went to the scene to offer assistance. When Sergeant Uher noticed flames originating from underneath the hood of the vehicle, he removed the occupant, who was would later determined to have a broken pelvis and unable to walk.”

And the men and women who serve as first responders, people like that, who do this great work, can't thank them enough. They're dealing with tough situations.

But we expect a lot. And we expect that people will make mistakes, but not of such egregious consequences that it puts the mission in danger, puts others in danger, and certainly can never, ever put the President in danger. He's our President. I don't care Republican or Democrat, I don't care how you feel about the President, he's our President, and he has to stay safe. And that's why it's so pivotal that we continue to investigate that.

I will hold the record open for 5 legislative days for any members who would like to submit a written statement.

Chairman CHAFFETZ. But we'll now recognize the witness who's here today, who represents a large, big group of people who have spent a lot of good time in innovative investigative work to come to this meeting today. So it's with pleasure that we welcome Inspector General John Roth. Mr. Roth assumed the post of inspector general of the Department of Homeland Security on March 10, 2014, after previously serving as the Director of the Office of Criminal Investigations at the FDA, the Food and Drug Administration. Before that, he had had a long and distinguished career with the Department of Justice.

Welcome.

Pursuant to committee rules, all witnesses are to be sworn before they testify. So if you will please rise and raise your right hand.

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

Thank you. Let the record clearly reflect that the witness answered in the affirmative.

Mr. Roth, we will now recognize you. And don't even bother starting the clock. We'll hear your report, and then when you're done, we'll ask questions.

Mr. Roth.

**STATEMENT OF THE HONORABLE JOHN ROTH, INSPECTOR
GENERAL, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. ROTH. Thank you. Chairman Chaffetz, Ranking Member Cummings, and members of the committee, thank you for inviting me here today. As you know, we have made public our report concerning the incident at the White House Complex on the evening of March 4.

Our objective was to conduct a factual inquiry and to assess the reasonableness of the actions of the individuals involved. We conducted this investigation from March 12 until April 30.

This inquiry centered on the activities of two senior Secret Service supervisors. Marc Connolly is the Deputy Special Agent in Charge of the Presidential Protective Division, a position that he has held for the last 2 years. Connolly's duties include all aspects of White House security. George Ogilvie is the Assistant to the Special Agent in Charge at the Washington Field Office and is a supervisor in the protection squad. He has previously worked in the Presidential Protection Division.

The report that we wrote is a summary of the investigation, and it is attached to my written testimony. The materials of our investigation that we produced, our reports of interviews, the physical evidence, and the documents we found, have been turned over to the Secret Service in accordance with our regular procedures.

The Inspector General's Office does not make recommendations as to whether or what personnel actions should be taken, but leaves that to the Secret Service. Our duties in this instance are purely investigative.

The report makes some conclusions based on the evidence that we found. For example, it was more likely than not that Connolly and Ogilvie's judgment was impaired by alcohol. The two agents displayed poor judgment and a lack of situational awareness in driving into the scene.

While during their interviews each denied drinking to excess, we must assess those denials in light of the Uniformed Division officers' observations of the agents' behavior, the fact that they had just spent the 5 previous hours in a restaurant bar, and that two highly experienced supervisors drove into a crime scene inches from what the rest of the Secret Service was treating as a potential explosive device and which, under different circumstances, could have endangered their own lives and those of the Uniformed Division officers who responded.

Moreover, both agents were required to report their conduct up the chain of command, but failed to do so. Each told us that they did not believe that what they had done amounted to a reportable incident. Their failure to report reflects either poor judgment on their part or an affirmative desire to hide their conduct.

With regard to the actions of the Uniformed Division that evening, we found that they reacted to the suspicious package generally in accordance with Secret Service policy and operational procedures. However, the establishment of the perimeter should have been better executed. While there's often confusion inherent in a fast-moving and factually fluid situation, a number of vehicles and pedestrians came within close proximity to the object after the Uniformed Division had established the safety perimeter.

The Uniformed Division officers made reasonable attempts, while they were securing the scene, to canvass the area for the suspect, but an early partial description of the suspect's vehicle foiled the ability to apprehend the suspect during her flight. However, the Secret Service investigative agents reacted quickly to identify the suspect and determine the nature of the threat.

It was the watch commander's sole decision to allow Connolly and Ogilvie to pass without further inquiry as to their sobriety. The watch commander made this decision on his own assessment based on his observations. While it would have been far preferable

if he had ordered a field sobriety test or made other inquiries to establish both agents' fitness to drive, the watch commander's actions must be considered in light of the vast disparity in rank between the watch commander and Connolly, who was in the watch commander's chain of command, the vague and insufficient Secret Service policy regarding drinking alcohol and driving government vehicles, and the Secret Service reputation for punishing or ignoring those who would further investigate or report such violations.

The watch commander reported the facts as he understood them to his superior officer. The watch commander and his subordinates should have been able to rely on their superior officers to appropriately report the situation. Both Uniformed Division Deputy Chief Dyson and Uniformed Division Chief Simpson were notified that night that the two agents had driven into an evacuated area and that alcohol was involved, and each could have reported the incident, but did not.

I would like to publicly acknowledge the hard work of the agents of the Office of Inspector General who conducted this investigation. They displayed a dedication to the OIG mission and professionalism that does me proud, and I am grateful for their efforts.

Additionally, I would like to express my appreciation for the outstanding cooperation we received from the Secret Service's Office of Professional Responsibility and from Director Clancy himself.

Mr. Chairman, that concludes my testimony. I'm happy to answer any questions you may have.

[Prepared statement of Mr. Roth follows:]

**STATEMENT OF JOHN ROTH
INSPECTOR GENERAL
U.S. DEPARTMENT OF HOMELAND SECURITY**

**BEFORE THE
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES**

**CONCERNING
U.S. SECRET SERVICE: ACCOUNTABILITY FOR MARCH 4, 2015
MISCONDUCT**

MAY 14, 2015



Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee, thank you for inviting me here today. As you know, today we have made public our report concerning the incident that occurred at the White House Complex (WHC) on the evening of March 4th of this year. It was reported that two senior Secret Service special agents, including one who is responsible for all aspects of White House security, disrupted the scene of an investigation of a suspicious package during an elevated security condition at the WHC. It was further alleged that these two agents were under the influence of alcohol after attending a colleague's retirement celebration at a local bar/restaurant.

Our objective was to conduct a factual inquiry and to assess the reasonableness of the actions of the individuals involved. We conducted this investigation from March 12, 2015 until April 30, 2015. We conducted approximately 48 interviews, and reviewed records from the Secret Service, the Washington Metropolitan Police Department (MPD) and, pursuant to subpoena, records from a private entity. The records we reviewed included emails, telephone records, radio transmissions from the night in question, and videos from the White House, the MPD, and the U.S. Department of Commerce. From this material, we were able to establish a timeline and an understanding of what occurred. We were assisted in our work by the very good cooperation of the Secret Service's Office of Professional Responsibility and Director Clancy.

This inquiry centered around the activities of two senior Secret Service supervisors:

- Marc Connolly is the Deputy Special Agent in Charge (DSAIC) of the Presidential Protective Division (PPD), a position he has held for the last two years. Connolly's duties as DSAIC include managing the security of the WHC. In that capacity, he is responsible for handling all aspects of White House security.
- George Ogilvie is the Assistant to the Special Agent in Charge (ATSAIC) at the Washington Field Office (WFO). He has previously worked in PPD and is currently at the WFO as a supervisor in the protection squad.

The report is attached to this testimony. The materials our agents produced – our reports of interviews, the physical evidence and the documents we found – have been turned over to the Secret Service in accordance with our regular procedures. The Inspector General's Office does not make recommendations as to whether or what personnel action should be taken, but rather leave that up to the component involved.

The report makes conclusions based on the evidence that we found. We conclude:

- It was more likely than not that Connolly and Ogilvie's judgment was impaired by alcohol. The two agents displayed poor judgment and a lack of situational awareness in driving into the scene. While during their interviews each denied drinking to excess that evening, we must assess those denials in light of the Uniformed Division (UD) officers' observations of the agents' behavior, the fact that they had just spent the last five hours in a restaurant/bar, and that two highly experienced Secret Service supervisors drove into a crime scene inches from what the rest of the Secret Service was treating as a potential explosive device and which, under different circumstances, could have endangered their own lives and those of the UD officers responding.
- Moreover, both agents were required to report their conduct up the chain of command, but did not. Each told us that they did not believe what they did amounted to a reportable incident. Their failure to report reflects either poor judgment or an affirmative desire to hide their activities.
- With regard to the actions of the UD that evening, we found that they reacted to the suspicious package generally in accordance with Secret Service policy and operational procedures. However, the establishment of the perimeter should have been better executed. While there is often confusion inherent in a fast-moving and factually fluid situation, a number of vehicles and pedestrians came within close proximity to the object after the UD had established the safety perimeter.
- The UD officers made reasonable attempts, while they were securing the scene, to canvas the area for the suspect, but an early partial description of the suspect's vehicle foiled the ability to apprehend the suspect during her flight. Secret Service investigative agents reacted quickly to identify the suspect and determine the nature of the threat.
- It was the watch commander's sole decision to allow Connolly and Ogilvie to pass without further inquiry into their sobriety. The watch commander made his decision on his own assessment, based on his observations. While it would have been far preferable if he had ordered a field sobriety test or made other inquiries to establish both agents' fitness to drive, the watch commander's actions must be considered in light of the vast disparity in rank between the watch commander and Connolly (who was in the watch commander's chain of command), the vague and insufficient Secret Service policy regarding drinking alcohol and driving

government vehicles, and the Secret Service's reputation for punishing or ignoring those who would further investigate or report such violations.

- The watch commander reported the facts as he understood them to his superior officer. The watch commander and his subordinates should have been able to rely on their superior officers to appropriately report the situation. Both UD Deputy Chief Dyson and UD Chief Kevin Simpson were notified that night that two agents had been drinking and had driven into an evacuated area, and each could have reported the incident, but did not.

I would like to publicly acknowledge the hard work of the agents in the Office of Inspector General (OIG) who conducted this investigation. They displayed a dedication to the OIG mission and professionalism that does us proud, and I am grateful for their efforts.

Mr. Chairman, this concludes my testimony, and I am happy to answer any questions you may have.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20005 / www.oig.dhs.gov

MAY 06 2015

MEMORANDUM FOR: The Honorable Jeh C. Johnson
Secretary

The Honorable Joseph Clancy
Director
United States Secret Service

FROM: John Roth *John Roth*
Inspector General

SUBJECT: Investigation Into the Incident at the White
House Complex on March 4, 2015

Attached is our review of the investigation into the events that took place at the White House Complex on March 4, 2015. The report is furnished for whatever action you consider appropriate.

Should you have any questions regarding the report, please feel free to contact me.

Attachment

[REDACTED]

We have substantially completed our review of the events that took place at the White House Complex (WHC) on March 4, 2015. Our objective was to conduct a factual inquiry and to assess the reasonableness of the actions of the individuals involved. It was reported that two senior Secret Service special agents, including one who is responsible for all aspects of White House security, disrupted the scene of an investigation of a suspicious package during an elevated security condition at the WHC. It was further alleged that these two agents were under the influence of alcohol after attending a colleague's retirement celebration at a local bar/restaurant.


We conducted this investigation from March 12, 2015 until April 30, 2015. We conducted approximately 48 interviews, and reviewed records from the Secret Service, the Washington Metropolitan Police Department (MPD) and, pursuant to subpoena, records from a private entity. The records we reviewed included emails, telephone records, radio transmissions from the night in question, and videos from the White House, the MPD, and the U.S. Department of Commerce. From this material, we were able to establish a timeline, attached to this report as appendix A, and still images taken from the video, attached as appendix C and D. We also have attached a map of the agents' route, attached as appendix B. Still images taken from the various video surveillance cameras are attached as appendix C, D, and E.

While the facts that we uncovered in this investigation shed light on particular management challenges facing the Secret Service, we are deferring specific conclusions about potential systemic issues facing the Secret Service until we complete a series of inquiries of the following incidents, currently underway:

- A 2011 incident when shots were fired at the White House;
- A 2014 incident when an armed private security guard came in close proximity to the President;
- A 2014 White House fence-jumping incident;
- A 2015 incident when an individual possibly known to the Secret Service landed a gyrocopter on the grounds of the U.S. Capitol.

Additionally, but separately, we are investigating alleged misconduct of specific Secret Service personnel. At the conclusion of our investigations, we will issue public reports regarding our investigations of the following matters:

- An allegation that, in March 2015, one or more Secret Service agents accessed, through the Secret Service data systems, the employment application of an individual who later became a Member of Congress.

- 
- An allegation that, in March 2015, a senior manager, after a farewell party involving drinking, sexually assaulted a female subordinate.


This inquiry centered around the activities of two senior Secret Service personnel. Marc Connolly is the Deputy Special Agent in Charge (DSAIC) of the Presidential Protective Division (PPD), a position he has held for the last two years. Connolly, a member of the Senior Executive Service, has about 27 years' experience in the Secret Service. Connolly's positions within the USSS have included Resident Agent in Charge, Grand Rapids, MI; Assistant Special Agent in Charge (ASAIC) of the PPD; and Deputy Assistant Director (DAD) for the Office of Government and Public Affairs (GPA). Connolly's duties as DSAIC include managing the security of the WHC. In that capacity, he is responsible for handling all aspects of White House security. Connolly's supervisor is Robert Buster, Special Agent in Charge (SAIC), PPD.

George Ogilvie has been with the Secret Service since 1996. He is the Assistant to the Special Agent in Charge (ATSAIC) at the Washington Field Office (WFO). He has previously worked in PPD, the Baltimore and New York Field Offices, the GPA office and currently, at the WFO as a supervisor in the protection squad. He reports to the ASAIC of WFO, who in turn reports to the DSAIC and the SAIC at WFO.

The party

The retirement party for Edwin Donovan, who was at the time the Deputy Assistant Director in the GPA office, was held at Fado Irish Pub and Restaurant, a bar and restaurant in the District of Columbia, on the evening of March 4, 2015. Witnesses stated that there were about 30 to 40 people in attendance, including Donovan and his wife. It appears that approximately 55 people were invited. Donovan arranged to provide for open wine and beer service, as well as food. According to the bar tab for that event, the guests ordered 53 servings of beer, 7 glasses of wine, and 3 sodas. Food was served in a buffet-style setting, totaling about \$729. The event started at approximately 5:30 p.m. and lasted until approximately 7:30 p.m., at which time the open bar was closed and Donovan's wife paid the tab.

According to Fado personnel, the majority of the party left immediately after the party concluded. However, four individuals – consisting of Connolly, Ogilvie, and two non-agent Secret Service personnel who work in GPA – remained at the bar together. Accounts differ as to whether other Secret Service personnel also remained and if so, when they left. Most observers said that the Connolly and Ogilvie party was the last to leave. Ogilvie opened a tab at 7:44 p.m., secured with his credit card, and paid the bill three hours later, at 10:45 p.m.



[REDACTED]

On his bill, there were charges for eight glasses of scotch, two vodka drinks, one glass of wine, and three glasses of beer.

We questioned Ogilvie, Connolly, and the other two employees about their consumption of alcohol at the party and afterwards. Ogilvie admitted to drinking two scotches from his tab and one beer from the open bar, which he said he did not finish. Connolly stated that he had drunk two beers during the open bar period, and only ginger ale and water thereafter. He told us that he did not think he had anything to drink from Ogilvie's tab. The female Secret Service employee acknowledged drinking two vodka drinks from Ogilvie's tab. The male Secret Service employee stated that he drank one beer from his own tab and one scotch on Ogilvie's tab. Ogilvie in his interview maintained that the balance of the drinks on his tab – five glasses of scotch, a glass of wine and three beers – were given away to others, but he could not recall for whom he bought drinks. Ogilvie stated during his interview that he consumed his last alcoholic beverage 45 minutes before he left the bar.

None of these four individuals – Connolly, Ogilvie, and the two Secret Service personnel – could recall what, or even whether, the others in their small group were drinking. All four stated that in their opinion none of them were visibly intoxicated. In addition, Fado personnel said they did not observe anyone visibly intoxicated.¹

The four individuals left together shortly after 10:45 p.m. Ogilvie had driven from WFO and parked his government-issued vehicle, a dark late-model Ford SUV, on 8th Street between Secret Service headquarters (950 H Street, N.W.) and the restaurant at 808 Seventh Street, NW. Connolly asked Ogilvie for a ride to his government car, parked at the White House. The other two left in a cab.

Suspicious package incident at WHC E Street entrance

While Connolly and Ogilvie were at the bar, at approximately 10:24 p.m. a woman pulled up in her car to the guard station at the perimeter of the WHC, at the intersection of E Street (which is closed to the public in the direction of the WHC) and 15th Street (hereinafter, "E Street entrance"). It consists of a guard station, set slightly back from the public sidewalk on the west side of 15th Street. It is an entry point for official vehicles needing access to the White House grounds, and is manned by Uniformed Division (UD) officers. The majority of E Street is [REDACTED], with a [REDACTED] entrance for vehicles. A vehicle requesting entry is checked by officers at the guard station, then directed westbound inside the perimeter on E Street toward

¹ Under District of Columbia law, a restaurant or bar is prohibited from serving or allowing the consumption of alcohol to someone who is or appears to be intoxicated. D.C. Code § 25-781.

[REDACTED]

a point approximately [REDACTED] where the vehicle is inspected, including [REDACTED]. The vehicle then moves further west to a second gate, which is restricted by a [REDACTED]. This barrier is operated by an officer at a second guard station.

What occurred next is best described in the E Street entrance UD officer's own words, written that evening approximately an hour and a half after the incident:

On Wednesday March 4th at approximately 2225 hours I observed an unknown blue vehicle pull up just outside [the officer's post]. The driver, a W/F, got out of the car. I approached her telling her she could not park her car there. She began using profanity telling me she could park where she wants. As she began moving forward towards me I told her to stop. She then tells me she has something for me and I informed her we could not take things but I ask who is it for. She did not say but loudly and with profanity said it was a bomb. She then said she was joking and it was a book. I radioed for an additional unit as she went back to her car. I opened the passenger door which was closest to me and told her to get out of the car. She then put the car in reverse taking me backwards due to standing just inside the car door. She then went forward into traffic southbound on 15th street. I advised the JOC of her statements and we declared the package suspicious.²

Secret Service Response to the Suspicious Package

[REDACTED]

[REDACTED]³ The process was coordinated by the Joint Operations Center (JOC). After the subject fled from the E Street entrance, UD officers moved a series of steel "bike rack" barriers in a semicircle around the entrance to the driveway, but left a gap, which was blocked by an

² The officer's account is consistent with both the video and the statement the woman made when interviewed by the Secret Service on March 6th. It is also consistent with the affidavit in support of the suspect's arrest warrant, although in that document the officer stated that he repeatedly ordered the suspect out of the car, that the officer was able to reach inside the car and place the car in park, but that the suspect nonetheless put the car in drive and accelerated while the officer was still in the open passenger door area.

[REDACTED]

[REDACTED]

[REDACTED]

orange barrel in front of the entrance. The watch commander told us that they did not want to fully block the entrance to E Street with the bike racks, because that might hinder the MPD Explosive Ordnance Disposal (EOD) personnel. The UD officers intended to place yellow tape across the entrance but none was available. The officers normally stationed at the entrance evacuated to a post west on E Street, [REDACTED]. By approximately 10:33 p.m., UD units had blocked traffic on 15th Street in both directions from [REDACTED], and [REDACTED].⁴ An incident command post (ICP) was established at Pennsylvania Avenue and 15th Street. Because the package was on the sidewalk on 15th Street, MPD EOD had jurisdiction over the package, and was notified at 10:36 p.m. of a suspicious package.⁵

At roughly the same time that the 15th Street entrance was being secured, the UD officers attempted to locate the fleeing car. The officers at the scene immediately gave a description of the car as a possible dark blue four-door sedan fleeing the area driving southbound on 15th Street, but initial reports had no license plate number. This report was broadcasted to all Secret Service UD units working the WHC. Within about 30 seconds of the suspect leaving the entrance, two UD cruisers left the E Street entrance and traveled southbound in pursuit of the suspect.

A UD officer who was driving a marked UD cruiser (cruiser 1) spotted a vehicle matching that description travelling westbound on Constitution, toward

⁴ Based on our review of the videos we obtained, the road closure was fairly porous. As we note in Attachment A, we observed that from the time the Secret Service believed that they had sealed off the area, a number of vehicles (in addition to Ogilvie's) and pedestrians came within the vicinity of the object. Some walked very close to the object. Even after 15th Street was closed, cars traveling westbound on Pennsylvania Avenue were able to turn left onto 15th Street, directly in front of the guard station and the object, for several minutes.

In one example, one UD cruiser pursued a station wagon travelling southbound on 15th Street that had trailed Ogilvie's SUV as it passed the roadblock (described below) and briefly pulled it over. The officer pulled the wagon over south of the object and directed it to make a U turn and travel north on 15th, which was back closer toward the object. Later, the cruiser was idling on the east side of 15th Street, about 40 to 60 feet from the object, for about 40 seconds. When interviewed about this, the UD officer stated that at the time he was unaware of the precise location of the object and would have never have placed himself so close to it had he known, nor would he have ordered the station wagon driver to make a U turn to have her drive past the object again, but would have ordered her to continue south.

⁵ [REDACTED]

[REDACTED]

[REDACTED]

Virginia. However, a second UD cruiser (cruiser 2) had stopped a vehicle matching that description at 15th and Jefferson Streets, approximately a half mile south of the White House, and radioed in the stop. When cruiser 1 heard that radio transmission, he discontinued following the vehicle, because he assumed that cruiser 2 had apprehended the suspect. Only after cruiser 1 discontinued following this vehicle did he learn that the individual in the vehicle stopped by cruiser 2 did not match the description of the individual throwing the package, and had been subsequently released.

One of the UD officers at the scene had been able to obtain a license plate number and by 10:37 p.m. reported it to the JOC. By 10:40 p.m., the wife of the vehicle owner had been identified as being "of record" with the Secret Service. By about 1:30 a.m. on March 5th, agents learned that the suspect had an encounter with the Capitol Police the day before, and from that encounter learned the hotel at which the suspect said she was staying. By 1:45 a.m., agents had responded to the hotel, but found that the suspect had checked out earlier in the day. Secret Service agents from the Philadelphia Field Office were dispatched to the home of the suspect. At 2:00 a.m., Secret Service agents interviewed the suspect's husband and discovered the suspect's travel plans and cell phone number. By 6:00 p.m., the suspect was located in Gordonsville, Virginia, and by approximately 7:00 a.m. the next day, March 6th, the suspect was interviewed. An arrest warrant for assault under the D.C. Code was issued for the suspect on March 10th.

Ogilvie and Connolly approach the roadblock at 15th and F Street

Ogilvie told investigators that the route he took to the White House from Fado was to drive south on 8th Street to H Street. From H Street he drove to New York Avenue, to the intersection of 15th Street. [REDACTED] personnel were at the intersection of [REDACTED], approximately two blocks south of the intersection of New York Avenue and 15th Street. Together, they directed both vehicle and pedestrian traffic to ensure no one would travel south on 15th Street south of F Street. This was accomplished by directing southbound cars to turn left onto F Street, heading east. Similarly, westbound F Street traffic would be prevented from turning south onto 15th Street. [REDACTED]

Slightly before 10:57 p.m., Ogilvie approached the intersection of 15th and F in a group of three cars. The first vehicle approached and the officer motioned it to turn and it turned east onto F Street. Ogilvie was the second vehicle. According to one UD officer, the officer directed Ogilvie with his flashlight approximately three to four additional times to make the turn, but the vehicle would not turn east onto F Street. According to the UD officer directing traffic, Ogilvie stopped, and the UD officer made eye contact with both the driver and [REDACTED]

[REDACTED]

the passenger; at that time, the passenger showed his credentials or White House pass. According to Ogilvie and Connolly, Ogilvie flipped down his passenger side visor, which had police lights on it. The UD officers recall that Ogilvie either activated his emergency lights or sounded his air horn.

The UD officer recognized the driver as a Secret Service employee. The UD officer did not recognize the passenger, nor did he specifically reconcile the displayed identification photo with the passenger. The officer told us that he believed he stepped out of the way so that the vehicle could proceed closer to him; thinking that the driver of the SUV would subsequently stop, roll down the window, and ask the location of the suspicious package and the ICP. Additionally, the officer stated that he may have waived at the SUV when he stepped out of the way for it to approach, but did not specifically recall.

The SUV did not stop. It drove by the officer and slowly proceeded south on 15th Street. The officer did not attempt to stop the SUV, as he assumed the occupants of the SUV were Secret Service personnel responding to the suspicious package incident. The officer told us that in retrospect, he felt that he should have been more insistent to find out why the SUV was there, but "really thought" the SUV was there because of the suspicious package incident.⁶

When interviewed, both Ogilvie and Connolly recall that the roadblock was set up at New York Avenue and 15th Street, and the encounter took place as Ogilvie attempted to turn left (south) from New York Avenue onto 15th Street. However, both UD officers told us that they were set up two blocks south of that, on 15th and F Streets. The MPD video we reviewed confirmed that the checkpoint was not set up at 15th and New York, as Ogilvie and Connolly recalled.

To Connolly, the officer's presence was not significant because it was a common occurrence to see a law enforcement presence near the WHC. An officer's presence could mean a street is blocked off to the public, but White House pass holders are permitted through. During the interview, Connolly provided examples of why a street could be blocked off, including motorcade entry/exit, protectees nearby, an incident on either side of the WHC, or a general observation post. To Ogilvie, the presence of the officers did not raise any red flags to him because this is type of activity occurs frequently around the White House.

⁶ As previously noted, a private car trailed Ogilvie through the roadblock at 15th and F. The UD officer got into his cruiser to pursue it as Ogilvie was pulling into the E Street entrance, leaving a recently-arrived Metro PD unit to handle the roadblock.

[REDACTED]

Ogilvie and Connolly pull into E Street entrance

At about 10:58 p.m., Ogilvie and Connolly pulled up to the guard station at the intersection of 15th and E Streets where, as previously noted, the UD officers manning the post had evacuated the post and placed a series of bike rack-type barriers and a lightweight orange plastic barrel in the driveway to prevent access.

Connolly and Ogilvie have differing recollections as to what occurred next. In his interview, Ogilvie described that there was a narrowing of the entrance as a result of the barrel and that he had to “go out wider” to go around the blockage but was able to “negotiate his way through.” OIG investigators asked Ogilvie if he recalled striking any objects at the post entrance. Ogilvie said that he entered the post “too tight,” but stated in his interview that he did not recall how the barrel was moved. Connolly told investigators that the barrel was in fact blocking the driveway as if the post was closed. According to Connolly, he directed Ogilvie to move forward. In Connolly’s account, Ogilvie had to back up and bump the barrel to get through.

In fact, a review of the Secret Service and the MPD videos shows that Ogilvie had to do considerable maneuvering to negotiate his way around the steel “bike rack” barriers that had been set up in a semicircle around the entryway. Even then, in order to negotiate around the barrel, Ogilvie needed to push the barrel with his right front fender and along the passenger side of the car. It appears from the review of the video that the barrel moved more than five feet, being pushed along the concrete and brick walkway. This was no mere “bump,” but rather extended contact to shove the barrel out of the way. Additionally, apparently unknown to Ogilvie, his car passed within inches of the suspicious package during this process.

The [REDACTED] normally at the post [REDACTED] at a post on [REDACTED], [REDACTED] where [REDACTED] personnel were present: [REDACTED], a [REDACTED] and a [REDACTED]. These officers had over 65 years of combined experience in the Secret Service. At 11:01 p.m., several minutes after Ogilvie pulled up, the JOC radioed the UD officers to check on the car. The officers were hesitant to do so because the car was next to the unknown object, which had yet to be cleared. One of the officers, with over 25 years’ experience at the White House, said he had never seen anything like this.

The three officers approached the area of the car. Both Ogilvie and Connolly produced their White House passes as the officers approached. One officer was in the lead, while the other two were nearby, within earshot. The near officer asked Ogilvie “how did you get in here?” He received no response. He asked a second and third time, and again received no response. The officer told the [REDACTED]

[REDACTED]

OIG investigators that Ogilvie had his head back in the seat and his eyes were wide open as if he was trying hard not to blink, and in notes written that evening described both agents as having a “deer in the headlights” look. The fourth time that the UD officer asked Ogilvie what they were doing there, he responded that they had drove in down 15th Street and “no one stopped us.” According to one of the officers, Connolly asked “where are the post officers and the K-9?” At that point, according to each of the officers at the scene, Connolly, who had been checking his blackberry, acknowledged that they were at condition yellow.⁷ Ogilvie, in response to a question, stated that they had just come from headquarters.

All three officers at the scene thought something was “not right.” They did not smell any alcohol, and none of them noted that either agent slurred their speech or otherwise appeared intoxicated, but each of the officers thought that the agents were “not making sense.” At about 11:03 p.m., one of the officers decided to call for the watch commander, a captain who was the highest ranking UD officer on duty that night. The officer told the watch commander that “we have a situation, we have Connolly and Ogilvie down here and they aren’t making any sense.” The officer recalls telling the watch commander either “I can’t smell alcohol” or “I don’t know if alcohol is involved.” The watch commander recalls the officer saying “they may be drunk.” Because of the circumstances, the watch commander called Inspector Williams, his immediate supervisor, to let him know the situation as he knew it: that reportedly Connolly had driven into the crime scene, that he smelled of alcohol and that he was upset. Telephone records reveal a 54 second call between the watch commander and Inspector Williams at 11:09 p.m.

The UD watch commander arrived on the scene, received a summary of what occurred and told the three officers that he would handle the situation, and the three officers retreated away from the vehicle, outside of earshot, as the watch commander approached the SUV.

According to the watch commander, Ogilvie asked in a calm voice, “What’s the hold up?” The watch commander told Ogilvie of the suspicious package

⁷ Connolly, in his statement to OIG investigators, stated he realized that they were at condition yellow as they were driving on 15th Street, but before they reached the E Street entrance. This is contradicted by Connolly’s prior statement to Assistant Director William Callahan on March 9, in which he said that once the UD officers at the E Street entrance told Connolly it was condition yellow, he retrieved his blackberry from the back seat of the vehicle and realized that. Connolly’s account as told to AD Callahan is consistent with the interviews of the UD officers. Additionally, when Ogilvie recounted the episode to his supervisors on March 10, he stated that Connolly did not access his blackberry until after they entered the E Street entrance. A review of the Secret Service video showed that Ogilvie as he pulled up was attempting to display his identification badge, characteristic of someone expecting UD personnel to be standing post at the time.

[REDACTED]

incident that they were working and, in the watch commander's words, Ogilvie gave him an "oh shit look." The watch commander described Connolly, who was on his cell phone, as having a flushed face, glazed eyes and his clothing slightly disheveled. The watch commander detected a slight odor of alcohol coming from the car and asked if they he had been drinking, to which Ogilvie replied "what?" The watch commander asked the question again and Ogilvie responded by turning his eyes towards Connolly, nodding slightly and in a low voice answered "yes." To the watch commander, Ogilvie's appearance was normal and he was calm and professional. The watch commander told OIG investigators that he believed Ogilvie had consumed alcohol, but wasn't exhibiting any signs of intoxication such as flushed face, slurred speech, glassy eyes or lack of concentration. Ogilvie, in his interview with OIG investigators, acknowledged that he told one of the UD officers that "I had a drink."

While the UD officers were dealing with the car, Connolly was on his mobile phone. First, according to Connolly, he called the JOC, and spoke to the senior Special Agent on duty that night and made the notification that they were at the White House complex and that they were at condition yellow.⁸

Connolly was also called by UD Deputy Chief Dyson at 11:19 p.m. Dyson commands the UD officers at the White House and reports to the SAIC of PPD through Connolly. Dyson had received word of the situation from Inspector Williams, who had been informed by the watch commander. Dyson wanted to know if everything was OK. Dyson stated that Connolly told them everything was fine. According to Dyson, Connolly said "I f—ed up." Connolly added that the "kid" from the WFO (presumed to be Ogilvie) gave him a ride to the White House and they drove around a road block and into the E Street entrance so Connolly could get to his vehicle. According to Dyson, Connolly told him that once they arrived at the E Street entrance, they realized that no one was posted in the area, so they stopped the vehicle, looked around and realized that something was wrong. At that time, Connolly and Ogilvie reached for their respective blackberries and saw the e-mail notifications that there was a suspicious package located at the entrance where they were stopped. Connolly went on to say that they had no knowledge of the package and it was his fault for not paying attention to his blackberry. Dyson advised Connolly that he needed to make notification before the incident got out of hand. According to Dyson, Connolly agreed with Dyson regarding the notification.

According to the watch commander, he believed that Ogilvie was fit to drive, but that Connolly was not. When interviewed, the watch commander told OIG investigators that he made the final decision on releasing Ogilvie based on his law enforcement experience that Connolly was intoxicated but Ogilvie was not.

⁸ This call is not reflected on Connolly's blackberry telephone records, yet both Connolly and the agent at the JOC recall this call being made.

[REDACTED]

The watch commander, in a written statement to us, stated that while Ogilvie admitted that he had consumed alcohol, his eyes were normal, speech was normal, and his demeanor was polite and professional, and the watch commander did not believe that he was intoxicated. The watch commander stated that he observed Ogilvie drive a short distance when he directed him to drive [REDACTED], and Ogilvie was able to do that without incident. The watch commander stated that he had asked the others on the scene whether they thought that Ogilvie was intoxicated, and none did.⁹

The watch commander called for [REDACTED] which had to be ordered to the E Street entrance after initially refusing to enter the blast area. [REDACTED] and the watch commander permitted the agents to drive off. The total time elapsed from entering E Street to being released was approximately 17 minutes.

The watch commander's statement to the OIG investigators, that he thought that Ogilvie was fit to drive, is contradicted by his statement to other witnesses, who stated that the watch commander made statements that night that to other UD officers that both agents were under the influence of alcohol, describing to one officer their condition as being "hammered." One UD officer told OIG investigators that the watch commander said that he did not ask to have a field sobriety test conducted because it would be a "career killer." (The watch commander, when interviewed, denied making the statements.) The watch commander also separately told the other three officers at the scene that the agents had admitted that they had been drinking. He also told his supervisor, Inspector Williams, that he thought the agents were in violation of the "10 hour rule," meaning that they had been drinking within 10 hours of reporting for duty.

The watch commander did think Connolly was intoxicated, but he was under the assumption that Connolly was going to remain at the WHC or a local hotel overnight. Due to forecasted weather conditions, many UD officers were staying in hotels and the watch commander assumed Connolly was as well. He called officers at the interior posts to check to see if Ogilvie and Connolly had made it to the West Executive parking lot. The watch commander stated that if he had known that Connolly intended to drive home, he would have made a further investigation regarding Connolly's fitness to drive. While none of the three

⁹ There is a discrepancy between the watch commander's statement and that of the three officers first on the scene. The watch commander stated that he had asked the officers on two occasions (before he approached the vehicle and after [REDACTED] about the sobriety of the occupants. None of the three officers, when interviewed by OIG investigators, recall such a conversation, and one specifically told us that the watch commander never asked them for their opinion as to the sobriety of the two agents.

[REDACTED]

officers at the scene were certified in administering a field sobriety test (although one of the three officers originally at the scene was a former instructor), there was a UD officer at the WHC that night who was so trained.

In fact, after being released from the E Street entrance, both Ogilvie and Connolly immediately drove home in their assigned government vehicles. Connolly and Ogilvie spoke to each other on the drive home, in two calls (combined) lasting over seven minutes. Connolly also called UD Deputy Chief Dyson, in a call lasting over five minutes.

Secret Service Policy on Drinking and Government Vehicles

The Secret Service policy on drinking has been amended on a number of occasions as a result of previous incidents, including an update after this incident. On March 4, there were several relevant Secret Service policies in existence, although the policies are generally vague and we found that the knowledge of these policies by Secret Service personnel varied.

One policy in effect on March 4 prohibited Secret Service personnel who are authorized to carry firearms from using intoxicants during working hours. As noted in the policy, "This includes periods while on official travel, or at any time when such employees may reasonably expect that they may be called upon to perform an official duty."

Additionally, the Secret Service policies in effect on March 4 included limitations on the use of alcohol while off duty, particularly while on protective assignments away from agents' home offices. The policy also prohibits the use of alcohol within 10 hours of reporting for duty at any time. Additionally, while on a protective assignment away from the home office, agents are prohibited from drinking at the protectee's hotel once the protective visit has begun, but are permitted to drink "in moderate amounts" while off duty during the protective mission.

Secret Service's policy on drinking alcohol and subsequently driving a government vehicle was similarly vague. The UD had a policy that prohibited operating a government vehicle "while under the influence of intoxicants." That policy, instituted in 2012, only applied to UD personnel and not the special agents. The only other vehicle policy stated that that the operator must "observe all traffic laws."

We found that different Secret Service personnel had differing understandings of what the alcohol policy was as it relates to government vehicles. Director Clancy, for example, testified on March 24, 2015 to the House Oversight and Government Reform Committee as follows:

CHAFFETZ: At the time of the March 4th incident, what was the Secret Service policy for driving a government vehicle after drinking alcohol?

CLANCY: At the time of the incident, you cannot drive a government vehicle under the influence of alcohol.

CHAFFETZ: Can you have a drink, what level? What level is acceptable?

CLANCY: The way the policy reads going off memory here, is that if you are impaired, if you have -- you're not able to control your actions. So it's not a legal limit, it's not the legal limits. In other words, it could be less. You may not be intoxicated by a legal limit but someone could say that you don't have proper abilities.

Connolly, when interviewed, stated that he believed that the policy meant that you could not drive drunk, but that you could have a drink and then drive, so long as you were not impaired. Likewise, Ogilvie told us that he believed that the policy was that you could drink and drive, so long as you were not impaired.¹⁰ Ogilvie's supervisor was unaware of any policy on drinking and driving.

The Secret Service's policy at the time of the March 4th incident did not comport with existing DHS policy. That policy, which was established on March 18, 2011 as part of DHS' fleet management guide, prohibits any DHS employee from the consumption of alcohol within 8 hours of operating a government vehicle. While this policy supersedes the Secret Service policy, we found no evidence that anyone within the Secret Service was aware of the DHS policy or efforts on the part of the Department to enforce the policy among components. After this incident, on April 20, 2015, the Department issued a memo reminding components of the DHS policy and instructing that components may have policies that are more stringent, but not more lenient than the DHS policy.

Additionally, both of the agents involved had "home to work" authorization, meaning that they could use their government vehicles to commute from their home to their office and back. This authority is permitted in those instances:

when the employee is assigned duty for the purpose of responding to calls which may be received after regular business hours, or when the

¹⁰ None of the policies define "impaired," but under a common understanding of the term, it is something less than intoxicated. According to the Center for Disease Control, loss of judgment begins with blood alcohol concentrations (BAC) as low as .02% and describes loss of judgment as a "typical effect" at a BAC of .05%. http://www.cdc.gov/motorvehiclesafety/impaired_driving/bac.htm The District of Columbia defines driving while intoxicated as having a BAC of .08%, or .04% if driving a commercial vehicle. A 180 pound man can reach a BAC of .04% after two drinks.

[REDACTED]

vehicle is used to make calls after regular hours of duty, or when transportation in a Government vehicle is otherwise essential to the safe and efficient performance of intelligence, counter-intelligence, criminal law enforcement, and protective services duties....

In other words, because Connolly and Ogilvie were required as part of their duties to be available to respond to situations after normal work hours, they were granted the authority to drive to and from work in their government vehicles.

After the March 4th incident, the Secret Service issued yet another set of rules about alcohol consumption, prohibiting the use of a government-owned vehicle within 10 hours of drinking alcohol in any amount. The new policy comports with the DHS rules adopted in 2011.

Notifications

Neither Connolly nor Ogilvie notified their superiors of the incident, although Secret Service policy required them to report any incident which in their judgment "may be the cause of publicity or inquiry from others." Director Clancy was first informed about the March 4th incident involving Connolly and Ogilvie at approximately 9:00 a.m. on March 9th, when a retired Secret Service agent called him and told him of an email that was making the rounds, alleging that two individuals were involved in a car crash at the White House, that it involved alcohol, and that it was in the middle of a suspicious package investigation. Although Clancy told us he believed the story to be bogus, he directed Office of Protective Operations Assistant Director (AD) William Callahan to determine if the story had any merit to it. Richard Coughlin, the acting AD heading up the Office of Professional Responsibility, met with Clancy shortly thereafter and showed him an email containing the same information, but that also identified Connolly and Ogilvie. At that time, pursuant to DHS policy, Clancy directed that Coughlin refer the matter to the DHS Office of Inspector General. Our office received the notification on the evening of March 9, 2015.

Connolly met with his supervisor, SAIC Buster, on March 6th and discussed the UD officer's handling of the confrontation with the suspect in the suspicious package incident. Connolly did not mention the incident involving him and Ogilvie. Buster also first heard of the incident from Office of Protective Operations Assistant Director William Callahan on March 9th. When interviewed, Connolly said that he did not report his and Ogilvie's entry into the E Street entrance during the suspicious package incident to SAIC Buster because Connolly thought it was a misunderstanding; not an incident. In his mind, there was no impact and nothing to relate to Buster.

[REDACTED]

Ogilvie stated that he did not believe the March 4th incident to be an issue so he had not made any notifications until March 9th. On that date, Ogilvie's boss (the ASAC of WFO) asked him in passing, "did you hear about an incident at the White House involving the PPD supervisor?" "I think Marc Connolly came in, suspicious package..." Ogilvie told him that "this is a rumor," and explained what had occurred. Later that day, he also told the SAIC of WFO and according to Ogilvie, gave her a general overview of the incident.


The incident with Connolly and Ogilvie was not memorialized in writing by any Secret Service personnel. The officer responsible for the JOC log did not record any of the incidents involving the agents into the log. The officer took full responsibility for failure to do so and was not coerced or advised not to include any account of the incident in the log. In hindsight, the officer believed this incident should have been recorded into the JOC log. The officer, at the time of the incident, while looking at the camera footage, believed the driver of the vehicle was someone who would figure out that they could not come into the post and would drive away. He did not think it would become the incident in question.

Additionally, the incident report that was written for the suspicious package incident, the report written by WFO, the Watch Commander journal omitted the incursion of the crime scene by Ogilvie and Connolly. The watch commander reported the situation by telephone to his supervisor, Inspector Williams, both before and after the watch commander's interaction with the agents. Williams, in turn, notified UD Deputy Chief Dyson. Additionally, the watch commander received a brief description via email from a UD officer in the JOC, describing the incursion, but not identifying anyone by name.¹¹ The watch commander then forwarded this same email to Inspector Williams as well as to Deputy Chief Dyson. Dyson, in turn, forwarded the message as an "fyi" to both SAIC Buster and to Connolly.

Deputy Chief Dyson, who was notified of the incident that night, told Connolly on two occasions that night that he needed to report the incident. Other than forwarding the email, Dyson never reported the incident. Dyson stated that he did not report the incident because he believed that Connolly would self-report.

UD Chief Simpson was also notified on the evening of March 4th that two agents had driven into an area and alcohol was involved. Simpson stated he did not report this incident because he did not believe it was his job to do so, and assumed that Connolly was going to self-report.


¹¹ The full text of the email reads: The individual that entered [the E Street gate] moved the orange barrel, that was blocking the entrance, with his vehicle. He never exited his vehicle but moved it with his car then backed up and moved it again.


Video preservation

The Secret Service video surveillance system at the WHC was installed in 2007 and originally had a 24 hour recording retention requirement, which was later changed to 72 hours. The 72 hour retention policy was developed with the Secret Service Office of Chief Counsel in approximately June 2012. The determination of the retention period was a result of a variety of factors, including privacy issues, legal liability, the cost and capacity of the equipment. A longer retention period was not used because it was believed that security threats at the White House were immediately known and would not need to be preserved.

We interviewed the contractor who designed the system, who stated that the system will not retain video past that set time and will begin to record over the beginning of the video file once it gets to this set time. The OIG independently verified with the contractor that proprietary forensic tools would not be able to find any data from the incident because the video data is constantly overwritten. Additionally, OIG learned from the Secret Service that they were unable to recover additional video footage from the March 4 incident. We do not believe any other video of either incident exists, except for the MPD video and the video recovered from the Department of Commerce camera. Beyond the 72 hour retention, specific incidents can be preserved for intelligence or evidentiary purposes. These requests ordinarily come from an on-scene commander at the WHC, usually a UD sergeant or above. In order to record an incident, the UD sergeant in the JOC reverses the feed, identifies the requested video, downloads it to a local hard drive, then "burns" a copy to a compact disc. On the night of March 4, the video regarding the suspect leaving the object was burned to removable media by JOC personnel that evening for evidentiary and intelligence purposes. The incident involving Connolly and Ogilvie was burned to removable media at the request of the UD officers at the scene, who wanted to determine precisely the manner in which the barrel was moved.

Conclusions

- The UD personnel on scene reacted to the suspicious package generally in accordance with Secret Service policy and operational procedures. The establishment of the perimeter should have been better executed. While there is often confusion inherent in a fast-moving and factually fluid situation, a number of vehicles and pedestrians came within close proximity to the object after the UD had established the safety perimeter.
 - Contributing to the confusion was the inconsistent interpretation of the scene of the suspicious package. The scene was often interpreted by
- 

[REDACTED]

personnel as a “safe zone” instead of a crime scene. If the scene had been interpreted as a crime scene, the overall documentation and security of the scene may have changed, including documenting incursions into the crime scene.

- The UD made reasonable attempts, while they were securing the scene, to canvas the area for the suspect, but an early partial description of the suspect vehicle foiled the ability to apprehend the suspect during her flight. Secret Service investigative agents reacted quickly to identify the suspect and determine the nature of the threat.
- Connolly and Ogilvie displayed poor judgment and a lack of situational awareness in driving into the scene. Even if they had not been aware of the condition yellow through email notifications, it would have been obvious to a reasonable observer as they drove down 15th Street and into the E Street vehicle entrance that something was amiss. Yet, according to the weight of the evidence, neither Connolly nor Ogilvie were aware of the situation until the UD officers spoke with them.

We conclude that it was more likely than not that both Connolly’s and Ogilvie’s judgment was impaired by alcohol. While during their interviews each denied drinking to excess that evening, we must assess those denials in light of the UD officers’ observations of the agents’ behavior, the fact that they had just spent the last five hours in a restaurant/bar in which Ogilvie ran up a significant bar tab (at least some of which he was unable to account for), and that two highly experienced Secret Service supervisors drove into a crime scene inches from what the rest of the Secret Service was treating as a potential explosive device and which, under different circumstances, could have endangered their own lives and those of the UD officers responding.

- It was the watch commander’s sole decision to allow Connolly and Ogilvie to pass without further inquiry into their sobriety. The watch commander made his decision on his own assessment, based on his observations, which included speaking with the agents and watching Ogilvie drive a short distance to an area in which [REDACTED]. There is a factual disparity, which we were unable to resolve, as to whether the watch commander consulted with the other officers on the scene as to their opinion of the agents’ condition. In any event, it would have been far preferable if he had ordered a field sobriety test or made other inquiries to establish both agents’ fitness to drive.

However, the watch commander’s actions must be considered in light of the vast disparity in rank between the watch commander and Connolly (who was in the watch commander’s chain of command), the vague and

[REDACTED]

[REDACTED]

insufficient Secret Service policy regarding drinking alcohol and driving government vehicles, and the Secret Service's reputation for punishing or ignoring those who would further investigate or report such violations.

- We have found no evidence that the video of the incident was intentionally deleted or destroyed. The clips involving the suspect placing the package were extracted from the White House video system for intelligence and criminal investigative purposes. The video of the incident involving Connolly and Ogilvie was extracted as a result of a request by UD officers at the scene. The remaining video evidence was overwritten in the ordinary course of the operation of a system that was designed to overwrite older video.
- Neither the PPD SAIC nor Director Clancy were aware of the incident until Clancy was notified by an outside party on March 9. Director Clancy acted appropriately upon receiving information about potential misconduct.

Both Connolly and Ogilvie had a duty to report the incident to their superiors, but did not do so. The policy relies on the good judgment of the individual to determine what to report. That two highly experienced supervisors, understanding the numerous high-profile incidents involving Secret Service's protective function and its employees' use of alcohol, would believe that the event in which they were involved did not need to be reported reflects either poor judgment or an affirmative desire to hide their activities.

The watch commander reported the facts as he understood them to his superior officer. The watch commander and his subordinates should have been able to rely on their superior officers to appropriately report the situation.

Both UD Deputy Chief Dyson and UD Chief Kevin Simpson were notified that night that two agents had been drinking and had driven into an evacuated area, and each could have reported the incident.

Appendix A¹

Time	Event	Source
10:23	Suspicious vehicle arrives at E Street entrance	MPD video
10:24	Suspect interacts with UD officer, leaves object	Secret Service video
10:24	USSS/Joint Operations Center (JOC) advised that an unattended item (book, wrapped in a sweatshirt) was thrown by a subject in the vicinity of E Street entrance.	
10:25:46	Suspicious vehicle leaves	MPD video
10:26:27	Two marked UD cruisers leave E Street, lights activated, in pursuit of suspect	
10:26:41	Unknown vehicle permitted to enter E Street entrance	MPD video
10:28	WHC moved to condition yellow	Tello email
10:29	UD officer pulls over suspect vehicle on 15th Street; vehicle released at 10:31 after description of the package thrower does not match driver	Radio traffic
10:29	Pedestrians walking southbound on 15 th Street sidewalk next to object	MPD video
10:28	WHC elevated to Condition Yellow	JOC log
10:30	Temporary barrier established at the entrance to E Street entrance	DOC video
10:34	Units requested to secure Ellipse and Freedom Park	JOC log
10:36	MPD/EOD notified	JOC log
10:33 (approx.)	15 th street blocked to traffic in both directions at F street to the north and Constitution Avenue to the south	Radio traffic, MPD video
10:35	License plate reported to JOC	JOC log/Radio traffic
10:40	Wife of owner is identified as being "of record" with Secret Service	JOC log

¹ All times are taken from videos supplied by the Secret Service, MPD, or the Department of Commerce, from an analysis of police radio transmissions, emails, telephone records, or times noted on official logs. The task was complicated by the fact that the time stamp on each video source was not synchronized with the others. The Secret Service video was about 5 seconds different than that of MPD's. Likewise, the Department of Commerce video had a time stamp that was about 4:35 behind that supplied by the Secret Service. Likewise, times listed on telephone records may not be synchronized with the video records. We attempted to reconcile these disparities. Approximate times are noted.

Time	Event	Source
10:42:37	Unknown vehicle, while travelling south, passes in close proximity of object	MPD video
10:45 (approx.)	Director Clancy received telephone notification from PIOC of suspicious package incident	MOA
10:48	JOC sends first email with subject line: "condition yellow -- suspicious package [E Street entrance]." The body of the email describes it as "an item believed to be a book wrapped in a sweat shirt." Notifies all that E Street entrance is closed to traffic.	email
10:54	Unidentified pedestrian walks from Ellipse toward E Street entrance and comes in close proximity to the object.	MPD video
10:56	Connolly and Ogilvie turn south on 15th Street NW and drive past ICP	MPD video
10:58	Connolly and Ogilvie arrive at E Street entrance	MPD video
10:58	Unknown car drives past E Street entrance and unattended item, pulled over by UD cruiser	MPD video
10:59	UD cruiser sits on 15 th across from E Street entrance in close proximity to unattended item	MPD video
11:00	Two unidentified pedestrians walk within feet of unattended item	MPD video
11:01	Officers manning directed to approach the car at E Street entrance and tell him to exit the complex	radio
11:03:42	UD officer calls watch commander (2:28), informs him that Connolly and Ogilvie were at E Street entrance "and there could be a problem...they may be drunk..." and that they were inside the barrier area of the suspicious package scene	Phone records, MOA
11:08	Initial request for K-9 to respond to E Street entrance	Radio via Sgt. Parsons
11:09	Watch commander calls Inspector Williams (54 seconds) per interview to inform him of situation regarding Connolly and Ogilvie.	Phone records, MOA
11:09	Buster advises WH Deputy COS of suspicious package; Connolly copied	email
11:10	Deputy Chief Dyson receives call from Inspector Williams, per interview informing him about the situation with Connolly and Ogilvie	Phone records, MOA

Time	Event	Source
11:12	PIOC alert sent describes it as “unattended item (book)”	email
11:12	MPD EOD arrives at Incident Command Post	JOC log, radio traffic
11:12	Watch commander orders K-9 unit to sweep Ogilvie’s government car after initial K-9 refusal to enter area	Radio traffic
11:14	Watch commander receives call from Inspector Williams (2:10)	Phone records
11:14:40	Ogilvie and Connolly drive off (total time from entering E street to departure was approximately 17 minutes)	Commerce video
11:19	Connolly receives call from Deputy Chief Dyson (09:13)	Phone records
11:30	MPD EOD approaches package	Radio traffic
11:39 or 11:46	MPD EOD declares package safe	JOC log (11:39) radio traffic (11:46)
11:47	Watch commander calls Inspector Williams (1:33)	Phone records
11:47	PPD SAC Buster receives forwarded (cryptic) email from Deputy Dyson re orange barrel	email
11:47	Radio broadcast that suspicious package had been declared safe	Radio traffic
11:51	PIOC alert notifies that MPD EOD declared the item safe; condition green; streets and fence line reopened	email

Chairman CHAFFETZ. Thank you. I now recognize myself for 5 minutes.

Mr. Roth, there was an email about the incident forwarded up the chain of command on March 4. Can you tell me a little bit more about that email, what you found?

Mr. ROTH. Certainly. What we had found was that—and let me get to the page in the report that has that.

Chairman CHAFFETZ. The version I have is page 15.

Mr. ROTH. Thank you, sir.

Correct. There was an email that was sent really up the chain of command all the way to the SAIC of the Presidential Protection Division that described in sort of very vague terms what had occurred at the entrance of E Street.

Chairman CHAFFETZ. And why do you think the email was forwarded by Deputy Chief Dyson to Mr. Connolly himself?

Mr. ROTH. I think it was to let Mr. Connolly know that, in fact, word was getting out of the incident and that he had the necessity to self-report.

Chairman CHAFFETZ. And how did Mr. Connolly respond to that email?

Mr. ROTH. During that night when Mr. Connolly was driving home, he called Deputy Chief Dyson and expressed his concerns with regard to the fact that this was getting out.

Chairman CHAFFETZ. So if Deputy Chief Dyson denied that he was aware that the email was about the vehicle containing Mr. Connolly, would you find that denial credible?

Mr. ROTH. Not knowing any other facts, it certainly would raise some additional questions I'd have to ask Deputy Chief Dyson. The evidence that we have derived indicates that Mr. Connolly and Deputy Chief Dyson had a conversation as Connolly was driving home expressing concerns about that email itself.

Chairman CHAFFETZ. So for him to suggest that he had no idea that Connolly was in the car, that couldn't possibly be true, could it?

Mr. ROTH. Our interview of Deputy Chief Dyson, I believe he indicated that it sounded like Connolly was in the car as they were having that discussion.

Chairman CHAFFETZ. Did your investigators ask any questions about the video cameras being directed away from the area where Braun was questioning Connolly and Ogilvie? That was something that our whistleblowers, and there are concerns that the video cameras were actually moved away so that they could not see that interaction.

Mr. ROTH. I was not aware of any of that. What we did find with regard to the video preservation was, as you know, there's only a 72-hour preservation of the video unless it is somehow burned to removable media.

What we found in the course of our investigation was the actual, what I would call the barrel incident, Ogilvie driving and striking the barrel and moving the barrel out of the way, was, in fact, burned onto removable media at the request of the Uniformed Division folks who were on the scene and who wanted to figure out exactly how it was that that barrel was moved. We, of course, had

no other video, so there was nothing else to review other than that snippet that had gotten burned that night.

Chairman CHAFFETZ. And that's one of our deep concerns long term, is just that, A, why the policy, when you require an airport to retain video for 30 days and yet they only retain this for hours? There were a couple different potential crimes going on. You did have two people that were trying to detain this woman from driving away. They claimed to be injured and assaulted. That video is not necessarily all captured from start to finish. The bungling of how we were going to apprehend this person who had left a potential bomb.

Let me ask you, were there any officers in the JOC that night who outranked Braun, do you know?

Mr. ROTH. That outranked Braun?

Chairman CHAFFETZ. Yeah.

Mr. ROTH. There was an assistant to the SAIC, I think in the Presidential Protection Division, who was there, so in other words, an investigative agent, I think, in a GS-14 level. I'm assuming that that outranks Braun, but I'm not 100 percent sure.

Chairman CHAFFETZ. One of the concerns is about when Director Clancy knew. You know, this thing was evidently spreading like wildfire, there's emails, there's telephone discussions, there are people who are asking to have videotape preserved because they were upset and irate about what was going on. You had former agents, you had retired agents, you had a newspaper reporter, you had members of Congress all heard about this before Director Clancy. Is that possible?

Mr. ROTH. Apparently that's what the facts show.

Chairman CHAFFETZ. So who's responsible? Where did it stop? Where did it not continue up the chain of command so that Director Clancy knew about it?

Mr. ROTH. Well, I think there are several points of failure. I mean, certainly one of the points of failure is with Connolly and Ogilvie, who had, according to Secret Service policy, a duty to report their own misconduct up the chain. So the SAIC of the Presidential Protection Division, in fact, should have been informed by Connolly, and the SAIC of the Washington Field Office should have been informed by Ogilvie, but were not. So that's one point of failure.

I think the other point of failure is with the supervisors, the leadership in the Uniformed Division. Both the chief and the deputy chief could have and should have reported it up. Each of them when we interviewed them said: Well, the reason that we didn't do it is because Connolly believe—or Connolly told us that he was going to self-report, so I didn't want to do it, I'd rather have Connolly do it.

Chairman CHAFFETZ. But, technically, both should have happened, right? They should have self-reported and they should have reported it. They knew that misconduct had happened.

Mr. ROTH. Correct.

Chairman CHAFFETZ. So why didn't they do it?

Mr. ROTH. Well, I think it was a failure on those individuals' parts to do what it is that they were supposed to do.

Chairman CHAFFETZ. Anybody else should have reported?

Mr. ROTH. Those are the four individuals that I believed had primary responsibility. Obviously there were individuals, for example, in the JOC, the Joint Operations Center, who understood what went on, including the 1811, the special agent supervisor who was at the JOC that evening, who could have reported it up, probably should have reported it up. There are the Uniformed Division individuals themselves who could have reported it as well.

Chairman CHAFFETZ. And my concern is that they did not preserve all the video that was germane to both the leaving of the package, the fleeing of the person, and the incident itself.

With that, I yield back and now recognize the ranking member, Mr. Cummings.

Mr. CUMMINGS. Picking up exactly where the chairman left off, Mr. Roth, I notice that at the beginning of your report you mentioned that you're deferring specific conclusions about potential systemic issues facing the Secret Service until you have completed your investigation into at least five or six other incidents. Is that correct?

Mr. ROTH. That's correct, sir.

Mr. CUMMINGS. And what form do you think that's going to take? It seems like we have a culture of secrecy, a culture of complacency, a culture of fear of retaliation. I mean, what do you see, where are you going with that?

Mr. ROTH. Sure.

Mr. CUMMINGS. You follow me?

Mr. ROTH. Yes, I do. And the way I see our office is where we add value is having that independent fact-finding ability, to be able to go in and gather documents and interview individuals who are, in fact, compelled under DHS rules to talk to us.

So what we intend to do is very similar to what we did with the Bush residence alarm report that was issued a few weeks ago. We are going to find a lot of facts and we are going to see exactly what it is that we find. We are going to use the disinfectant of sunlight. We are going to publish reports. We are going to report them both to the Secretary, to the Director of the Secret Service, and obviously the committees to whom we report.

We think that at the end of those fact-findings, some of the conclusions or some of the sort of themes will become apparent. But, for example, we'll do—or we are in the process of doing an investigation into the 24 incident at the CDC where the President was in close proximity to an armed security guard, unknownst to the Secret Service.

We will write a factual report about exactly what happened, where there were points of failure within that, and publish that, again, to this committee, as well as the other committees of jurisdiction, to the Secretary, and to the Director.

Mr. CUMMINGS. So it sounds similar to when the DOJ comes into a police department and is looking at patterns of practice. I mean, is that similar, do you think?

Mr. ROTH. I think that's a pretty good analogy. The only difference is that we are going to do this serially. In other words, we are not going to wait until the end. We are going to produce these, because we think it's important to get the information out as quickly as we possibly can.

Mr. CUMMINGS. Now, I want to ask you about the agency's policies regarding alcohol, which your report calls, "vague and insufficient."

Mr. ROTH. Correct.

Mr. CUMMINGS. First let me quickly walk through some details about the retirement party.

According to your report, the party started at about 5:30 and lasted until 7:30. Your report says there was an open bar. Afterwards, Mr. Connolly and Mr. Ogilvie stayed at the bar with two other colleagues, and, according to your report, Mr. Ogilvie opened a new bar tab at 7:44 p.m. And closed it 3 hours later. Is that right?

Mr. ROTH. That's correct.

Mr. CUMMINGS. As part of your investigation, you obtained the actual bar tab, did you not?

Mr. ROTH. We did.

Mr. CUMMINGS. And I would like to put it up on the screen. Your report says they purchased, "eight glasses of Scotch, two vodka drinks, one glass of wine, and three glasses of beer." They were on a roll.

Looking at this tab, the first three items are beers, then a glass of wine, then eight—eight—Johnny Walker Reds, and then two vodka drinks. So 14 alcoholic drinks in all. Is that right?

Mr. ROTH. That's correct.

Mr. CUMMINGS. The agents claimed that they did not have all of these drinks. Mr. Ogilvie told your investigators that five glasses of Scotch, the glass of wine, and the three beers were, "given away to others." but he could not remember to whom. Is that correct?

Mr. ROTH. That's correct.

Mr. CUMMINGS. Okay. But at a minimum Mr. Ogilvie admitted to drinking two Scotches and one beer, Mr. Connolly admitted to drinking two beers, and both Mr. Connolly and Mr. Ogilvie also admitted that they drove their government vehicles that same evening on their way home. Is that right?

Mr. ROTH. That's correct.

Mr. CUMMINGS. As of March 4, the Secret Service had a policy that prohibited officers from operating government vehicles, "while under the influence of intoxicants," but your report says that this policy applied only to Uniformed Division officers, not to agents like Mr. Connolly or Mr. Ogilvie. This seems a bit ridiculous to me, but do you know why that was the case?

Mr. ROTH. We don't. And what we found with a lot of these policies is they were put in, in sort of a piecemeal and patchwork fashion. But we don't have a good explanation as to why it only applied to the Uniformed Division but not to the special agents.

Mr. CUMMINGS. Now, the Secret Service is also part of the Department of Homeland Security, which has its own policy prohibiting all employees from drinking alcohol within 8 hours of operating a government vehicle. So even if we take the agents at their word in terms of how much they drank that night, it seems they violated existing DHS policy, but your report says that you found, "no evidence that anyone in the Secret Service was aware of this policy." Is that right?

Mr. ROTH. That's correct.

Mr. CUMMINGS. That's a problem.

Mr. ROTH. Yes.

Mr. CUMMINGS. And I don't see how we can have the elite of the elite and they don't even know what their own rules are.

After the incident on March 4, the Secret Service issued a new rule prohibiting all employees from drinking any alcohol within 10 hours of driving a government vehicle. So this new rule is even more strict than the DHS policy. Is that right?

Mr. ROTH. That's correct.

Mr. CUMMINGS. Do you know if the Secret Service is taking steps to educate their employees about this new policy and are they conducting training in that regard?

Mr. ROTH. We did not look at that in this investigation, but that is something that we are certainly interested in.

Mr. CUMMINGS. Well, I'm sure that's something that this committee will take up.

My last thing just, Mr. Roth, there are clearly significant problems relating to alcohol at the agency. We've seen that in the past incidents as well. But it also appears that the agency's vague policies just made worse the problem. So I hope today's hearing is part of a broader effort to reform the agency's policies, to make absolutely clear to employees what is expected of them, and to revitalize the agency so it can perform its critical mission and once again become the elite of the elite.

With that, I yield back.

Mr. CONNOLLY. Mr. Chairman, just as a matter of personal privilege.

Chairman CHAFFETZ. Yes.

Mr. CONNOLLY. Mr. Connolly is not related to me, nor do I like Scotch. Thank you.

Chairman CHAFFETZ. Duly noted.

We'll now recognize the gentleman from Florida, Mr. DeSantis, for 5 minutes.

Mr. DESANTIS. Thank you, Mr. Chairman.

Mr. Roth, in your report you said that the incident should be considered in light of the Secret Service's reputation for punishing or ignoring those who would further investigate or report such violation. And that interests me, because before your tenure the DHS Office of Inspector General released a 2013 report which did not find evidence in the Secret Service that misconduct or inappropriate behavior is widespread or that leadership has fostered an environment that tolerates inappropriate conduct.

So given your tenure, given this report, what are your thoughts about the 2013 DHS report? Is that an accurate reflection of what's going on in the culture of the Secret Service right now?

Mr. ROTH. Certainly not right now, it is not, I mean. But one of the things about the report that you reference, the 2013 report, is that there are fascinating findings within it. For example, they did a survey, an electronic survey in which 138 electronic survey respondents personally observed excessive alcohol consumption and 86 percent of them indicated that they did not report such behavior. The report also indicated that of the 2,500-and-some electronic survey respondents, 44 percent of them felt that they could not re-

port misconduct without fear of retaliation if they, in fact, reported that.

So within that report itself there are some very, very disturbing trends. And I think, given the nature of what it is that we've seen since then, I believe that there is a serious problem within the Secret Service.

Mr. DESANTIS. And that report also found that 36 percent of the respondents did not believe that senior managers are held accountable within the agency. Do you think that that is still the case today?

Mr. ROTH. We haven't done any work on that, but it would not surprise me if it is still that case.

Mr. DESANTIS. Is there any indication that the process for discipline within the Secret Service has improved since the 2013 report?

Mr. ROTH. Well, it certainly has improved since Cartagena. The Secret Service has taken steps to—they have an Office of Integrity now, for example. That is the one that imposes discipline. As a result of our 2013 inspection, we made a number of different recommendations, including the table of penalties, which they now have adopted. So I think the Secret Service is moving in the right direction in this area after Cartagena.

Mr. DESANTIS. It's safe to say, though, that the conclusions reached in the 2013 report, that there's a conflict between the conclusions you reached in your report.

Mr. ROTH. I would agree with that.

Mr. DESANTIS. So the question is then, how to correct what has led to the cultural problems that your report identifies. And then I agree with you that, I think, underlying the 2013 report you saw evidence of that from the people who responded to the survey. So as people who are doing oversight, I mean, what do we need to be doing or what does the agency need to be doing, in your judgment?

Mr. ROTH. Well, candidly, I think Director Clancy is moving in the right direction. As I said, they've indicated they've put together a table of penalties, they have an Office of Integrity. I think they're doing increasing training on this. I think they've treated violations of this very seriously. For example, the auto accident in Florida involving some of the Uniformed Division that was alcohol related, I think the discipline that was imposed there was appropriate.

So I won't expect that a problem that took years to create will be fixed overnight, but I do think they are moving in the right direction.

Mr. DESANTIS. Amongst your experience with the other components of DHS, do they all have similar issues with alcohol or is the Secret Service unique in that regard?

Mr. ROTH. We haven't taken a specific look at other law enforcement agencies to the degree that we have with the Secret Service.

Mr. DESANTIS. But you have not had a lot of alcohol-related incidences brought to your attention that you've had to investigate? Is that fair?

Mr. ROTH. That's fair.

Mr. DESANTIS. Do any of the other DHS components have a similar reputation where somebody who is trying to do the right thing could end up getting punished or marginalized?

Mr. ROTH. Again, we haven't looked at that, so it's very difficult for me to opine on that.

Mr. DESANTIS. But you can say that that is not a problem that's been presented to you in the other components during your tenure, correct?

Mr. ROTH. That's correct, it hasn't been brought to my attention that that's the case.

Mr. DESANTIS. Great.

Well, let me thank you for the report. I thought it was done timely and I think it had a lot of good information in it. So thanks for doing that. And obviously we want to see with some of the other incidents, we are looking forward to those results as well. So thank you.

And I yield back.

Chairman CHAFFETZ. Thank you.

I now recognize Ms. Norton from the District of Columbia, 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman, and thank you for this hearing. You've been pretty busy, Mr. Chairman, today.

And, Mr. Roth, we appreciate your report. You of course see some congressional impatience. That impatience, I suppose this committee is paid to be impatient, particularly, though, in light of the repetitive incidents.

So I'm trying to be as objective as I can and to put this in perspective. I can do that because I ran an agency that was a whole lot more troubled at the time than the Secret Service, a huge backlog and the rest, and if someone had said to me, you know, within a couple of months get it in order, I would have been in bad shape. It took me a little time to get rid of that backlog. So I'm trying to keep in mind what it is Mr. Clancy found and what he perhaps has done.

Now, I note that I asked staff to find out, you know, when was he appointed exactly. He is actually a long-term employee of the Secret Service. He was acting from October. The March 4 incident occurred in I consider his acting time, but he was official as of February 19.

Now, as of the March 4 incident, Director Clancy apparently had not issued the order that was issued after that incident involving the two agents, required to report through their chain of command any activities, et cetera.

And my concern with that is whether or not this indicates—it seems to me that in light of his efforts, having been with the agency, for example, even during the time when there was no reporting of the bullets that had penetrated the White House, I was concerned that the first thing he did was not to say: Look, let me know before the press knows and before anybody knows. It bothered me that, as short a time as that may seem, that he certainly was aware.

So my question goes to whether or not, in light of this order after the March 4 incident, you believe there is sufficient clarity so that that might seem pretty clear as to what is required. For example, I don't know, and do agents know about drinking off duty? Does there need to be greater clarification beyond reporting now up the chain of command of what is required of an agent on and off duty?

These agents have been under huge duress, according to the special panel. "For years the Service has taken on additional missions in both protective and investigative roles, but has not matched its request for additional resources of those expended." And they reported that they had been on 12-hour days and with fewer and fewer days off.

So, again, if you step back and look at it, they have obviously been subject to the sequester and the rest of it. And the panel said that they needed, at best, 200 officers and 85 agents and that they were down 500.

So essentially you have some overworked, overburdened agents. So you would imagine that if people even that high in the chain of command had been overworked that way, that they might go out and drink too much.

So is there any clarification? If you're an officer of something like the Secret Service and you are off duty, but subject perhaps to being called on duty, but bearing in mind that everybody's entitled to a private life, is there enough clarification about what is required on and off duty so that we can be assured that there will not be another incident like this?

Mr. ROTH. I think you raise a good point and a good concern, and it's certainly one that we wrestled with, with regard to what does it mean to be on duty, because most of these special agents are subject to recall at any time. Does that mean they can never consume alcohol? It would seem to be an irrational policy if that's the case. But I agree that there probably is room for clarification with regard to that.

Ms. NORTON. All right, Mr. Chairman. Thank you very much. Mr. Chairman, I would ask that, because I think this is a very murky area, that we ask Director Clancy to bring some clarification. For example, certain number of hours perhaps before being required to report for duty, et cetera, I have no idea, but some clarification might be fair in light of what they should expect.

Chairman CHAFFETZ. I wholeheartedly agree, because what you see at Homeland Security issued by Secretary Johnson is different than what the individual agencies within his Department have in front of them. And there should be a uniform standard across the board, and there's not. And I think that is one of the fixes that we need to work with the agency.

Ms. NORTON. Well, maybe even a higher standard for Secret Service agents.

Chairman CHAFFETZ. Amen.

All right. Let's now recognize the gentleman from North Carolina, Mr. Walker, for 5 minutes.

Mr. WALKER. Thank you, Mr. Chairman.

Let me just sort of pick up what we were discussing when it comes to off duty/on duty in the aspect of driving government vehicles. So the question I'd like to start with is, did you determine whether any other attendees, Mr. Roth, at the party drove government-owned vehicles after consuming the alcohol?

Mr. ROTH. We did not. We interviewed some of the individuals who were at the sort of farewell party in which alcohol was served. Some of them had alcohol and then, for example, went back to the office to continue to work. But we did not really press it.

And my point with regard to that is that the DHS policy was really unknown to the Secret Service. No one within the Secret Service understood it. We did not see any attempts by the Department itself to promote this policy. The policy was in the manual for essentially maintenance of cars, government cars. It was not a place in which you would naturally look to see a policy like that. So it was difficult for us to blame somebody for violating a policy that, one, they didn't know about, and, two, no one made an effort to tell them about.

Mr. WALKER. Granted. And I understand being ignorant of certain aspects in ethics and so forth as we continue to learn even as a new Member of Congress.

However, let me ask this. Were any of the party attendees of the Secret Service part of the executive staff? And if so, should not they be held some kind of liable to understand what the rules are?

Mr. ROTH. Yes. I agree with that. Subsequent to this, of course, as has been noted, the Secret Service put a new policy in place, a very bright line policy in place that says you cannot step into or operate a government vehicle if in the last 10 hours you've had any alcohol whatsoever. So certainly the behavior that took place at the party is now prohibited. So there is clarity.

Mr. WALKER. There's no ambiguity. I mean, you've, I guess, proved the fact that they did know of at least that policy part of it. Is that correct? I mean, most Secret Service agents, if you've been drinking, probably not a good idea to get back into your government-owned vehicle.

Mr. ROTH. Well, what we found was that there was a lot of uncertainty as to what the policy was. It was to not drive drunk, obviously. But the question of when you're impaired, in other words, is it okay to have a drink and then drive? And I think at a previous hearing Director Clancy, in fact, talked about that. If you're not able to control your actions, it's not a legal limit, but it could be something less. You may not be intoxicated by a legal limit, but some could say that you don't have the proper abilities. So some sort of impairment. But that was such a vague sort of standard that it's functionally unenforceable.

Mr. WALKER. It is, but you did mention, I believe, just a second ago that some Secret Service employees returned to work after consuming the alcoholic beverages. Is that correct?

Mr. ROTH. Correct.

Mr. WALKER. Okay. And what has been done or what has been said, what has been reprimanded? Give me a little bit of background what happened after that was found out.

Mr. ROTH. Sure. I mean, our policy is that we find the facts and conduct the investigation, and then we give everything that we have to the Secret Service, because we are not in the discipline business—

Mr. WALKER. I understand that.

Mr. ROTH. —we are in the fact-finding business.

Mr. WALKER. You're just fact-finding. Are you aware of anything that's been done to those employees who were drinking and then came back to work?

Mr. ROTH. No. We have transmitted our information last week. So we haven't heard anything back. I mean, typically we won't, by the way.

Mr. WALKER. We talked a little bit about the culture of the Secret Service. And I appreciate some of the words that you've talked about as far as you feel like there's been a little bit of improvement or change or a 30,000-foot expectation of raising the bar a little bit. But this kind of contradicts that mindset that there's still that frat party mentality that what applies to everybody else doesn't apply to us. I don't want to speculate or create some kind of hypothesis here, but is that a fair statement, that there are still things, work needs to be done inside the Secret Service to get the level—the bar raised?

Mr. ROTH. Yes. I share your concern with exactly that. We don't know the degree of the problem, but it certainly seems like there are some issues here.

Mr. WALKER. I will tell you this on a personal note, Mr. Roth. I've seen you here, as well as my other committee on Homeland Security. You always do exemplary work. And I appreciate and I think the Americans appreciate your thoroughness.

Mr. ROTH. Thank you.

Mr. WALKER. Thank you very much.

With that, I yield back, Mr. Speaker. Thank you, Mr. Chairman. Chairman CHAFFETZ. Thank you.

I now recognize Mr. Clay of Missouri for 5 minutes.

Mr. CLAY. Thank you, Mr. Chairman.

Mr. Roth, I want to ask about an email exchange that your investigators obtained between the two agents who had been drinking in the bar, Mr. Connolly and Mr. Ogilvie.

First, let me walk through some facts. The incident happened on the night of March 4. Your report found that Mr. Connolly and Mr. Ogilvie should have reported this incident, but neither did so. Is that right?

Mr. ROTH. That's correct.

Mr. CLAY. Based on their failure to report, it seems like they were hoping this whole thing would just blow over.

Two days later, on March 6, Mr. Connolly had his chance to come clean. He had a meeting with his superior, the Special Agent in Charge, Robert Buster, but according to your report, he never mentioned anything involving this incident. Your report says this, and "Connolly met with his supervisor, SAIC Buster, on March the 6th, and discussed the UD officers' handling of the confrontation with the suspect in the suspicious package incident. Connolly did not mention the incident involving him and Ogilvie."

So at this meeting on March 6, Mr. Connolly basically decided that he would just keep his mouth shut and not tell his supervisor what happened. Is that correct?

Mr. ROTH. That's correct.

Mr. CLAY. And he also would have learned at that meeting that nobody else had reported the incident either.

And so here is what I want to ask you about. The very next day, on March 7, Mr. Ogilvie and Mr. Connolly had an email exchange. I'd like to put it up on the screen.

Okay. This is an email exchange.

Mr. Ogilvie at 8:24 said: "All good."

Mr. Connolly at 8:30: "Muy bueno."

And then at 8:50: "You are"—from Mr. Ogilvie—"You are an angel."

Mr. Roth, I don't know what was in their heads, but certainly one interpretation of this exchange is that Mr. Ogilvie was asking: Hey, are we going to get in trouble for this or are we all good? Then Mr. Connolly, who just met with his boss the day before and determined that nobody else had reported the incident, assured him that everything would be fine.

Mr. Roth, your investigators interviewed Mr. Ogilvie. According to their interview notes, Mr. Ogilvie admitted that the context of this email was to check in with Mr. Connolly about the March 4 incident. Is that correct?

Mr. ROTH. Yes, sir.

Mr. CLAY. In contrast, Mr. Connolly told your investigators that this email had nothing to do with the March 4 incident. He claimed that he had no idea what this email was about, no clue. He told your investigators, "He did not know what the intent was behind it. It was open-ended. And he did not know if it was in reference to March 4 or the busy day that he was having."

Mr. Roth, I have one last question for you. Do you buy that?

Mr. ROTH. No, I don't. I believe that this was communication between the two to make sure or see whether or not the word had leaked out with regard to the incident that had happened 2 days prior.

Mr. CLAY. What usually happens when a witness like that is being so dishonest? Are there any followup to a person's dishonesty? I guess this was a deposition or just a questioning?

Mr. ROTH. It was an interview that took place as part of an investigation that we were doing. He has the obligation, obviously, to be—to tell the truth. And I think there are penalties as a result of not telling the truth.

Mr. CLAY. All right. Well, thank you so much for your responses. Mr. Chairman, I yield back.

Chairman CHAFFETZ. Thank you. Now recognize Mr. Hice from Georgia for 5 minutes.

Mr. HICE. Thank you, Mr. Chairman. You have already stated, Mr. Roth, that it was a failure on the part of Dyson and Simpson not to report the incident. And their excuse was that they thought this would be self-reported. Do you believe that allowing individuals to self-report is acceptable?

Mr. ROTH. No, I do not. I think, particularly in the supervisory chain, that they had an independent duty to report this, either to me or to the Secret Service Office of Professional Responsibility, or up the chain. I would note that the Uniformed Division chief said he didn't think it was his job to report misconduct that happened by special agents.

Mr. HICE. So is this a policy problem or a communication problem?

Mr. ROTH. I think this is a communication problem.

Mr. HICE. So what does the policy say?

Mr. ROTH. The policy says that individuals have a responsibility to report suspicions of violation of law or regulation, either to the

Inspector General or, for example, here to the Office of Professional Responsibility.

Mr. HICE. Does the policy state that individuals must self-report?

Mr. ROTH. There is a Secret Service policy that requires individuals to self-report, yes.

Mr. HICE. Okay. But you don't believe that that is effective?

Mr. ROTH. I think it is effective if you have the integrity to do so. Obviously, if—

Mr. HICE. But you just said that it's not an acceptable practice, and yet it's policy. So can we expect that policy to change?

Mr. ROTH. I think that's a question that you should direct to the Secret Service.

Mr. HICE. Do you believe that Dyson and Simpson should be punished?

Mr. ROTH. We are not in the business of determining what the appropriate punishment should be.

Mr. HICE. I am asking do you believe they should be?

Mr. ROTH. I think their behavior was troubling.

Mr. HICE. Do you believe they should be punished?

Mr. ROTH. I think there ought to be consequences for these kinds of actions, yes.

Mr. HICE. All right. Do you believe that any personnel, be it with DHS or Secret Service or whatever, should be able to retire in order to avoid punishment for misconduct?

Mr. ROTH. Again, that gets into areas of personnel law that I am simply—

Mr. HICE. But I am asking your opinion.

Mr. ROTH. Personally, I have been in the government for 29 years. I have a pension. It's vested. That is my property. I would like to think I could rely on that.

Mr. HICE. But in order to avoid punishment for misconduct—we are seeing an awful lot of this these days, and it's quite disgusting to me personally and to a lot of people that I talk to. It's a way of dodging consequences for personal behavior. It enables people to behave any way they want to, and when they get caught with their hand in the cookie jar, they just retire with no consequences. And you believe that's okay?

Mr. ROTH. I certainly understand the frustration with this. I mean the maximum consequence that could be faced here would be termination from the service, leaving the service, which is functionally what retirement will do.

Mr. HICE. Without punishment, though, for misconduct. Somewhere along the way we have got to deal with the problem of misconduct. And at this point, there seems to be nothing. And if anyone's caught, they just retire and there is no consequences. And that's an entirely unacceptable policy when all is said and done. At some point, misconduct has to be dealt with, because we are seeing, it seems like on a regular basis, Secret Service high profile cases of misconduct. And there is a root cause somewhere for this culture that allows for misconduct. What do you believe the root cause is?

Mr. ROTH. I think it is a lack of accountability.

Mr. HICE. Okay. So how do we correct it?

Mr. ROTH. Well, again, I think what the Secret Service has done—and again, this is probably better addressed to the Secret

Service—is institute a series of reforms, for example a table of penalties, a more uniform way of administering discipline, better communication, those kinds of things.

Mr. HICE. There is actually a reputation, and I know you know this, from the report that there is punishment for those who report—

Mr. ROTH. Correct.

Mr. HICE. — misconduct. Have you ever considered rewarding people for reporting misconduct?

Mr. ROTH. Financially?

Mr. HICE. In any way. I mean would that help bring accountability?

Mr. ROTH. I think that's something that's worthy of some discussion. Certainly one of the things that we tried to do, for example, what I did when I came onboard is I sent an email to all 7,000 email addresses in the Secret Service indicating that we were interested in finding sort of misconduct, waste, fraud within the Secret Service, reminding them of protections they have within sort of the Whistleblower Protection Act as well as the Inspector Generals Act. You know, as a result of that, we have gotten some work, some reports. The report on the Bush residence that had an alarm that had been out for 13 months was as a result of a whistleblower. Somebody came forward and said, look, this is an unacceptable thing. You should see what's happened here. And we were able to investigate it, we were able to write a report, we brought it to light, and we fixed the problem. So what I am hopeful of is that as we move down the road, people will understand that, in fact, they do have some redress, that, you know, reporting something up the chain won't simply be ignored, but they will actually fix the problem. But it is going to take some time.

Mr. HICE. Thank you.

Chairman CHAFFETZ. Thank you. I now recognize the gentleman from Massachusetts, Mr. Lynch, for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman. Thank you, Mr. Roth, for your good work here. You did a bang up job on this investigation. You got to the bottom of it. And we appreciate it. I want to talk to you a bit about the videotape procedure there at the White House. Now, we had a chance, a bunch of the members, Chairman Chaffetz and I and the ranking member, Mr. Cummings, went over to the command post for the Secret Service. And they had a full spectrum situation there where they have maybe a dozen different cameras and different angles, and they have got a pretty good view of the White House.

The problem is that in this case, let's just take this case with, you know, the most recent incident where the woman got out of the car and left the bomb in the driveway, that tape was only retained I think for 72 hours. And they did not—they did not tell Director Clancy for 5 days. So by the time they told him about what had happened, most of the tapes had already been destroyed—well, they hadn't been destroyed, they had been taped over. They retape over. That's every 72 hours.

We also had an incident back in November of 2011 where you had an individual, I believe his name was Ortega, Oscar Ortega Hernandez, who took a semi-automatic rifle and shot up the White

House, and yet the Secret Service completely missed it, Capitol Police missed it. A housekeeper happened to find some shell fragments and then reported it and then the FBI did an investigation.

But meanwhile, those tapes were destroyed. Those tapes were destroyed. And—but for the fact that this fellow, after he left had a car accident down by the 14th Street Bridge, we would not have known about that. We would not have been able to connect that incident to the shots fired at the White House.

So, what I am getting at is the airports, everybody uses a 30-day cycle on these tapes. The technology today allows us to do that. And I know you had some inquiry into the reasons why they collapsed that time. Why would the Secret Service want to tape over the tapes when we have had these repeated incidents where a longer preservation of those tapes, say for 30 days, would help us to make the White House more secure?

The second example I gave, the President's mother-in-law and his two daughters were in Washington at the time. One of the daughters was home. You know, we are talking about pretty severe consequences here, and we are sort of whistling through the graveyard here in allowing this practice to go on. So what I would like to try to do is to change the protocol, the security protocol at the White House to start doing things in a way that makes the President and his family safer. Because obviously you have got people jumping over the fence, running through the White House, you have got helicopters landing, and drones, you got people shooting up the White House. I am starting to lose faith. I am starting to lose faith in the Secret Service. I really am. And the level of seriousness that we have in protecting our President and his family. This is pretty basic stuff. So after having inquired about the taping practices at the White House, can you tell me if you have any recommendations that they might adopt to accomplish our goal here of protecting the President?

Mr. ROTH. What we found was actually even worse than what you described because for the longest time it was only a 24-hour retention policy.

Mr. LYNCH. Correct.

Mr. ROTH. And they only changed that after the incident in which there were these functionally gate crashers at the State dinner in 2011. Then they moved it to 72 hours. The system, as I am sure you know, is a combination of digital and analog. It was stood up in 2007. And really, you know, in some ways this is very similar to what we saw in the Bush residence, where they had installed an alarm system after—this was the senior Bush—left office, and they never replaced it. So it was a 20-year-old alarm system that was protecting, you know, a former President. They didn't have a system in place to be able to update these kinds of things. There was not, you know, for example even like a ticket system where if you needed something repaired there would be a record that, in fact, you requested these kinds of repairs.

So a lot of their fundamental business practices simply have not kept up with the 21st century. I think the good news is that with regard to the White House video system, there are updates that are going to occur in the near future.

Mr. LYNCH. Okay. Any timeline on that?

Mr. ROTH. I do. I am not sure that's public information.

Mr. LYNCH. Okay. Okay. Fair enough. I will yield back.

Chairman CHAFFETZ. I thank the gentleman. We are getting close to a vote series, so we want to keep hustling here. We are going to recognize Mr. Hice from Georgia for 5 minutes. Mr. Carter. I am sorry, my bad. Mr. Carter for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman. Mr. Roth, thank you for being here. I want to get at something that is bothering me throughout these series of hearings that we have had on this. And it seems to be the culture, if you will, of the Secret Service about reporting. We have been told, and it has been alleged, that the watch commander actually said that he did not want to report this, he didn't want to ask for a field sobriety test because it would have been a career killer. Is that true?

Mr. ROTH. That is what one of the Uniformed Division officers told us, yes, that the watch commander said. The watch commander subsequently denied that, for what it's worth.

Mr. CARTER. When he says a career killer, is he referring to his career for reporting it or is he referring to their career if they had been found guilty? I am not sure—

Mr. ROTH. The sense we got was that was one of the motivations for the watch commander not to do any further inquiries, because he thought there may be retaliation against him. In other words, it would be a career killer for him. Certainly consistent with some of the things that we found in the 2013 report with regard to a high percentage of people failing to report misconduct, believing that either nobody would listen, or you would, in fact, be affirmatively retaliated against.

Mr. CARTER. Tell me what the policy is. What is the policy at the Secret Service when someone does—recognizes or when someone is faced with this situation. Are they, you are required to report, or is it you better just keep it quiet?

Mr. ROTH. It is certainly not the latter. And in fact, it is the DHS policy, it is DHS-wide, that they are required to report it to either the Secret Service Office of Professional Responsibility or to the Inspector General.

Mr. CARTER. And if you don't report it, what is the punishment?

Mr. ROTH. I am not aware at this point what that is.

Mr. CARTER. It would appear to me that that's an important component.

Mr. ROTH. Correct. Correct. As I said, the Inspector General's office isn't involved in specific discipline cases. That's the Secret Service's responsibility. So what we do is we engage in this fact-finding and then hand it over to the Secret Service to do exactly what you suggest.

Mr. CARTER. Okay. I am still a little disappointed, not in you, but just in that—it would appear to me that that would be cut and dry.

Mr. ROTH. Sure.

Mr. CARTER. Let me ask you about the two agents who were involved. When they arrived at that White House complex, the officers that stopped them asked them where are you coming from.

Mr. ROTH. Right.

Mr. CARTER. And their answer was?

Mr. ROTH. Secret Service headquarters.

Mr. CARTER. And that turns out to be a blatant lie.

Mr. ROTH. That is not, in fact, true, correct.

Mr. CARTER. Okay. Then what are the consequences of that? Look, we teach our children there are consequences to actions. This was an action. What is the consequence?

Mr. ROTH. Sure. There is a Secret Service table of penalties that talks about the range of consequences for specific things. And I can go through the specific ones with regard to give you an example.

Mr. CARTER. I appreciate that, and I understand what you are trying to do. But let me ask you this: What is going to happen to them?

Mr. ROTH. There is a process that's in place that the Office of Integrity for the Secret Service runs, which is the deputy of the Office of Integrity will write up, I assume take a look at our report and supporting materials that we have produced, and determine whether or not discipline is warranted. If he does, he will write up what is functionally a charging letter and give that to the individuals who are involved here, Connolly and Ogilvie.

They have due process rights under the law. They have the ability to appeal it to the Integrity officer, as well as, if the consequences are severe enough, to the Merit Systems Protection Board.

Mr. CARTER. Within those written laws, is one of the options to go ahead and retire?

Mr. ROTH. I am not sure. I mean, certainly, you can only discipline people who are Federal employees. If somebody leaves the Federal service, then there is no discipline to impose because the most discipline you can impose is to throw them out of the Federal service.

Mr. CARTER. Does it go on their permanent record?

Mr. ROTH. Yes, it would.

Mr. CARTER. Is that shared with a prospective employer in the future? If one of them goes to get—you know, in the private sector, do you tell them, okay, this is what happened? Or do you just tell them, no, they were employed here from this day to this day?

Mr. ROTH. I am not 100 percent sure. I think in the instance of these two individuals, I think a Google search is going to take care of that.

Mr. CARTER. Obviously in this.

Mr. ROTH. Right. But I am not sure. That's an area of employment that I that I just don't have.

Mr. CARTER. I understand. But my point is, the concern that I have is just with the general culture that exists in the Secret Service at this time.

Mr. ROTH. I certainly share that concern.

Mr. CARTER. Absolutely. Thank you, Mr. Chairman. I yield back.

Chairman CHAFFETZ. Glad to see Mr. Carter coming in under time. I appreciate it. I will now recognize the gentleman from Pennsylvania, Mr. Cartwright, for 5 minutes.

Mr. CARTWRIGHT. Thank you, Mr. Chairman. And Chairman Chaffetz, I want to thank you particularly for mentioning the valor that is routinely shown by agents of this Secret Service, in particular and especially a young man that you mentioned from Scranton, Pennsylvania, in my district. Today, the U.S. Secret Service is

proud to note that its own Sergeant Technician, William Uher, from Scranton was presented by DHS Secretary Jeh Johnson the Secretary's award for valor, which is awarded for displays of exceptional courage. Of course as the chairman mentioned, young Mr. Uher actually pulled an accident victim from the Baltimore-Washington Parkway, an accident, pulled a victim from a burning vehicle. And it was later determined that that victim would have been unable to extricate himself without William Uher's help.

So we are exceptionally proud of William Uher in Pennsylvania today. We are also proud for him coming in 30th in the Scranton half marathon last month, covering 13.1 miles in less than an hour-and-a-half. I wish I could do that.

Mr. Roth, we are here to talk about failures of the Secret Service, though. And it's a dour duty that you have to talk about some of the downsides of things that we've seen in the Secret Service. Your report concludes, "Both Connolly and Ogilvie had a duty to report the incident to their superiors, but did not do so." Is there a policy requiring them to self-report incidents of this nature?

Mr. ROTH. Yes, there is.

Mr. CARTWRIGHT. Can you explain the policy?

Mr. ROTH. Sure. And I am simply reading from the manual that the Secret Service has. And it says, "Any incident in which an employee of the Secret Service is involved which may be the cause of publicity or inquiry from others must be immediately reported to the employee's supervisor. The range of incidents which might occur is so great it is not possible to enumerate them. Each employee must judge when, in his or her opinion, the matter may or could be given publicity in the newspaper or other media, or may be the subject of inquiry." And it goes on. But that gives the gist.

Mr. CARTWRIGHT. All right. Now, you found that other officials within the agency knew about the incident and failed to alert senior leadership. In particular, you found, "Both Uniformed Division Deputy Chief Dyson and Uniformed Division Chief Kevin Simpson were notified that night that two agents had been drinking and had driven into an evacuated area, and each could have reported the incident." Is that correct?

Mr. ROTH. That's correct.

Mr. CARTWRIGHT. And why didn't they report the incident?

Mr. ROTH. We asked them that question. Their answers were twofold, or at least for Deputy Chief Dyson it was that he had spoken to Connolly twice, and Connolly had said that he would self-report. Dyson believed that it was better for Connolly to self-report than for him to report. With regard to the chief, he said, one, that he believed Connolly would report, and two, he said it was not his job to report misconduct on the behalf of agents, but rather just misconduct on behalf of Uniformed Division officers.

Mr. CARTWRIGHT. Who should Deputy Chief Dyson and Chief Simpson have reported to?

Mr. ROTH. The Special Agent in Charge of the Presidential Protection Division, or the Office of Professional Responsibility, or the Inspector General.

Mr. CARTWRIGHT. All right. Now, according to your report, Chief Simpson is the most senior Secret Service official who was aware that Mr. Connolly had been drinking when he and Mr. Ogilvie

drove into the evacuated area. What was his explanation for Chief Simpson failing to report this information to anyone else?

Mr. ROTH. Again, what he said was he did not report the incident because he did not believe it was his job to do so, and assumed that Connolly was going to self-report.

Mr. CARTWRIGHT. Well, I don't think there is any acceptable reason for failing to report a clear incident of misconduct of this nature. The Secret Service has to make it clear that reporting misconduct is not optional. Employees are required to report potential misconduct right up the chain of command. Mr. Roth, I thank you for your important work on this matter. And I yield back, Mr. Chairman.

Chairman CHAFFETZ. Thank you. We will now recognize Mr. Meadows of North Carolina for 5 minutes.

Mr. MEADOWS. Thank you, Mr. Chairman. And thank you, Mr. Roth, for your work. Please thank your staff as well. It was timely, quick. I appreciate your frank and direct answers. I especially appreciate that because that's not always the case. And so I want to give credit where credit is due. I do want to follow up a little bit on some of the questions that have been asked with regard to the policy, the alcohol policy that is either known or unknown. And I think in your testimony you said that really most people are not aware of the DHS policy. Is that correct?

Mr. ROTH. At the time they were not aware. Since this incident, there have been steps to—

Mr. MEADOWS. Because that doesn't seem to jibe with what whistleblowers have told us, and the fact that you can find it on your Web site, maybe you have to look for it a little bit, but I mean it's pretty—so why would they not know about that? Is it just willful ignorance, or is it the eighth floor not stressing the policy, or what? Why would they not know that?

Mr. ROTH. You know, it's a matter of, I think, both publicizing it and educating individuals about it. But, for example, we interviewed Ogilvie's direct supervisor, who didn't know what the policy was.

Mr. MEADOWS. Let me go a little bit further then, because there is a policy that everyone is aware of, and I believe it's called the 10-hour rule.

Mr. ROTH. Correct.

Mr. MEADOWS. So we have this receipt that would indicate that there were a number of people that were drinking and possibly reporting. Would they not have been violating if they reported that 10-hour rule?

Mr. ROTH. We looked at that issue, specifically with Ogilvie and Connolly. The bar tab was closed out at 10:47, roughly. They entered the E Street gate slightly before 11 p.m. So they had finished drinking before 11 p.m. Their duty hours started at 9 a.m. the next day. So they may have—

Mr. MEADOWS. What about others? Obviously, it was a pretty big party.

Mr. ROTH. Correct. What we found, though, or at least by the preponderance of the evidence, that the four individuals who were there were the last to leave. So there wasn't anybody else left.

Mr. MEADOWS. All right. So it sounds like you have been pretty thorough, but we need to reemphasize that. Let me tell you the reason why I ask.

Mr. ROTH. Sure.

Mr. MEADOWS. Because on the way here I got two calls from random agents that I couldn't name because they are afraid to divulge who they are, but literally within an hour of this hearing, letting me know of all kinds of problems, of the expectation of Secret Service agents to actually put liquor in the rooms of supervisors as they travel. That if they don't do that, it's frowned upon. GS-15s that have been caught inappropriate with females, and yet still, you know, leaving ammo or guns behind. I mean, I am hearing all kinds of things. And if I am a Member of Congress hearing this, are you hearing the same kinds of things? Or should we report them to you so that you can investigate? Because it's troubling. We have got this culture of, you know, from the most elite protective service in the world, and yet it seems like I am getting calls almost daily from different people. That's a problem.

Mr. ROTH. By all means, you should encourage them to contact us. We are going to take this stuff seriously, as we have with this incident, as we have, for example, with the Bush residence incident, the other look-backs that we are doing on these security issues that we are continuing to look at. And I really think that the only way that the culture is going to change is if we can demonstrate, we can prove that, in fact, we are going to take these things seriously and do something about it.

Mr. MEADOWS. So I have your commitment here today that you not only are going to take this incident, but you are going to look forward. And if we give you additional things, or if other agents give you a number of other potential things to look at, you will take them seriously and that you are 100 percent committed to rooting out the problems that we have within the agency. Is that correct?

Mr. ROTH. Absolutely.

Mr. MEADOWS. Absolutely. Good. I know we are about to have votes, so I am going to yield back the balance of my time.

Chairman CHAFFETZ. Thank you. We will now recognize Mrs. Watson Coleman of New Jersey for 5 minutes.

Mrs. WATSON COLEMAN. Thank you very much, Mr. Chairman. Thank you, Mr. Roth. I want to ask you a question. The Secret Service division or component is a component of DHS, right?

Mr. ROTH. Correct.

Mrs. WATSON COLEMAN. So do you think that it makes better sense that there are department-wide policies regarding such important things as opposed to component-wide policies?

Mr. ROTH. It's not an issue that I have really looked at or thought about. I mean, there is certainly a facial validity to have a uniformity across all of DHS, which there clearly is not right now.

Mrs. WATSON COLEMAN. We hear that in the other committee that I am on. According to your memorandum of understanding between the Secret Service and your office, certain categories of misconduct must be referred to you.

Mr. ROTH. Correct.

Mrs. WATSON COLEMAN. So did what happen on March 4 constitute something of that level?

Mr. ROTH. Yes, it did.

Mrs. WATSON COLEMAN. And in your estimation, who should have reported it? How many people? At what level? You know, what are those titles? This doesn't fall on one person's responsibility, right?

Mr. ROTH. Correct. Correct. And the duty to report it to us, to the Office of Inspector General, is the Office of Professional Responsibility within Secret Service. So in other words, if they get a complaint that, you know, talks about somebody who is a GS-15 or above and other sort of categories of incidents, they have a duty to report it to us. So once they hear of something, they must report it to us, and then we make some decisions as to whether we will take it or not. Independent of that, of course, is the duty that all DHS employees have of reporting suspicions of wrongdoing.

Mrs. WATSON COLEMAN. So I may have missed some of this, because some of it is getting a little bit confusing for me. This entity that should have reported to you is professional—

Mr. ROTH. Office of Professional Responsibility. It's the internal affairs group within the Secret Service.

Mrs. WATSON COLEMAN. How soon after the March 4 incident did it know of it?

Mr. ROTH. They knew about it on March 9.

Mrs. WATSON COLEMAN. On March 9. And you were informed of it on?

Mr. ROTH. March 9.

Mrs. WATSON COLEMAN. By them?

Mr. ROTH. Correct.

Mrs. WATSON COLEMAN. And Mr. Clancy was informed of this on March 9 also?

Mr. ROTH. Correct.

Mrs. WATSON COLEMAN. Mr. Clancy did not start an investigation of his own at the same time that you all were going to take this on?

Mr. ROTH. That's correct.

Mrs. WATSON COLEMAN. Is that the usual operating procedure, where if you are going to do it, the agency is not going to conduct?

Mr. ROTH. Exactly. Only one group can conduct an investigation. Otherwise, you have people tripping all over each other. So once there is a decision made, for example, for us to take it, then everybody has to step back and allow us to do our investigation.

Mrs. WATSON COLEMAN. So if we were going to focus in on who or what level we believe is the biggest problem here, other than the self-reporting up the chain of command, where would that be?

Mr. ROTH. Sure. I think the point of failure was the senior management within the Uniformed Division who knew of it and did not report it to, for example, Director Clancy or to the Office of Professional Responsibility.

Mr. ROTH. Is that the watch commander?

Mr. ROTH. No. The watch commander reported it up his chain of command to, for example, to the deputy chief of the Uniformed Division. Additionally, there was a Special Agent in the JOC, the

Joint Operations Center, who was aware of what went on. She certainly could have and probably had a duty to report that as well.

Mrs. WATSON COLEMAN. I am going to close also, because I know that we are running late. But I want to associate myself with something that Mr. Hice said. I agree with him that you cannot—I don't care how long you work in a public service, it can be 5 years, it could be 15 years or 20 years, but if you are found to have done something that is as egregious as we think this is, you ought not be able to just walk away with your—the benefits that you had associated with being a good public servant. There needs to be some consequences. You ought not to just be allowed to walk away and say I retire because you can.

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

Chairman CHAFFETZ. Thank you. I now recognize Mr. Russell for 5 minutes.

Mr. RUSSELL. Thank you, Mr. Chairman. And thank you, Mr. Roth, for your tireless investigations and trying to make our Department of Homeland Security better. It is appreciated. There is a lot of discussion back and forth on this incident about vague Secret Service policy regarding drinking alcohol and driving. I guess my take on it is a little more simple. Would driving through a marked potential crime scene be acceptable performance off duty, either sober or inebriated?

Mr. ROTH. Neither, sir.

Mr. RUSSELL. Would entering the White House complex buzzed or inebriated be considered acceptable off-duty behavior?

Mr. ROTH. No.

Mr. RUSSELL. The second in command who was involved with this incident, what kind of public confidence does it instill when that occurs that we can protect the President of the United States?

Mr. ROTH. Well, I share your concern, particularly given the fact that he was responsible for all the operations within the White House complex.

Mr. RUSSELL. What kind of example do you think that that sets to the agents and also the seriousness of the duties that ought to be performed, whether on duty or off, knowing that any of them at any moment could be called upon to protect the leader of the free world?

Mr. ROTH. And that is something we wrestled with with regard to the fact that Special Agents are, in fact, subject to recall at a moment's notice. In fact, that's one of the reasons they have government cars that they can drive home at night is because at any moment, they could be called out.

To give you a good example of that is the two Philadelphia agents who at 2 in the morning had to sort of respond to the home of the woman who had dropped the package. They didn't know that evening that they were going to get that call and have to drive in the pouring rain to this woman's house. So it's very, very troubling.

Mr. RUSSELL. Given that sense of duty, and also the arduous selection process to elevate an agent to this level of duty, this is the highest performance level that Secret Service agents can perform, what discipline has Agent Connolly or Agent Ogilvie received? And if none, what charges are pending?

Mr. ROTH. The way the process works is there is an investigation that's done, which is now completed. As of last week, we transmitted all of our materials to the Secret Service to their Office of Professional Responsibility and their Office of Integrity, which then manages that program. And what happens, as I understand it, is that there would be the deputy within the Office of Integrity who would then assess the materials and basically write a charging document, if that's the right word, proposing certain discipline.

Mr. RUSSELL. When I was a commander in the military, often on an IG investigation we would receive recommendations of courses of action. What would you recommend?

Mr. ROTH. Well, they have a table of penalties.

Mr. RUSSELL. I have read through it. What would you recommend, sir?

Mr. ROTH. Well, I think this is very, very serious conduct. I think the fact that it has caused me to expend all these resources, it has caused the director of the Secret Service to distract himself from his important business to have to testify before here, appropriately so, I think it is very, very detrimental to the effective functioning of the Secret Service.

Mr. RUSSELL. Well, I think all of America would agree. And should the American public, in light of this, have more confidence or less in our government's ability to protect our President?

Mr. ROTH. I am hoping that this process will create a situation in which people will have more confidence that we are able to acknowledge our problems and fix our problems. If it doesn't get resolved, then I would say there would be less confidence.

Mr. RUSSELL. And so we had a similar answer after Cartagena, after drones, after barricades, after, after, after, after. We are talking about the President of the United States. At what point do you see, and what is your estimation—you have been handling investigations a long time—are they taking this serious, and will they make the necessary changes that the American public demands?

Mr. ROTH. I have had a number of conversations with Director Clancy about this. I think he is committed to doing it. I will have to say that they didn't get into this situation overnight, and they are not going to get out of it overnight. But do I think he is making the right moves? I absolutely do.

Mr. RUSSELL. Well, I hope so. And I think that the Director can exhibit that leadership and even reach down into organizations that are going awry. And my hope is that the Director would do that, and also that we would see a shape up rather quickly, because should we have the President harmed, all of America would not be able to forgive itself. Thank you, sir, for your testimony today. Thank you, Mr. Chairman. I yield back.

Chairman CHAFFETZ. I thank the gentleman. I am going to now recognize myself for 5 more minutes. You mentioned that there were others that had been drinking that evening that went back to—where did they go? Did they go to the White House or did they go to the operations center?

Mr. ROTH. I think they would have gone back to Secret Service headquarters, but I am not 100 percent sure, as I sit here, exactly who that would have been. But I do recall in some of the interviews

the fact that what happened is they would have a beer and a sandwich, say good-bye, and then go back to work.

Chairman CHAFFETZ. But this incident of this night we are talking about, some of the people in addition to Ogilvie and Connolly went back to work. Correct?

Mr. ROTH. That's my understanding.

Chairman CHAFFETZ. How many people? Do you know?

Mr. ROTH. I don't have that information.

Chairman CHAFFETZ. And that's the concern. This isn't just one person making a rookie mistake. You have two people here, Mr. Connolly with 27 years of experience, Mr. Ogilvie with 19 years of experience, some 46 years of experience. Are you telling me that they didn't know that it's wrong to drink? Look, it's not right to drink alcohol and work the french fry machine at McDonald's. It is certainly not right to drink and go into the White House, or the White House compound, or drive a vehicle when you are there to protect the President and the First Family. These people have guns. They have trust. They have people that they have to—they can blow past and say look, I am your supervisor, you are letting me through. And that's what is happening here.

And then when you did have that poor officer, you got officers there that are trying to do the right thing, and it is your testimony that these very senior people, with badges, guns, and alcohol on their breath told them, oh, I just came from headquarters. They didn't mention that they had come from the bar, did they?

Mr. ROTH. No.

Chairman CHAFFETZ. Was that a lie?

Mr. ROTH. It would appear to be that way, yes.

Chairman CHAFFETZ. So it is a lie?

Mr. ROTH. Yes.

Chairman CHAFFETZ. That's the problem is they are lying to themselves, because they did take a government vehicle. They should know after 46 years of experience that the reason they are doing it on taxpayer dollars is that they are there to respond at a moment's notice. We never know when something is going to happen. And this is the senior-most—she is these are the senior-most people in charge of protecting the White House. They are always supposed to be ready to go at a moment's notice. That's why they took government vehicles. They were taking advantage of the situation and making taxpayers pay for their little rides there to the bar. You know, that bar is so low. The only thing that is raising on the bar is their bar tab. And it has to change.

I appreciate the good work in ferreting this out. How long has Homeland Security and the Secret Service had your report? When did they get your first draft?

Mr. ROTH. They received my first draft—or this draft, May 6. We supplied the underlying materials either in the middle or late last week.

Chairman CHAFFETZ. And yet there has been no consequence yet. We get reports that maybe one person is going to retire. Who knows when that is going to be. What discretion does Secretary Clancy have in revoking their security clearance?

Mr. ROTH. I don't have that information.

Chairman CHAFFETZ. But he could revoke their security clearance immediately, correct?

Mr. ROTH. I am not sure what the process is for revocation of security clearances. I know that there is a process that's involved, but I don't know what it is.

Chairman CHAFFETZ. They could be put on nonpaid leave. Correct?

Mr. ROTH. That's my understanding.

Chairman CHAFFETZ. Do you think this is an aggravated situation?

Mr. ROTH. My understanding is that nonpaid leave—unfortunately, Congressman, you are getting into areas of employment law that are simply beyond my competence. And I apologize for that.

Chairman CHAFFETZ. No, no, I think that's a fair situation. But as Mr. Russell just aptly pointed out, even if they weren't drunk and they interrupted a potential bomb scene, that's totally unacceptable. If they lied to somebody who also works for the Secret Service, that is unacceptable behavior. And if you look at what happened in the email chain, trying to protect themselves and making sure that the word didn't get out, there is plenty of evidence.

This is a pivotal moment for the Secret Service. This is the time when we find out what Director Clancy and Secretary Johnson, if they have the guts to do what needs to be done. Because in my opinion, these people should be fired. Today they should lose and have their security clearances revoked. That should have happened a long time ago. And those that didn't report this, I have got a list here of people who, at some degree or another, have, at least according to your report, violated policy that could lead to their potential removal. That's Marc Connolly, George Ogilvie, Kevin Simpson, Alfonso Dyson, and perhaps and probably, Michael Braun.

At the very least, those people, they need to be taken to the woodshed, and they should lose their security clearances, they should lose their job, and if I was the President of the United States, I would never want to see them again. I don't want to see them there. We got thousands of people, like the gentleman who was recognized for his valor, that should be protecting the President of the United States. But if you are going to go consume alcohol and then show up at the White House, disturb a crime scene, get out of here. Go home. Go find another job. Because you know what, you wouldn't be able to work at my McDonald's. You wouldn't even be able to run the french fry machine, because you are not going to drink and show up to work, and you are not going to do that if you work for the Secret Service.

That's what is happening. And they can continue to investigate and look at—your report is very conclusive. It was independent in its nature. And it's time for this Director and this Secretary to take some definitive, conclusive action and fix the problem and send a message to the rest of the workforce, we are not going to put up with anybody who is showing up to work drunk, inebriated, lying, trying to cover up, not reporting. I mean, how many things went wrong here today? But that's my opinion. I will yield to the ranking member, Mr. Cummings.

Mr. CUMMINGS. I want to thank you, Mr. Roth. For anybody who just tuned in, I didn't want them to think that he was talking to you. You have done a great job. Really. And we really do appreciate your staff. And I know you had to pull together a lot of people in a little bit of time. But we really do appreciate it. And I agree with the chairman. Somebody asked me just a few minutes ago, how are we going to straighten this out? And I said we are going to have to keep the pressure up. But we cannot keep the pressure up without the kind of information that you all have provided us. And I am sure that—and I am hopeful that, Mr. Chairman, that when Mr. Clancy comes before us, he will have a report letting us know what disciplinary actions he has taken. But again, I want to thank you. We really do appreciate everything you have done. We also appreciate you working with us. From the very beginning, you have just been great, and your staff. So thank you.

Chairman CHAFFETZ. I totally concur. My frustration is not with you, Mr. Roth, or the Inspector General's office. Without that information, we would still be left in the dark. And what you and your staff have done, good hard work, good investigative work, we are very appreciative on both sides of the aisle. And we do appreciate it. It's now our responsibility to hold the administration accountable and make sure that they fix the problem so we can stop having hearings like these. But we do wish you Godspeed. Thank you for this work, and look forward to the other reports that you are still working on. This committee stands adjourned.

[Whereupon, at 3:43 p.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Chairman Jason Chaffetz
Opening Statement
Committee on Oversight and Government Reform
“U.S. Secret Service: Accountability for March 4, 2015 Incident
Thursday, May 14, 2015

On March 4th, two senior Secret Service special agents, Marc Connolly and George Ogilvie, drove through a crime scene investigation of a potential bomb at the White House.

Following the incident, there were allegations the two agents were drunk after being at a bar downtown for a retirement party.

Most concerning, however, was the allegation neither agent was given a sobriety test, nor were the agents reprimanded in any way.

Instead, everyone involved was told to go home and pretend like nothing happened.

To get a better sense of what happened on March 4, Ranking Member Cummings and I met with Secret Service Director Clancy.

Director Clancy could not answer our questions.

Next, Mr. Cummings and I scheduled a public hearing on the incident.

At the hearing, Director Clancy could not answer our questions

Instead, he deferred to the Department of Homeland Security Office of Inspector General, who was investigating the matter.

That investigation is now complete.

Now that the facts are in, it is time for accountability.

The Inspector General determined it was more likely than not both Agents Connolly and Ogilvie’s judgment was impaired by alcohol.

Since a sobriety test wasn’t given to either agent the night of March 4, the IG came to this conclusion based on the facts:

- both Connolly and Ogilvie spent 5 hours in a bar running up a bar tab that included 14 drinks AFTER two hours of an open bar; and
- the objective behavior of two experienced Secret Service agents who should have known better.

The agents' impaired judgment resulted in them driving, and I quote:

“into a crime scene inches from what the rest of the Secret Service was treating as a potential explosive device and which, under different circumstances, could have endangered their own lives and those of the Uniformed Division officers responding.”

These agents are lucky their lack of judgment did not cost them their lives.

Following the incident, the story of the incident began making its way up the chain of command, where it eventually reached Mr. Connolly, himself.

Though required to report what happened, Mr. Connolly chose not to.

Mr. Connolly even met with his boss - Special Agent in Charge Robert Buster - on March 6 to talk about the suspicious package incident, but made no mention of being involved in the incident.

Mr. Ogilvie, likewise, had a duty to self-report and chose not to.

As the Inspector General found, their failure to report “reflects either poor judgment or an affirmative desire to hide their activities.”

Relying on the honor system for reporting this type of egregious misconduct does not work when agents do not act honorably.

Senior Uniformed Division leaders also violated their duty to report by failing to inform Mr. Connolly's boss, the head of the Presidential Protective Division.

Perhaps the situation would have been dealt with earlier if the agents were given breathalyzer tests that night.

An officer on the scene told the Inspector General the watch commander decided not to administer a breathalyzer to Mr. Connolly and Mr. Ogilvie, because he was worried that to do so would be quote, “a career killer.”

The watch commander was probably right.

Additionally, as the Inspector General stated, the watch commander's decision was likely influenced by “the Secret Service's reputation for punishing or ignoring those who would further investigate or report violations” like drunk driving.

And that is why the problems that led to this incident extend well beyond March 4, 2015.

We have heard over and over again the source of morale problems within the Secret Service is that senior personnel are treated differently from the rank-and-file, and that the Uniform Division is treated differently from the Agents.

We have little doubt that because of this disparate treatment, Connolly and Ogilvie believed they could act this way and get away with it.

The culture of special treatment for senior agents must stop.

This embarrassing and highly concerning pattern of misconduct and security incidents needs to end.

The Secret Service's mission is too important.

I want to commend Mr. Roth and his team for their good work on this report.

We look forward to hearing from Director Clancy on this incident and learning whether the agency plans to take disciplinary action against the individuals involved.

The job of the Secret Service is too important not to reprimand those who exercise shockingly poor judgment, which could put the President and his family at risk.

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FOURTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (20) 203-5074
MINORITY (22) 203-5024
<http://oversight.house.gov>

Opening Statement

Rep. Elijah E. Cummings, Ranking Member

Hearing on “U.S. Secret Service: Accountability for March 4, 2015 Incident”

May 14, 2015

Thank you, Mr. Chairman. I want to thank Inspector General Roth and his team for all of their hard work on this investigation. They started immediately after receiving these allegations on March 12—a week after the incident—and they finished less than eight weeks later. In that time, they conducted an impressive 48 interviews and obtained a wide variety of documents and other materials.

The report released by the Inspector General confirms some key allegations, such as the claim that the two agents—Mr. Connolly and Mr. Ogilvie—in fact had been drinking before driving a government vehicle to the White House and then driving their government vehicles home. The report also debunks other allegations, concluding for example that there is “no evidence that the video of the incident was intentionally deleted or destroyed.”

This was a model of how an investigation should be conducted, and it demonstrates why Congress—and this Committee in particular—rely so heavily on the work of IGs.

Unfortunately, this report makes clear that there is still much work to be done to improve the culture at the Secret Service.

At a previous hearing on September 30 of last year, I expressed grave concern with a Secret Service culture that seems to punish those who raise concerns, a culture in which employees are afraid to report incidents up the chain of command.

At the time, we were discussing an incident in 2011 when multiple shots were fired at the White House. One officer on the scene believed bullets had hit the White House, but she feared the consequences of disputing her superiors. As a result, it was not discovered until four days later that the White House had been struck seven times.

The Inspector General’s report indicates that this cultural problem is widespread. For example, the report highlights “the Secret Service’s reputation for punishing or ignoring those who would further investigate or report such violations.”

According to the Inspector General's report, some officers relayed that the watch commander at the scene on the night of the incident raised concerns. According to one officer, the watch commander told his colleagues that the agents who drove into the barricade were "hammered." According to that officer, however, the watch commander said ordering a sobriety test would have been a "career killer." No sobriety test was done, and both agents drove their government vehicles home after a night of drinking.

The Inspector General's report concludes that "the watch commander's actions must be considered in light of the vast disparity in rank between the watch commander and Connolly (who was in the watch commander's chain of command)."

I am also extremely concerned because just two days ago, our Committee conducted a key interview that further corroborates this view. Committee staff interviewed Alfonso Dyson, the Deputy Chief of the Uniformed Division who manages more than 600 officers.

Mr. Dyson admitted to our Committee staff that he had two telephone calls with Mr. Connolly on the night of the incident—one while Mr. Connolly was in the middle of the suspicious package scene, and another as Mr. Connolly was driving home later that night.

In those calls, Mr. Dyson warned Mr. Connolly that the watch commander "was going to make it a problem." Mr. Dyson also admitted that he told Mr. Connolly that the watch commander might cause trouble for him. Mr. Dyson stated:

"He was going to stir the pot. He was going to spread the rumors. He was going to get the guys riled up. That's what I believed, and that's what I relayed to DSAIC Connolly."

This is unacceptable. Based on the IG report, the watch commander should have done more that night—not less—and it is appalling that senior Secret Service officials would disparage junior officers for doing the right thing. The agents and officers of the Secret Service will never have the full trust of their colleagues while this fear of retaliation continues.

Finally, let me conclude by thanking Director Clancy for his cooperation and quick action. As the Inspector General's report concludes, "Director Clancy acted appropriately upon receiving information about potential misconduct." The Inspector General also informed our Committee that he received "outstanding" cooperation from Director Clancy and the Secret Service during this entire investigation.

Although we had hoped that Director Clancy would be available today, this is Police Week, and he is attending several events to honor officers for acts of valor and the families of those who have fallen in the line of duty. He has offered to reschedule for another date, and I look forward to hearing from him. Thank you, Mr. Chairman.

Contact: Aryele Bradford, Deputy Communications Director, (202) 226-5181.

Statement of Congressman Gerald E. Connolly (VA-11)
Committee on Oversight and Government Reform
U.S. Secret Service: Accountability for March 4, 2015 Incident
May 14, 2015

The March 4, 2015 incident at the White House Complex is a stark reminder that the United States Secret Service must fundamentally transform its culture. No new policy memorandum, agency notice, or organizational shift – no matter how impressive or necessary – can overcome a toxic environment that discourages dedicated frontline personnel from holding management accountable for upholding the high standards of the Secret Service through the threat of harsh retaliation and negative career consequences.

The findings of the U.S. Department of Homeland Security's Office of Inspector General (DHS OIG) investigation of the March 4 incident call into question the accuracy of the most inflammatory and sensational accusations published by prominent news outlets. However, the DHS OIG official record of what actually took place that evening is no less concerning.

In the aftermath of embarrassing scandals involving Special Agents and inappropriate use of alcohol, it is astonishing that the Secret Service's Deputy Special Agent in Charge of the Presidential Protective Division and the Assistant to the Special Agent in Charge at the Washington Field Office, along with two other agency employees, would demonstrate such poor judgement in running up a bar tab that included eight glasses of scotch, two vodka drinks, one glass of wine, and three glasses of beer – *prior* to getting behind the wheel of a car, whether driving to the White House or driving home.

Just as troubling is the apparent lack of candor demonstrated by these senior officials in failing to notify superiors of this potentially dangerous or embarrassing incident, and providing statements of questionable veracity to fellow agency personnel or DHS OIG investigators. Whether these individuals only exhibited stunningly poor judgment, or actively attempted to conceal the March 4 event; either outcome is proof positive that Director Clancy's job is not finished with respect to cleaning house among Secret Service management and senior officials.

Recognizing that holding senior agency leaders accountable is only a minimal step forward in truly reforming the Secret Service; it is nevertheless a necessary building block towards achieving true organizational change at this beleaguered agency.

If the two senior level personnel at the center of this incident and investigation continue to stubbornly deny that each drank to excess that evening – in stark contrast to the DHS OIG conclusion, "...it was more likely than not that both Connolly's and Ogilvie's judgment was impaired by alcohol" – it is incumbent upon Director Clancy to take decisive action that demonstrates the Secret Service will no longer tolerate serious misconduct, particularly when committed by high-level personnel that compound the problem by refusing to take responsibility for their actions. In 2015, the Secret Service no longer receives the benefit of the doubt.

(OVER)

At this Committee's prior hearing, I expressed concern that elevating Mr. Clancy to serve as permanent Director of the Secret Service directly contradicted one of the key recommendations made by the U.S. Secret Service Protective Mission Panel (USSSPMP): "...we think the right person should come from **outside the Service** ... The next director will have to make difficult choices, identifying clear priorities for the organization and holding management accountable for any failure to achieve those priorities. **Only a director from outside the Service**, removed from organizational traditions and personal relationships, will be able to do the honest top-to-bottom reassessment this will require" [emphasis added].

That Director Clancy did not learn about the incident until receiving a message from an anonymous whistleblower on March 9, confirms my fear that certain individuals in upper management, including the two senior agents and the Chief and Deputy Chief of the Uniformed Division, do not share or support the Director's strong commitment to transforming the Secret Service's culture. Indeed, it should be noted that based on the DHS OIG report, Director Clancy was one of the few individuals who acted appropriately upon learning of the incident.

The most important challenge facing this Committee is to maintain our discipline in conducting serious and bipartisan oversight that examines every facet of how the Secret Service carries out its dual missions of protection and investigation; a prerequisite for identifying and implementing long-term reforms that will transform the Secret Service back into an elite enterprise that it once was. The brave service of the thousands of dedicated men and women that serve our Nation as special agents, uniformed officers, and support staff, deserve no less.

The results of our bipartisan investigation will enable the Congress to develop and enact policies that will enhance the security of our Nation's Commander in Chief. Congress must work with the current Administration to authorize and implement transformative reforms. Every option must be analyzed and considered, from mundane improvements to policy and procedure, to more fundamental modifications of the agency's statutory mission, structure, and personnel practices.

Despite the daunting challenge before us, I am confident that if we work in a pragmatic and bipartisan fashion, the Secret Service will emerge from this troubling period as a stronger, more disciplined, and more effective law enforcement agency.

-END-