



U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

OIG-25-01

October 24, 2024

FINAL REPORT

FPS Protective Security Officers Did Not Always Have Knowledge, Equipment, and Authority to Respond to Physical Threats





OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

Washington, DC 20528 | www.oig.dhs.gov

October 24, 2024

MEMORANDUM FOR: Richard K. Cline
Director
Federal Protective Service

FROM: Joseph V. Cuffari, Ph.D.
Inspector General JOSEPH V CUFFARI

SUBJECT: *FPS Protective Security Officers Did Not Always Have Knowledge, Equipment, and Authority to Respond to Physical Threats*

Digitally signed by
JOSEPH V CUFFARI
Date: 2024.10.24
13:52:01 -07'00'

Attached for your action is our final report, *FPS Protective Security Officers Did Not Always Have Knowledge, Equipment, and Authority to Respond to Physical Threats*. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving FPS' oversight of its Protective Security Officers. Your office concurred with the recommendation. Based on information provided in your response to the draft report, we consider the recommendation open and resolved. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts.

Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please contact me with any questions, or your staff may contact Kristen Bernard, Deputy Inspector General for Audits, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

FPS Protective Security Officers Did Not Always Have Knowledge, Equipment, and Authority to Respond to Physical Threats

October 24, 2024

Why We Did This Audit

Within the Department of Homeland Security, the Federal Protective Service (FPS) is charged with providing security and law enforcement services to Federal facilities and protecting employees and visitors who pass through them. To protect Federal facilities, FPS contracts with various companies employing Protective Security Officers (PSO) who serve as contracted guards. We conducted this audit to determine to what extent FPS' contracted guards are prepared to respond to physical security threats at Federal facilities.

What We Recommend

We made one recommendation to improve FPS' oversight of its PSOs.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at:

DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

FPS' contracted guards were not always prepared to respond to physical security threats. Specifically, the PSOs did not always have the knowledge and equipment needed to respond to physical threats. FPS inspectors determined PSOs did not have proper knowledge and equipment at 237 of 258 (92 percent) security posts deemed deficient in visits between July 2019 and September 2023. This occurred due to gaps in FPS' oversight of the contracted security services. We found that FPS did not conduct 129 of 258 (50 percent) required follow-up inspections. Had FPS conducted additional oversight through follow-up inspections, the contractors would have been required to implement corrective actions for deficiencies FPS previously found.

Additionally, during active shooter situations, PSOs have limited authority to respond outside their assigned posts. FPS requires PSOs to remain in their assigned posts, if tactically feasible, and to follow the directions of law enforcement personnel. FPS maintains that differences in state and local laws restrict the organization from developing a more responsive policy and training curriculum for PSOs to respond to active shooter situations. As a result, security guards may not be fully prepared or have ample authority to respond to physical security threats at Federal facilities, which may result in unnecessary injury or loss of life. FPS officials have been working with the Office of Management and Budget to encourage Congress to give the Secretary of Homeland Security authority to grant PSOs limited firearm and arrest authority.

FPS Response

FPS concurred with the recommendation.



Background

In 1971, the U.S. General Services Administration established the Federal Protective Service (FPS) to protect Federal facilities. When Congress passed the *Homeland Security Act of 2002*, oversight of FPS was transferred from the U.S. General Services Administration to the Department of Homeland Security. Pursuant to Title 40 of the United States Code (U.S.C.) § 1315, DHS is now the primary Federal agency responsible for protecting buildings, grounds, and property owned, occupied, or secured by the Federal Government.

Within DHS, FPS' mission is to prevent, protect, respond to, and recover from acts of terrorism and other hazards threatening the Federal Government's essential services. According to FPS, it ensures safe and secure working environments for Federal workers and visitors at over 8,500 Federal facilities nationwide, thus ensuring the continuity of the U.S. Government. To help protect Federal facilities, FPS enters into contracts with various companies employing Protective Security Officers (PSO) who serve as contracted guards at Federal facilities. In the contract procuring the services of the PSOs, FPS states, "PSOs perform an exceptionally crucial role in support of the FPS mission and are typically the first contact for visitors within a Federal facility." FPS further notes that PSOs, together with its law enforcement personnel and operations support staff, carry out FPS' mission.

In fiscal year 2023, FPS budgeted \$1.6 billion¹ for PSOs and had over 80 active contracts to protect Federal facilities around the country. Examples of contracts include a \$136 million contract to protect Federal facilities in the Philadelphia metropolitan area for 5 years and a \$134 million contract to protect various Federal buildings throughout Illinois for over 5 years. These examples illustrate the significant costs and importance of FPS-contracted guard services.

PSOs perform a variety of security-related duties, depending on the type of posts assigned. A post consists of at least one PSO performing a specific security function to protect Federal facilities. Types of posts at a Federal facility may include access control, control center operations, patrol and response,

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- PSOs at **access control** posts allow only authorized individuals, vehicles, and items to pass into controlled areas.
 - PSOs at **control center operations** posts facilitate emergency and non-emergency communications and operate and monitor security and safety systems.
 - PSOs at **patrol and response** posts patrol a facility or area and respond to emergency and non-emergency calls for service.
 - PSOs at **screening** posts deter, detect, and deny the entry of prohibited or illegal items into facilities and areas.
 - PSOs at **visitor processing** posts control access to facilities and areas by validating and processing persons prior to entry.
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¹ FPS is a fee-for-service organization that does not receive congressional appropriations.



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screening, and visitor processing. The *Protective Security Officer Security Manual and Resource Tool Book* (Security Manual) describes PSO duties by specific post types as well as policies, procedures, and standards for PSO operations.

In September 2023, the U.S. Government Accountability Office announced an audit examining FPS' efforts to improve security and guard management, including the training provided to guards; the effectiveness of the guards at identifying and excluding prohibited items from being brought into selected Federal buildings; and staffing levels, job responsibilities, and funding challenges. Because of the U.S. Government Accountability Office's concurrent review, we scoped our audit to avoid duplicative work. We conducted this audit to determine to what extent FPS' contracted guards are prepared to respond to physical security threats at Federal facilities. We defined preparedness as having the knowledge, equipment, and authority needed to respond to physical threats.

Results of Audit

PSOs Did Not Always Have the Knowledge and Equipment Needed to Respond to Physical Threats

According to the template for the *FPS Statement of Work for Protective Security Officer Services* (July 2019), section 1.1.4, the contractor shall provide and maintain all training, equipment, supplies, licenses, permits, and any other resources necessary to perform their duties. To ensure contractors comply with the contract terms and conditions, FPS inspectors (inspectors) conduct post visits and post inspections at Federal facilities where PSOs provide security. Per FPS Directive 15.9.1.3 (Revision 2), *PSO Oversight and Monitoring Program* (September 2022), a post visit will be conducted at every post at least once, annually. During the post visits, inspectors interview the PSOs on their knowledge of processes such as screening procedures and responses to physical threats. The inspectors review topics such as explosions, facility concerns, civic disturbances, and suspicious packages. The inspectors record their findings in the Law Enforcement Information Management System (LEIMS).

If the inspectors determine the PSOs do not have the required knowledge of processes, these "deficient" posts trigger an in-depth post inspection as required by FPS Directive 15.9.1.3 (Revision 2), *PSO Oversight and Monitoring Program* (September 2022). According to the Directive, when conducting post inspections, inspectors check if the PSOs have the required equipment, such as body armor, firearms, operational flashlights, batons, and pepper spray; ask PSOs about their knowledge of the facility, screening procedures, and incident response; and check whether the PSOs have clean uniforms, among other things. If the inspectors note deficiencies during these post inspections, FPS requires contractors to provide and execute corrective action plans. FPS repeats post inspections 30 days later.



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Between July 2019 and September 2023, the inspectors identified deficiencies in 786 post visits. We reviewed a statistical sample of 258 of these records in LEIMS.²

PSOs Did Not Always Demonstrate the Knowledge Needed to Respond to Physical Threats

Inspectors noted the PSOs lacked knowledge of operational procedures in 218 of the 258 records we reviewed. For example:

- In a December 2019 post visit to a New York, New York facility, a PSO did not fully understand the procedures to take in the event of an active shooter.
- In a May 2020 post visit to a Chicago, Illinois facility, a PSO did not know what level of force was appropriate when dealing with a civil disturbance.
- In an April 2022 post visit to a Philadelphia, Pennsylvania facility, a PSO did not fully understand bomb threat procedures.
- In a June 2022 post visit to a Pittsburgh, Pennsylvania facility, a PSO did not have adequate knowledge of how to handle prohibited firearms. In this instance, the PSO instructed a facility visitor to put their firearm in the bushes and re-enter the facility.
- In a January 2023 post visit to a Washington, DC facility, a PSO did not know how to respond to an armed person.

Table 1 shows the types and number of knowledge deficiencies related to operational procedures. The table provides examples of the types of knowledge deficiencies and the number of instances the specific deficiencies were identified. At some post visits, inspectors identified deficiencies in multiple areas.

Table 1. Types and Number of PSO Knowledge Deficiencies Pertaining to Operational Procedures

Type of Knowledge Deficiency	Number of Instances
Screening of individuals or vehicles	60
Improperly reporting issues	39
Active threat response	31
Personal electronic devices visible while on post	31
Improper facility access control procedures	29

Source: DHS Office of Inspector General analysis of data on FPS post visits recorded in LEIMS

² FPS deployed LEIMS in 2019 after it decommissioned its legacy systems. Therefore, the dataset we obtained for our analyses included data from July 2019 through September 2023.



PSOs Did Not Always Have the Equipment Needed to Respond to Physical Threats

Although not required to verify PSO equipment during their post visits, inspectors identified deficiencies related to equipment PSOs needed to respond to physical threats in 19 of the 258 records we reviewed. FPS requires PSOs to carry and maintain specific equipment and outlines those requirements in its contracts. For example, the template for the *FPS Statement of Work for Protective Security Officer Services* (July 2019) requires that PSOs maintain equipment such as personal identity verification cards, handheld metal detectors, flashlights, firearms, and communication devices.

Deficiencies the inspectors identified in post visits included missing weapons and batons, non-working flashlights, and expired or missing pepper spray. In an August 2022 post visit in Harrisburg, Pennsylvania, the FPS inspector identified multiple equipment deficiencies, including a guard not having a tactical vest, baton, and pepper spray as contractually required.

In addition to reviewing the LEIMS records, we inspected posts at Federal facilities in Philadelphia, Pennsylvania, and in the Chicago, Illinois area to ensure PSOs met their contractual obligations related to protecting Federal facilities. We designed our inspections in accordance with FPS Directive 15.9.1.3, *PSO Oversight and Monitoring Program* (September 2022), *PSO/Site Inspection Checklist*. We observed that the PSOs did not always have required equipment including ammunition or functional flashlights. For example, two PSOs did not have flashlights on their person, and one PSO did not have all required ammunition.

FPS Did Not Always Conduct Required Follow-up Post Inspections

According to FPS Directive 15.9.1.3, “At a minimum, an inspection of every post, shall be conducted within 60 days of the beginning of the contract or option year, and *when triggered by a deficient post visit* [emphasis added] using designated tool(s) and standard procedures.”³ FPS Directive 15.9.1.3 also requires FPS contractors to develop and implement corrective actions for deficiencies identified during post inspections. However, according to FPS officials, inspectors did not always conduct required follow-up post inspections in response to deficient post visits because they did not have a clear understanding of when to conduct them.

We reviewed the LEIMS records for our statistical sample of 258 of the 786 deficient post visits to determine whether inspectors conducted the required follow-up post inspections. Within our sample, FPS had not conducted the required post inspection after half (129) of the deficient post visits. Inferring this result to the total population of 786 deficient post visits, we estimate with 95 percent confidence that inspectors did not conduct a required post inspection after between 345 and 441 of the 786 deficient post visits. When inspectors did complete required post inspections, they identified deficiencies in 129 of the 258 LEIMS records we reviewed, such as:

³ FPS Directive 15.9.1.3, *PSO Oversight and Monitoring Program* (September 2022).



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- The PSO did not report an in-person bomb threat to the MegaCenter⁴ or FPS.
- The PSO did not have her issued firearm on her person.
- The PSO was not alert or attentive and was using his personal cell phone.
- The PSO did not wear his body armor or shoes.
- The PSO allowed a dangerous item into the Federal facility after screening a person.

FPS officials indicated additional guidance and refresher training would improve the inspectors' understanding of the post visit and inspection process. Because FPS did not conduct all required follow-up post inspections, FPS could not ensure that contractors addressed previously identified deficiencies. Therefore, contractors were not required to implement corrective actions. As a result, deficiencies inspectors identified in the original post visits may persist.

PSOs Did Not Always Have Authority to Respond to Active Shooters Outside Their Posts

Executive Order 12977⁵ created the Interagency Security Committee, “to enhance the quality and effectiveness of security in and protection of buildings and facilities in the United States occupied by Federal employees for nonmilitary activities (“Federal facilities”), and to provide a permanent body to address continuing government-wide security for Federal facilities ...” When oversight of FPS transferred from the U.S. General Services Administration to DHS after Congress passed the *Homeland Security Act of 2002*, DHS became the chair of the Committee. The Committee consists of more than 60 Federal departments and agencies. The Committee published the *Planning and Response to an Active Shooter: An Interagency Security Committee Policy and Best Practices Guide (2021 Edition)*, which states that in an active shooter situation, “Often, intervention is required to stop the shooter and mitigate harm to potential victims.”

Notwithstanding the Committee’s guidance, PSOs cannot leave their assigned posts to respond to active shooter situations occurring elsewhere in the Federal facility. According to the Security Manual, when PSOs encounter physical threats (such as workplace violence, demonstrations, bomb threats, suspicious packages, or active shooters), they should observe the incident, call for backup, assist law enforcement personnel, and secure the scene and control the crowd (see Figure 1).

⁴ FPS operates three emergency dispatch centers called MegaCenters located in Philadelphia, Pennsylvania; Battle Creek, Michigan; and Denver, Colorado. These centers provide a national radio communications link between PSOs; FPS law enforcement personnel; and other Federal, state, and local law enforcement when responding to security threats. The MegaCenters also monitor multiple types of alarm systems, closed-circuit television, and wireless dispatch communications within Federal facilities.

⁵ Executive Order 12977, *Interagency Security Committee*, October 24, 1995.



Figure 1. Actions PSOs Should Take When Encountering Physical Threats



Source: DHS OIG analysis of FPS’ Security Manual

Contractually, FPS requires PSOs to certify they will not serve as part of an active shooter response team and that they will comply with all direction given by the appropriate law enforcement authorities. According to FPS’ Security Manual, PSOs are generally limited to the following actions during an active shooter incident:

- Observe the incident and relay information (e.g., the suspect’s description, the location of the incident, and the weapons used) to law enforcement personnel and immediately notify the FPS MegaCenters.
- “Maintain assigned posts as long as it is tactically feasible to do so.”
- “Comply with all direction given by ... the appropriate Federal or State law enforcement authority.”
- Secure all entrances and “stay put until ... [they] receive the ‘ALL CLEAR’ signal from recognized law enforcement.”

According to FPS officials, PSOs’ authority to respond to physical threats, such as active shooters, is dictated by state and local laws. These laws can vary by jurisdiction and may limit the type of threat response PSOs can provide. For example, each state has its own laws relating to:

- A right to self-defense; a right to use force to defend others; and a duty to retreat.
- The authority to detain individuals. This is based on private person/citizen’s arrest authority or special police status. According to FPS officials, PSOs only have a degree of arrest or detention authority in some states.
- The type of firearm that can be possessed by a security guard.⁶

According to an FY 2023 legislative proposal, these differences in state and local laws restricted FPS from developing a more responsive policy and training curriculum for PSOs to respond to

⁶ FPS captures these requirements in its contracts for security guard services. We reviewed 14 contracts for various states, territories, and cities and validated firearm requirements vary among jurisdictions.



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active shooter situations. As a result, security guards may not be fully prepared or have ample authority to respond to physical security threats at Federal facilities, which may result in unnecessary injury or loss of life.

FPS officials recognize these challenges and have been working with the Office of Management and Budget to seek legislation that would give the Secretary of Homeland Security the authority to grant PSOs limited firearm and arrest authority. Because of their current efforts, we are not making a recommendation to address PSOs' lack of authority.

Recommendation

Recommendation 1: We recommend the FPS Director develop and implement training and supervisory monitoring to improve FPS inspectors' knowledge and understanding to ensure timely and accurate completion of post inspections.

Management Comments and OIG Analysis

DHS concurred with the recommendation we offered. Nevertheless, in its response, DHS expressed concern regarding some statements in our report. For example, DHS stated that our conclusion (that gaps in FPS' oversight contributed to the PSOs not having proper knowledge and equipment at 237 of 258 deficient posts) lacked appropriate context. DHS explained that posts could have been deemed deficient because they were missing a minor piece of equipment such as a flashlight. DHS further stated that the number of deficient post visits represents less than 1 percent of all post visits performed by FPS during the period of data provided to DHS OIG. DHS also took exception to our assertion that the Office of the Chief Procurement Officer denied our request for access to two information technology systems. DHS stated that the Office of the Chief Procurement Officer was unable to provide us access to Procurement Request Information Systems Management because the system is only used to store draft or working files and does not contain official documents of record. DHS further stated that it could not grant us access to the Electronic Contract Filing System as there were no surplus licenses to share with DHS OIG.

We acknowledge DHS' concern but maintain that our conclusion includes appropriate context. For example, we note in the report that FPS inspectors documented equipment deficiencies other than missing flashlights. We specifically noted that in 19 of the 258 records we reviewed, deficiencies the FPS inspectors identified included missing weapons and batons, nonworking flashlights, and expired or missing pepper spray. We also believe that our sampling methodology was appropriate; the report's Objective, Scope, and Methodology section fully explains how we determined the number of deficient post visits to review. Lastly, with respect to data access, during our fieldwork, the Office of the Chief Procurement Officer stated that its policy did not allow granting access to auditors. On two separate occasions we requested the Office of the Chief Procurement Officer provide support for the lack of Electronic Contract Filing System



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surplus licenses. However, this information was not provided to the OIG.

In addition to DHS' management response, FPS also provided technical comments, which we have incorporated as appropriate. Appendix A contains the Department's response in its entirety. A summary of FPS' response to the recommendation and our analysis follows.

FPS Response to Recommendation 1: Concur. During the third quarter of FY 2024, FPS modified LEIMS to mirror FPS policy to require FPS inspectors to conduct an in-depth post inspection when FPS inspectors identify deficiencies in a PSO's required knowledge of processes. These system improvements will allow FPS to monitor the activity recorded in LEIMS to ensure conformity to FPS policy through monthly data oversight processes. In addition to system enhancements, FPS will notify field leadership of these system updates and emphasize compliance with FPS policy. FPS will also develop a virtual training video of the system enhancements and track progress of completing this training in its electronic learning management system. Estimated Completion Date: December 31, 2025.

OIG Analysis: FPS's corrective action plan is responsive to the recommendation. This recommendation will remain open and resolved until FPS provides: (1) evidence supporting the system enhancements, including updates to any supporting documentation such as a user manual; (2) evidence of the communications to field leadership highlighting the system enhancements and emphasizing compliance with current FPS policy; (3) evidence of the ongoing oversight processes; and (4) copies of training materials and/or instruction videos regarding the LEIMS enhancements.



Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

We conducted this audit to determine to what extent FPS' contracted guards are prepared to respond to physical security threats at Federal facilities.

The audit focused on PSOs' preparedness from FY 2018 through FY 2023. To answer our objective, we reviewed and analyzed relevant Federal laws and executive orders, congressional testimony, prior audit reports, policies and guidance, and FPS security guard contracts. We interviewed FPS officials from the Operations Directorate; Protective Security Operations Division; Acquisitions Division; Law Enforcement Operations Division; Office of the General Counsel; and FPS MegaCenter in Philadelphia, Pennsylvania. Additionally, we interviewed the contractors that provided PSOs as well as an official from DHS' Office of the General Counsel.

According to LEIMS data, FPS personnel conducted approximately 140,000 post visits between July 2019 and September 2023. To determine whether the PSOs had sufficient knowledge, equipment, and authority to respond to physical threats, we reviewed results of 786 post visits with deficiencies identified. We also visited eight Federal facilities in Philadelphia, Pennsylvania, and in Des Plaines, North Chicago, and Chicago, Illinois. Using the knowledge and equipment requirements in FPS Directive 15.9.1.3 (Revision 2), *PSO Oversight and Monitoring Program* (September 2022), we assessed the PSOs' knowledge and equipment at 16 judgmentally selected patrol and response posts⁷ within these facilities. Additionally, for the eight facilities, we reviewed 579 incidents recorded in LEIMS from July 2019 through September 2023. Due to FPS's inability to provide usable data from a legacy system, we could not review incidents within our audit period pre-dating LEIMS (FY 2018 to June 2019).

To determine whether a deficient post visit triggered a post inspection, we selected and tested a statistical sample of 258 of the 786 deficient post visits from LEIMS. To determine the sample size of 258, we worked with the DHS OIG statistician and used a 95 percent confidence level, 5 percent sampling error, and 50 percent population proportion. These results were inferred using a 6.1 percent Margin of Error of the Estimate Population Proportion, which yielded a lower-bound count of 345 and an upper-bound count of 441. We also reviewed the 258 sampled records to identify trends, such as concerns with PSOs performing improper screening or access control procedures.

⁷ Of the several different types of posts at a Federal facility, we determined the PSOs positioned at patrol and response posts performed duties most applicable to our audit objective based on their role when responding to emergencies.



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To better understand challenges with PSO authorities, we analyzed correspondence between DHS and the Office of Management and Budget. To gain clarity on security guard firearm authority, we reviewed the contractor-provided firearm requirements for PSOs for 14 contracts.

We accessed LEIMS and conducted a data reliability assessment. We determined the data to be complete and sufficiently reliable for its use in this audit. We encountered a data limitation when attempting to obtain post visit and post inspection data from a decommissioned legacy system. Therefore, we could not analyze post visit and post inspection data from FY 2018 to June 2019.

We assessed FPS' internal controls related to the audit objective. We identified and reported deficiencies in the control environment and control activity components of internal control. Because we limited our review to addressing our audit objective, our work may not have identified all internal control deficiencies that may have existed at the time of this audit.

We conducted this audit from August 2023 through August 2024 pursuant to the *Inspector General Act of 1978*, 5 U.S.C. §§ 401–424, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The major Office of Audit and Office of Innovation contributors are Tinh Nguyen, Assistant Inspector General for Audits; Stephanie Brand, Audit Manager; Andrew Herman, Senior Auditor; Justin Kerr, Senior Auditor; Daniel Villalobos, Auditor; Thomas Hamlin, Communications Analyst; Azriel Krongauz, Data Scientist; Muhammad (Faizul) Islam, Statistician; and Mitch Chaine, Independent Referencer.

DHS OIG's Access to DHS Information

DHS' Office of the Chief Procurement Officer denied DHS OIG's request for access to Procurement Request Information System Management and the Electronic Contract Filing System. Personnel from the Office of the Chief Procurement Officer stated it was the office's policy not to grant access to auditors.



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Appendix A: DHS Comments on the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

BY ELECTRONIC SUBMISSION

October 8, 2024

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Jim H. Crumpacker JIM H CRUMPACKER
Director
Departmental GAO-OIG Liaison Office

Digitally signed by JIM H
CRUMPACKER
Date: 2024.10.08 16:09:15 -04'00'

SUBJECT: Management Response to Draft Report: “FPS Protective
Service Officers Did Not Always Have Knowledge,
Equipment, and Authority to Respond to Physical Threats”
(Project No. 23-048-AUD-FPS)

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS, or the Department) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS leadership is pleased to note OIG’s recognition of the Federal Protective Service’s (FPS) efforts to work with the Office of Management and Budget to obtain limited firearm and arrest authority for Protective Security Officers (PSO). PSOs do not necessarily have legal authority, pursuant to the state where the PSO is licensed and permitted, to pursue an active shooter and use deadly force outside their posts. In the event of an active shooter, PSOs are instructed to protect their post and those around the post. PSOs are also instructed to notify the FPS MegaCenter and contact local law enforcement when operationally safe to do so. FPS will: (1) instruct FPS Law Enforcement Officers to conduct additional post visits to address active shooter scenarios with PSOs, and (2) reissue guidance to PSO vendors—the companies that employ contracted PSOs—on active shooter response.

DHS remains committed to the successful accomplishment of FPS’ mission to provide safety, security, and protection of more than 1.4 million employees and visitors to more than 9,000 facilities nationwide. FPS prevents, protects, responds to and recovers from terrorism, criminal acts, and other hazards threatening the U.S. Government’s critical infrastructure, services, and the people who provide or receive them through workplace



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and workforce that is safe, secure, and resilient across the homeland – every minute, every day.

However, OIG’s draft report contains a statement the Department views as misleading and unrepresentative of the FPS’s oversight program. Specifically, OIG’s statement that FPS inspectors determined PSOs did not have proper knowledge and equipment at 237 of 258 (92 percent) security posts deemed deficient in visits between July 2019 and September 2023 due to gaps in FPS’s oversight of the contracted security services is a finding from FPS’s own oversight. While these numbers are correct, the OIG’s draft report does not put this finding in appropriate context. For example, posts deemed deficient as part of FPS’ oversight could have resulted from missing a minor piece of equipment, such as a flashlight. Accordingly, FPS’ oversight may consider a post deficient following a visit, even though the deficiency may not adversely impact the effectiveness of the operation of the post. Further, the number of deficient post visits represents less than one percent of all post visits performed by FPS during the period of data provided to the OIG as part of this audit. The report’s focus on less than one percent of the data is not an accurate representation of the entire portfolio.

In addition, DHS takes exception to the assertion in OIG’s draft report that the DHS Office of the Chief Procurement Officer (OCPO) denied OIG’s request for access to two information technology systems, which is both inaccurate and lacking full context. OCPO was unable to provide OIG access to the Procurement Request Information Systems Management, as it is only used to store draft or working files and does not contain official documents of record. Further, OIG could not be granted access to the Electronic Contract Filing System (ECFS) to directly access PSO contracts, as there were no surplus licenses to share with the OIG. It is also important that readers of OIG’s report know OCPO informed OIG that ECFS’ core functionality allows the contracting officer to download and email exact copies of contract files to others, but that OIG could obtain the needed documents directly from FPS personnel—an avenue which OIG chose to pursue. Accordingly, FPS provided OIG with contract files throughout fieldwork and up to June 11, 2024. DHS takes seriously OIG’s critical role in helping the Department prevent and detect fraud, waste, abuse, and mismanagement, and is committed to providing OIG with the information needed to carry out its important work.

The draft report contained one recommendation with which the Department concurs. Attached find our detailed response to the recommendation. DHS previously submitted technical comments addressing several accuracy, contextual and other issues under a separate cover for OIG’s consideration, as appropriate.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions.

Attachment



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Attachment: Management Response to Recommendations Contained in OIG 23-048-AUD-FPS

OIG recommended that the FPS Director:

Recommendation 1: Develop and implement training and supervisory monitoring to improve FPS inspectors' knowledge and understanding to ensure timely and accurate completion of post inspections.

Response: Concur. The Law Enforcement Information Management System (LEIMS) is the FPS' system of record for law enforcement activities. During the third quarter of fiscal year 2024, the FPS LEIMS Program Office modified the system to mirror FPS policy.¹ Prior to this change, Inspectors were not prompted by LEIMS to conduct a full post inspection when they entered information on a post visit found to have a deficiency. Specifically, the modified process currently requires that any FPS Law Enforcement Officer who enters information into LEIMS indicating that a PSO is deficient in the required knowledge of processes should then conduct an in-depth Post Inspection reviewing such topics as explosives, facility concerns, civic disturbances, and suspicious packages. Post Inspections are also entered into LEIMS. This modified process also allows the FPS Protective Security Operations Division to easily audit the activity recorded in LEIMS to ensure conformity to internal policies and procedures, as appropriate.

FPS Operations Directorate staff will send a memorandum to field leadership highlighting this modification in LEIMS and emphasizing compliance with the current PSO Oversight and Monitoring Directive. As part of regular oversight, FPS's Protective Security Officer Program will also conduct a monthly data audit to confirm the required Post Inspections were carried out, as appropriate. Results of these data audits will be provided to each Regional Director to correct identified deficiencies.

FPS' Training and Professional Development Directorate will also develop training to improve FPS inspectors' and law enforcement personnel's knowledge and understanding of post inspections. Specifically, FPS will develop a short virtual training video that will show step-by-step guidance related to the modified process in LEIMS. This short training video will be assigned to impacted personnel and tracked through the FPS Learning Management System.

Estimated Completion Date: December 31, 2025.

¹ "PSO Oversight and Monitoring Directive" 15.9.1.3 Revision 2, dated September 9, 2022



Appendix B: Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chiefs of Staff
General Counsel
Executive Secretary
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