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.

[redacted]

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
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.

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.

a point approximately where the vehicle is inspected, including . The vehicle then moves further west to a second gate, which is restricted by a . 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

[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.

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

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[4] Based 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]

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

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.

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] 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

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

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[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.

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.

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[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.

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 , 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 which had to be ordered to the E Street entrance after initially refusing to enter the blast area. 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 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.

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" authorizaton, 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.html 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.

> 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.

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 ASAIC 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.

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[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

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

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 A[1]

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 15th 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.)	15th 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 15th 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