



DEPARTMENT OF VETERANS AFFAIRS  
**OFFICE OF INSPECTOR GENERAL**

*Office of Special Reviews*

OFFICE OF OPERATIONS, SECURITY, AND  
PREPAREDNESS

Alleged Failures to  
Adequately Equip Executive  
Protection Personnel Are  
Substantiated in Part



## MISSION

The mission of the Office of Inspector General is to serve veterans and the public by conducting meaningful independent oversight of the Department of Veterans Affairs.

*In addition to general privacy laws that govern release of medical information, disclosure of certain veteran health or other private information may be prohibited by various federal statutes including, but not limited to, 38 U.S.C. §§ 5701, 5705, and 7332, absent an exemption or other specified circumstances. As mandated by law, the OIG adheres to privacy and confidentiality laws and regulations protecting veteran health or other private information in this report.*

FOR MORE  
VA OIG REPORTS  
**CLICK HERE**



**Report suspected wrongdoing in VA programs and operations  
to the VA OIG Hotline:**

**[www.va.gov/oig/hotline](http://www.va.gov/oig/hotline)**

**1-800-488-8244**



## Executive Summary

VA's Executive Protection Division (EPD) has a critical mission "to detect, deter, and defend against any threat of harm to the Secretary and Deputy Secretary."<sup>1</sup> The EPD is responsible for "portal to portal" protection of the VA Secretary and Deputy Secretary. This means that EPD special agents (agents) and physical security specialists accompany the Secretary and Deputy Secretary during their daily work activities, as well as travel to and from their office and other locations.<sup>2</sup> In connection with carrying out their duties, all EPD personnel are required to wear ballistic armor, commonly referred to as body armor or ballistic vests, while "assigned to the close protection or motorcade" of the VA Secretary or Deputy Secretary.<sup>3</sup> This armor serves to protect not only EPD personnel but also the person they are assigned to protect (the principal). In addition, EPD special agents carry firearms and are special deputy US marshals.<sup>4</sup>

On April 1, 2021, the Office of Inspector General (OIG) received a referral from VA's Office of Accountability and Whistleblower Protection of a complaint alleging serious equipment deficiencies in the EPD, including that EPD personnel either did not have ballistic armor or were using expired armor.<sup>5</sup> The complainant also alleged that EPD special agents' firearms need to be replaced because "every time [agents] qualify with them [at the range]" they would "malfunction." These deficiencies allegedly hindered the EPD's mission, endangered the lives of the VA Secretary and Deputy Secretary, and jeopardized the safety of EPD personnel.

The OIG opened an administrative investigation the following day and identified significant safety concerns with respect to the provision of ballistic vests to EPD personnel. The OIG notified VA promptly of these issues instead of waiting for the investigation to conclude. On April 14, 2021, the OIG sent a memorandum to the acting assistant secretary for Human Resources Administration/Operations, Security, and Preparedness (HRA/OSP).<sup>6</sup> The next day, the acting assistant secretary replied, "To immediately address and resolve the lack of sufficient

---

<sup>1</sup> "Executive Protection Division," Police Services - Office of Operations, Security, and Preparedness, [https://www.osp.va.gov/Police\\_Services.asp](https://www.osp.va.gov/Police_Services.asp). See also VA EPD, Standard Operating Procedure (SOP) Manual, June 18, 2020, at 5.

<sup>2</sup> Drivers for the Secretary and Deputy Secretary in the EPD are referred to as physical security specialists and do not carry firearms. The EPD's special agents are also permitted to drive and usually do, as there are typically two cars involved in motorcades and not a sufficient number of physical security specialists. This report refers to special agents and physical security specialists collectively as EPD personnel or employees.

<sup>3</sup> VA EPD, SOP Manual, June 18, 2020, at 8 and 10.

<sup>4</sup> 28 U.S.C § 566(d).

<sup>5</sup> Expiration refers to the manufacturer's warranty. See US Department of Justice (DOJ), National Institute of Justice (NIJ), *Selection and Application Guide to Personal Body Armor*, NIJ Guide 100.01, November 2001, at 62 (*Selection and Application Guide 100.01*).

<sup>6</sup> Assistant Inspector General Katherine Smith, memorandum to Acting Assistant Secretary for HRA/OSP Jeffrey R. Mayo, April 14, 2021.

amounts of ballistic armor, [HRA/OSP] is procuring new armor for all EPD employees.”<sup>7</sup> The acting assistant secretary also stated, “HRA/OSP estimates that [the Office of Security and Law Enforcement (OSLE)] will be able to issue new armor to all EPD employees, in accordance with EPD Standard Operating Procedures, by May 15, 2021.”<sup>8</sup> The OIG team then continued its investigation into the complainant’s allegations.

The OIG substantiated the complainant’s allegations in part. The investigation uncovered that, as of April 2021 when this investigation began, 7 of 16 EPD employees—including those assigned to the protective details for the VA Secretary—had not been issued new ballistic armor since they were assigned to the EPD. Several of these employees were using ill-fitting vests, some of which were more than five years old (the typical manufacturer warranty), that they had brought with them to the EPD from prior jobs in law enforcement. One employee, who had been in the EPD since 2015, did not have *any* ballistic armor of his own to wear. VA had failed to provide properly fitted vests to these personnel, despite the EPD’s standard operating procedure (SOP), in place since October 2018, requiring special agents and physical security specialists to “wear issued or approved ballistic armor at all times [while] assigned to the close protection or motorcade” of the VA Secretary or Deputy Secretary. In practical terms, the SOP required EPD personnel assigned to the protective details to wear ballistic armor most of the time while working. This procedure was added to the EPD’s SOP in response to issues that arose during the course of an earlier OIG audit of the EPD, which found that EPD personnel’s failure to wear body armor presented a security risk. This failure resulted from, at least in part, the lack of a written mandate.<sup>9</sup>

In addition, the OIG found there were no procedures in place to ensure that VA procured ballistic armor for new personnel promptly after onboarding. Even among employees for whom VA did purchase new body armor, they waited from a few months to as long as two years after they joined the EPD for their armor. These delays persisted, as revealed in this investigation. On April 15, 2021, the acting assistant secretary of HRA/OSP estimated that VA would procure new armor for all EPD employees by May 15, 2021, but for most of the EPD’s personnel, the new armor was not ordered until December 2021 and not delivered until March 2022. Moreover, the acting assistant secretary of HRA/OSP represented that employees without adequate armor would be assigned low-risk duties while waiting for it to arrive, but the OIG determined that the affected employees continued to operate on the Secretary’s protective detail because of staffing shortages. The investigators also discovered that—contrary to US Department of Justice

---

<sup>7</sup> Acting Assistant Secretary for HRA/OSP Jeffrey R. Mayo, memorandum to Assistant Inspector General Katherine Smith, April 15, 2021.

<sup>8</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

<sup>9</sup> VA OIG, [Mismanagement of the VA Executive Protection Division](#), Report No. 17-03499-20, January 17, 2019, at 11.

recommendations—the EPD did not inspect or track armor to determine whether any needed to be replaced due to fit changes, wear and tear, or simply age beyond manufacturers’ warranties.

The investigation further revealed that EPD personnel were still not wearing their vests as required—nearly three years after VA mandated ballistic armor use during the OIG’s prior review of the EPD. The OIG did not find any evidence that the requirement was being enforced, despite senior leaders (including VA’s chief security officer) being aware of instances of nonuse. These compliance failures increased the risk to EPD employees, as well as the Secretary and the Deputy Secretary, and constituted a security threat to VA.<sup>10</sup> This report includes four recommendations for improvements in policies and procedures relating to the procurement, approval, tracking, and use of ballistic armor, and enforcement of the procedures.

Due to conflicting testimony and lack of documentary evidence, the OIG cannot substantiate the allegation that senior leaders in HRA/OSP were aware that some EPD personnel did not have ballistic armor or that senior leaders had denied prior requests for new or replacement armor.<sup>11</sup> The OIG found, however, that there were at least general discussions with senior leaders in the OSP regarding the need for replacement armor prior to this investigation.

The OIG also cannot substantiate, based on available evidence, the complainant’s allegation that EPD special agents’ firearms were malfunctioning and needed to be replaced. The OIG team was informed that the majority of the EPD special agents’ firearms were replaced in April 2022, and, as of June 2022, only two of the 2008 models that were the focus of the complainant’s allegations were still in use.<sup>12</sup> Given the seriousness of issues with firearm operability, however, the OIG recommended that the OSLE assess the firearms currently assigned to EPD special agents to determine whether any of them need to be replaced.

---

<sup>10</sup> One DOJ study indicated that “the risk of sustaining a fatal injury for officers who do not routinely wear body armor is **14 times** greater than for officers who do.” NIJ, *Selection and Application Guide 100.01*, at 7 (emphasis in original). A 2010 study indicated that “an officer who is not wearing body armor is 3.4 times more likely to suffer a fatal injury if shot in the torso than an officer who is wearing body armor.” NIJ, *Selection & Application Guide to Ballistic-Resistant Body Armor*, NIJ Guide 101.06, December 2014, at 4.

<sup>11</sup> In an administrative investigation, the OIG *substantiates* allegations when the facts and findings support that the alleged events or actions took place. The OIG *does not substantiate* allegations when the facts show the allegations are unfounded. The OIG *cannot substantiate* allegations when there is no conclusive evidence to either sustain or refute the allegation.

<sup>12</sup> An additional EPD special agent hired after the investigation review period has a 2009 model handgun.

## **VA Comments and OIG Response**

VA reviewed the draft report and responded by concurring with all five recommendations. VA's comments are included in their entirety as appendix B. Because VA also provided suitable action plans, no further OIG response is warranted. The OIG will continue to monitor all recommendations until sufficient documentation has been received to close them as implemented.



R. JAMES MITCHELL  
Acting Assistant Inspector General  
for Special Reviews

## Contents

Executive Summary .....	i
Abbreviations .....	vi
Introduction.....	1
Findings and Analysis.....	7
Finding 1: The OIG Substantiated the Allegation That VA Did Not Procure Ballistic Armor for Some EPD Personnel despite a Standard Operating Procedure Requiring Personnel to Wear It and Also Found the Procedure Was Never Properly Implemented or Enforced .....	7
Finding 2: The OIG Cannot Substantiate That OSP Leaders Denied Vest Procurement Requests or Knew Some EPD Personnel Needed Them .....	20
Finding 3: The OIG Cannot Substantiate That EPD Special Agents’ Firearms Were Frequently Malfunctioning and Needed Replacement .....	22
Conclusion .....	25
VA Management Comments and OIG Response .....	27
Appendix A: Scope and Methodology.....	28
Appendix B: VA Management Comments.....	29
OIG Contact and Staff Acknowledgments .....	32
Report Distribution .....	33

## Abbreviations

CSO	Chief Security Officer
DOJ	Department of Justice
EPD	Executive Protection Division
HRA	Human Resources Administration
LETC	Law Enforcement Training Center
NIJ	National Institute of Justice
OAWP	Office of Accountability and Whistleblower Protection
OIG	Office of Inspector General
OSLE	Office of Security and Law Enforcement
OSP	Office of Operations, Security, and Preparedness
SOP	Standard Operating Procedure



## Introduction

In April 2021, the Office of Inspector General (OIG) received a referral from VA's Office of Accountability and Whistleblower Protection (OAWP). During an OAWP interview on an unrelated matter, a VA employee alleged serious equipment deficiencies regarding ballistic vests and firearms for personnel in VA's Executive Protection Division (EPD), which is responsible for providing protective services to the VA Secretary and Deputy Secretary. The complainant alleged that these deficiencies hindered the EPD's mission and endangered the lives of the VA Secretary, Deputy Secretary, and EPD personnel. The OIG promptly accepted the referral and initiated this investigation. The OIG has now completed its investigation and is issuing this report with its findings, after being advised that replacement ballistic vests for all EPD personnel were received in March 2022 and the majority of EPD special agents' older firearms had been replaced by April 2022.<sup>13</sup>

### The Complainant's Allegations

On March 23, 2021, OAWP learned of alleged equipment deficiencies within the EPD while interviewing the complainant on another matter. Specifically, the complainant alleged that all EPD personnel were either missing or had expired ballistic vests. The complainant also alleged that their firearms needed to be replaced because they "malfunction every time [the special agents] qualify with them. At least a third of [the] weapons go down when [the agents] qualify." The complainant also alleged that these issues, in part, put the VA Secretary and EPD personnel in danger and compromised their ability to protect the Secretary properly.

On April 1, 2021, OAWP referred this matter to the OIG, which accepted it the next day and opened an investigation. Over the course of the investigation, the OIG team interviewed the complainant twice and obtained further details. Regarding the ballistic armor, the complainant also alleged that there was "no system in place to replace body armor." The complainant alleged that requests to purchase body armor had been denied on multiple occasions by the director of the Police Service, the executive director of the Office of Security and Law Enforcement (OSLE), VA's Chief Security Officer (CSO), and others based on budgetary constraints. The following section discusses the operations and governance of the EPD, including the positions referenced in the allegations.

### The Executive Protection Division

The primary mission of the EPD is "to operate in a manner to detect, deter, and defend against threats" to the VA Secretary and Deputy Secretary.<sup>14</sup> The VA Secretary and Deputy Secretary are afforded personal protection by EPD special agents and physical security specialists. EPD

---

<sup>13</sup> For more information on the OIG administrative investigation's scope and methodology, see appendix A.

<sup>14</sup> VA EPD, Standard Operating Procedure (SOP) Manual, June 18, 2020, at 5.

special agents are trained and designated VA law enforcement officers and are also deputized as special deputy US marshals by the US Marshals Service.<sup>15</sup> The EPD is responsible for “portal to portal protection for the Secretary,” as well as “personal protection . . . during all travel throughout the United States and abroad.”<sup>16</sup> The division is also responsible for “personal protection” for the Deputy Secretary “in the Metro Washington, DC area and throughout the United States based upon the current threat analysis.”<sup>17</sup> The EPD is further tasked with “investigat[ing] any possible or perceived threats” to the VA Secretary or Deputy Secretary.<sup>18</sup>

During the review period, the EPD employed approximately 15 special agents and up to two physical security specialists.<sup>19</sup> In January 2018, OSLE leaders hired a new EPD division chief.<sup>20</sup> The EPD chief reported to the director of the Police Service, who in turn reported to OSLE’s executive director. These divisions fell within VA’s Office of Security and Preparedness (OSP), which is led by the CSO. The executive director of OSLE reports to the CSO, and the CSO reports to VA’s principal deputy assistant secretary of HRA/OSP. This organizational structure is shown below in figure 1.

---

<sup>15</sup> The US Secret Service and the US State Department are the only two federal agencies that have specific statutory authority to protect executive branch officials. Other federal agencies must rely on a variety of nonspecific legal authorities to provide protective services to executive branch officials for their agencies. As a result, VA requires EPD special agents to be deputized as special deputy US Marshals so they can provide law enforcement and security services for the Secretary and Deputy Secretary.

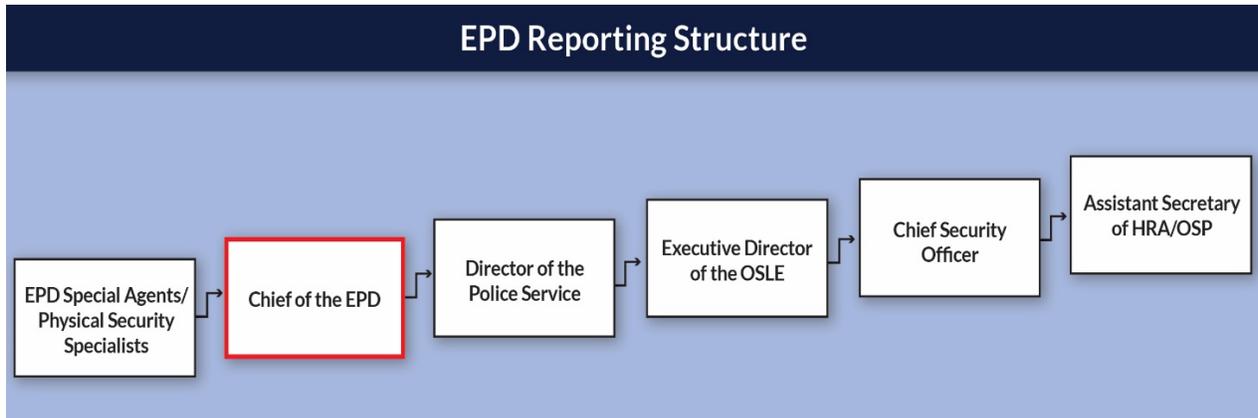
<sup>16</sup> “Office of Operations, Security, and Preparedness (OSP),” VA intranet, accessed April 29, 2022, [http://vaww.osp.va.gov/Police\\_Services.asp](http://vaww.osp.va.gov/Police_Services.asp). (This is an internal website not publicly accessible.)

<sup>17</sup> “Office of Operations, Security, and Preparedness (OSP),” VA intranet, accessed April 29, 2022.

<sup>18</sup> “Office of Operations, Security, and Preparedness (OSP),” VA intranet, accessed April 29, 2022.

<sup>19</sup> Drivers for the Secretary and Deputy Secretary in the EPD are referred to as physical security specialists and do not carry firearms. Special agents are also permitted to drive and usually do, as there are typically two cars involved in motorcades and not always a sufficient number of physical security specialists to operate both vehicles.

<sup>20</sup> This same individual served in that capacity through May 22, 2021, except during the brief period of reorganization between October 2020 and May 2021, as described on the following page.



**Figure 1.** EPD Reporting Structure.

Source: Excerpt based on VA Organizational Charts dated December 2019 to October 2021.

Note: The red box reflects changes described below that were later reversed. The figure reflects EPD reporting lines but does not include all units that report to positions up the supervisory chain.

The EPD’s Standard Operating Procedure (SOP) manual outlines the division’s operational policies and procedures. The SOP manual in effect at the time of the OIG’s investigation was signed and approved in June 2020 by the then EPD division chief, the director of the Police Service, and the executive director of the OSLE.<sup>21</sup> The manual assigns responsibility to the EPD chief for “ensuring compliance with existing operational policies and procedures,” and it identifies the Police Service, the OSLE, and the EPD division chief as the “responsible office” for implementing the SOP. In addition, under the SOP, any new operational procedures must be approved by the executive director of the OSLE.

On October 19, 2020, the CSO issued a memorandum announcing significant organizational changes in the EPD, including appointing himself as the operational supervisor of EPD and appointing the executive director of the OSLE as the administrative supervisor, and *eliminating* the position of EPD division chief (outlined in red in figure 1 above).<sup>22</sup> He also reorganized the EPD into three new teams: the Secretary’s detail, the Deputy Secretary’s detail, and the mission support group, each of which was led by a special agent in charge.<sup>23</sup> The then EPD chief was reassigned to the position of special agent in charge of the Secretary’s detail. The former EPD division chief told OIG investigators that the CSO did not have time to supervise day-to-day EPD operations, and the director of the Police Service provided that guidance instead. On May 3, 2021, the CSO rescinded his memorandum. At that time, the organizational structure was

<sup>21</sup> VA EPD, SOP Manual, June 18, 2020. As of March 2022, this version of the SOP manual was still in effect.

<sup>22</sup> According to the CSO, the reorganization was in response to problems he observed and issues regarding the prior OIG audit: VA OIG, *Mismanagement of the VA Executive Protection Division*, Report No. 17-03499-20, January 17, 2019.

<sup>23</sup> The CSO described the mission support group as the “Protective Intelligence Group.” The former chief of EPD told the OIG team that the head of the mission support group had a vision of having an intelligence group to do work ahead of the principals’ travel and “amp up our efforts to do better threat assessment.”

restored to its pre-October 19, 2020, status, and the special agent in charge of the Secretary's detail resumed his duties as the division chief of the EPD.<sup>24</sup>

During the period of time in which the memorandum was in effect—October 2020 to early May 2021—the SOP manual was never updated to reflect these organizational changes. The CSO's memorandum did not indicate who would be responsible for the duties that had been assigned to the division chief (or others) under the SOP manual, which included enforcing the procedures.<sup>25</sup> These changes left a void in leadership and lack of clarity around responsibility. According to the complainant, the changes made it difficult to know “who to talk to to get things done.”

### **The OIG's Prior Review of the EPD**

In May 2017, OIG's Office of Audits and Evaluations commenced a review addressing a series of complaints alleging mismanagement of the EPD, misuse of the division, and waste.<sup>26</sup> Although protective body armor was not the focus of the complaints leading to that review, the OIG found during the course of its oversight work that EPD personnel were not wearing their vests. According to the executive director of the OSLE, body armor use was not mandated at that time. The director of the Police Service told OIG staff that EPD employees “complained that the vests were uncomfortable and that they did not fit properly with their dress suits.” The OIG completed its review and published its findings on January 17, 2019.<sup>27</sup> In the report, the OIG identified the failure of EPD personnel to utilize body armor as a security vulnerability and “determined that the absence of a written policy or procedure requiring the use of protective body armor contributed to [their] nonuse.” The OIG recommended “that the VA Police Service publish written operational policies and procedures to regulate, among other things, the use of personal protective gear.”<sup>28</sup>

### **The OIG's Investigation and Interim Corrective Action by VA**

OIG investigators began interviewing witnesses in this administrative investigation on April 6, 2021. On April 12, 2021, the complainant provided the OIG team with additional information and claimed that approximately half of the EPD team was “without a serviceable ballistic vest.” This number included five employees who purportedly had not been issued

---

<sup>24</sup> On or about May 23, 2021, the then chief of EPD accepted a voluntary reassignment to VA's Law Enforcement Training Center in Little Rock, Arkansas, where he serves as a division chief at this writing.

<sup>25</sup> VA EPD, SOP Manual, June 18, 2020.

<sup>26</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*.

<sup>27</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*.

<sup>28</sup> In January 2018, while the OIG was in the process of conducting its review, the EPD appointed a new acting division chief. The new chief committed at that time to mandating that EPD personnel wear the protective body armor and told the OIG review team he would update the SOP to reflect this requirement. The SOP manual was first updated in October 2018 to reflect this new requirement. The provision in the June 2020 SOP manual is the same.

ballistic armor, as well as members of the team who were using vests that were expired. The OIG promptly issued a memorandum to alert Acting Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP) Jeffrey R. Mayo on April 14, 2021, of this “serious safety concern.”<sup>29</sup> Mr. Mayo replied on April 15, 2021, and stated that VA would procure new armor for all EPD employees and not just the five referenced in the OIG’s memorandum.<sup>30</sup> Mr. Mayo also indicated that, based on HRA/OSP estimates, the OSLE would be able to purchase and distribute new ballistic armor by May 15, 2021.<sup>31</sup> Mr. Mayo also indicated that on March 18, 2021—prior to the OIG’s memorandum in this investigation—VA’s CSO had requested that the OSLE “establish a Blanket Purchase Agreement” to procure ballistic armor.<sup>32</sup> Mr. Mayo noted that a statement of work had been drafted and that they were taking action to expedite the procurement.<sup>33</sup>

On April 16, 2021, the five EPD employees were measured for new body armor. VA ordered four level IIIA vests that same day.<sup>34</sup> Three of these employees received their new vests in July and August 2021. The fourth initially received the wrong vest in July and subsequently informed the OIG team that a replacement received in September 2021 did not fit properly.<sup>35</sup> One remaining employee was measured in April 2021 but was not ordered a new vest at that time. The director of the Police Service indicated that he would order this individual a vest at a later date along with the remaining members of the EPD.

On July 1, 2021, the EPD received confirmation that the HRA management office approved its request for funding to purchase level IIIA vests for all members of the EPD, which was a higher level than those in use by EPD employees at the time (other than the new armor that had been ordered in April 2021 for the four employees described above, which were also level IIIA). On September 23, 2021, VA signed a contract with a vendor to procure 19 sets of level IIIA body armor and ballistic plates. According to the director of the Police Service, EPD personnel were

---

<sup>29</sup> Assistant Inspector General Katherine Smith, memorandum to Acting Assistant Secretary for HRA/OSP Jeffrey R. Mayo, April 14, 2021.

<sup>30</sup> Acting Assistant Secretary for HRA/OSP Jeffrey R. Mayo, memorandum to Assistant Inspector General Katherine Smith, April 15, 2021.

<sup>31</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021. On June 23, 2021, Ms. Gina M. Grosso was sworn in as the assistant secretary for HRA/OSP, and Mr. Mayo now serves as the principal deputy assistant secretary for HRA/OSP.

<sup>32</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

<sup>33</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

<sup>34</sup> There are five levels of vests. According to the U.S. Department of Justice (DOJ) National Institute of Justice (NIJ), the higher the “level” of the vest, the more protection that is afforded to the wearer. DOJ NIJ, *Selection & Application Guide to Ballistic-Resistant Body Armor*, NIJ Guide 101.06, December 2014, at 12, 13, & 21 (*Selection and Application Guide 101.06*). The vests issued to EPD staff prior to this investigation were all level II. The NIJ guide highlights the fact that level II and level IIIA ballistic vests stop different calibers of bullets, and level IIIA vests stop a higher caliber than level II.

<sup>35</sup> The agent informed the OIG investigators that the wrong vest was received three times from the manufacturer—initially the wrong model and then the wrong size—between July and September 2021.

measured in October and November 2021. The armor was then ordered from the vendor in December 2021, but due to a vendor system error, the order was not transmitted to the manufacturer until January 2022. As mentioned above, the vests were delivered to VA in March 2022.<sup>36</sup>

During the investigation, OIG staff interviewed 15 witnesses. The investigative team also reviewed hundreds of documents, including emails, documents relating to ballistic armor procurement, and EPD firearm qualification, training, and maintenance records. In addition, the team reviewed applicable federal laws and regulations, VA policies and procedures, and industry guidelines and standards. (For more information on the OIG administrative investigation's scope and methodology, see appendix A.)

---

<sup>36</sup> New vests were supplied to all EPD personnel in March 2022, including the four who had received new armor in the summer of 2021. The director of the Police Service explained to OIG investigators that they decided to order vests for these four as well, in part because this armor offered higher protection than what had been previously ordered for them, as it could be enhanced with the addition of ballistic plates.

## Findings and Analysis

### **Finding 1: The OIG Substantiated the Allegation That VA Did Not Procure Ballistic Armor for Some EPD Personnel despite a Standard Operating Procedure Requiring Personnel to Wear It and Also Found the Procedure Was Never Properly Implemented or Enforced**

The EPD's SOP requires its special agents and physical security specialists (drivers) to wear ballistic armor (body armor or ballistic vests) while "assigned to close protection or motorcade" of the Secretary or Deputy Secretary of VA.<sup>37</sup> The complainant alleged in an interview with OAWP that agents either did not have ballistic armor or were using expired armor. The OIG investigated the matter after taking the referral from OAWP and substantiated the allegation in part. The OIG investigators determined that several employees had never been fitted for or issued vests since they were assigned to the EPD, including one who had worked in the EPD since 2015. Several others only had access to used vests that they brought with them from prior law enforcement jobs, some of which did not fit and were more than five years old (likely beyond the manufacturer's warranty). Because of deficiencies with the ballistic armor, these agents were therefore either unable or less likely to wear vests in compliance with the division's procedures. In addition, the OIG found that the EPD had failed to implement policies and procedures to ensure that its personnel were issued appropriate ballistic armor, vests were replaced as needed, and the SOP was enforced despite general awareness of noncompliance.

#### **EPD Personnel Are Required to Wear Ballistic Vests to Protect Themselves, the VA Secretary, and the Deputy Secretary**

The US Department of Justice (DOJ) has long recognized the importance of wearing ballistic armor and encourages law enforcement agencies "to promote the full-time use of body armor."<sup>38</sup> As reported by DOJ's National Institute of Justice (NIJ) in its definitive industry guides to ballistic body armor, statistics indicate that ballistic vests help prevent law enforcement

---

<sup>37</sup> VA EPD, SOP Manual, June 18, 2020, at 5. As of March 2022, this version of the manual was still in effect and had not been updated.

<sup>38</sup> DOJ NIJ, *Selection and Application Guide to Personal Body Armor*, NIJ Selection and Application Guide 100.01, at 7 (*Selection and Application Guide 100.01*). See also NIJ, *Selection and Application Guide 101.06*, at 147. NIJ "is the research, development and evaluation agency" of DOJ. "About NIJ," <https://nij.ojp.gov/about-nij>, accessed October 13, 2021. One area of research that NIJ focuses on is ballistic-resistant armor. In the past 20 years, NIJ has released two selection and application guides to body armor for law enforcement, one in 2001 and another in 2014 (*Selection and Application Guide 100.01*; *Selection and Application Guide 101.06*). These guides "inform law enforcement, corrections, and other public safety agencies in the development of sound policies and procedures concerning body armor from its procurement to its disposal." Additionally, these guides seek "to provide officers a better understanding of the importance of wearing body armor, wearing it correctly, and caring for it properly." NIJ, *Selection and Application Guide 101.06*, at 1.

fatalities.<sup>39</sup> In addition, vests also reduce risk to the protectee—here, the Secretary and Deputy Secretary—by allowing EPD personnel to shield them using their own bodies if they come under fire.<sup>40</sup> In a 2019 report, the OIG found that the failure of EPD personnel to wear body armor was a security vulnerability.<sup>41</sup> VA’s CSO, who had assumed operational control over the EPD from October 19, 2020, through May 2, 2021, discussed the importance of ballistic vests with investigators, stating that his “personal philosophy is if you’re carrying a firearm and you’re involved in a protection mission you need to be wearing your ballistic vest because it’s for the principal’s safety as well as yours.”<sup>42</sup>

The EPD’s former chief told OIG investigators that he began requiring protective detail personnel to wear vests shortly after he joined as the division chief in January 2018.<sup>43</sup> In October 2018, a written vest mandate, which was drafted by the then EPD chief and approved by the directors of the Police Service and the OSLE, was added to the EPD’s SOP manual. The SOP required special agents and physical security specialists to “wear issued or approved ballistic armor at all times [while] assigned to the close protection or motorcade” of the VA Secretary or Deputy Secretary.<sup>44</sup> The most recent version of the SOP, which was published in June 2020, contains the same provisions regarding ballistic armor.

The former EPD chief, who drafted the EPD’s ballistic armor SOP, told investigators that “close protection” is defined as anytime EPD team members are in motorcades or within 25 feet of the VA Secretary or Deputy Secretary.<sup>45</sup> EPD personnel are typically involved in motorcade operations when the Secretary and Deputy Secretary attend official events, meetings, or public events.

---

<sup>39</sup> One FBI study cited in NIJ’s 2001 selection guide indicated that the risk of fatality for “officers who do not routinely wear body armor is 14 times greater than for officers who do.” NIJ, *Selection and Application Guide 100.01*, at 7 (emphasis in original). A 2010 study indicated that “an officer who is not wearing body armor is 3.4 times more likely to suffer a fatal injury if shot in the torso than an officer who is wearing body armor.” NIJ, *Selection and Application Guide 101.06*, at 4.

<sup>40</sup> The statement of work recently prepared for the replacement of EPD vests states, “Ballistic armor is a vital piece of equipment for the Executive Protection Agents and *protects them and the SECVA, DEPSECVA, and each agent from serious physical injuries* from slashing edged weapons, high blunt force trauma, and prevents penetration of their bodies by high velocity projectiles [emphasis added].”

<sup>41</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*, at 11.

<sup>42</sup> The director of the Police Service also told OIG investigators the purpose of wearing a vest is “not only to protect [the agent or driver] but also to protect the principal.”

<sup>43</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*, at 11–12.

<sup>44</sup> VA EPD, SOP Manual, June 18, 2020, at 8 and 10. Two prior versions of the SOP manual contained a similar requirement. See VA EPD, SOP Manual, October 10, 2018; VA EPD, SOP Manual, November 18, 2019.

<sup>45</sup> VA EPD, SOP Manual, SOP no. 2, October 20, 2017. The SOP defines a “motorcade” as “one vehicle with one driver or several vehicles” that are employed by the EPD to “facilitate the safe travel” of the Secretary and Deputy Secretary. According to the former chief of the EPD, it is considered a motorcade whenever special agents or physical security specialists move the Secretary or Deputy Secretary in a vehicle. Usually the motorcade consists of two vehicles.

The OIG found that all EPD members should have been issued vests under the SOP. The former EPD chief explained that agents and physical security specialists assigned to the two protective details operated either in close proximity to the Secretary or Deputy Secretary or in motorcades most of the time they were working, and they were required to wear their vests per the EPD's SOP.<sup>46</sup> The former EPD chief also indicated that special agents who went out in the field ahead of the primary detail team members—"advance" agents—also could be considered to be working in close protection because "if someone is hurt, injured, or sick, or separated from the [detail] team the advance agent should be able to jump right up [to] take the position of the leader and move forward." In addition, the special agents in the mission support group were required to fill in on the protective details for the VA Secretary and Deputy Secretary as needed, such as when other members of the details were sick or injured.

### **VA Did Not Provide Properly Fitted Vests in Suitable Condition to Nearly Half of EPD Personnel**

EPD agents and specialists could not comply with the body armor SOP if they did not possess any body armor to wear—or if their armor did not fit or was no longer in reasonable condition. The OIG found that VA had not procured body armor for 7 of the 16 agents and physical security specialists covered by the SOP who were assigned to the EPD at the time of the OIG's investigation.

At the outset of the OIG's investigation in April 2021, the complainant identified five employees who allegedly did not have ballistic armor. The OIG notified VA promptly of this information while continuing its investigation into the allegations. The OIG's subsequent investigation confirmed that none of these five employees—four of whom served on the Secretary's detail—had been issued a new ballistic vest by VA since their assignments to the EPD. Specifically, the investigators determined the following:

- One employee had been with the EPD since August 2015 but did not have any ballistic armor to use, as he had not been issued any body armor by the EPD and did not possess any armor from a prior job.
- Another employee joined the EPD in October 2019 and had only been offered a ballistic vest that was several sizes too large, as it had been purchased for another agent, and he did not have any other armor to use.

---

<sup>46</sup> The former chief of the EPD explained that EPD personnel transport the VA Secretary to and from work, accompany the Secretary while he is traveling, and escort the Secretary to events and meetings outside of VA's offices. In addition, when the VA Secretary is in the office, EPD special agents remain on call within the building in the event of an emergency. EPD personnel are also assigned to the protection of the Deputy Secretary, and he is provided an EPD detail for travel to and from work.

- The remaining three employees had been in the EPD since 2019, but they were still using their own body armor that they acquired prior to joining the EPD.<sup>47</sup> Two of these vests were more than five years old and likely considered “expired” (past the manufacturers’ warranty).

The OIG team also found that VA never issued body armor to two other employees, including the former chief of the EPD, and they also had to use body armor they had acquired through previous employment. Both sets of armor were more than five years old, bringing the total to seven personnel without appropriate body armor.

As noted, two of these agents were offered ballistic armor that the EPD already had, but the armor did not fit them properly. In addition, the OIG team learned that another agent, who was issued body armor by the EPD in 2019, subsequently lost 80 pounds, and his vest no longer fit.<sup>48</sup>

The fit of vests is particularly important for the EPD personnel who serve on the security details because they typically wear business attire, such as suits, “to dress consistent with the Secretary and . . . maintain a low-key and unobtrusive profile.”<sup>49</sup> As a result, ballistic armor must be worn under their clothing, which is referred to as concealable armor.<sup>50</sup> The director of the Police Service acknowledged these factors several years ago during the OIG’s prior review of the EPD.<sup>51</sup>

As NIJ has found, “Fit influences whether the armor will be comfortable and therefore, whether the officer will consistently wear it.”<sup>52</sup> NIJ devotes several pages of its ballistic armor manual to describing the importance of taking individual measurements and ordering vests designed to fit the individual officer:

Ballistic-resistant armors (when worn) are key life-saving equipment. With proper fit, an armor should ensure maximum coverage without hindering an officer’s mobility or ability to perform required job functions. Although comfort is a subjective term, increased comfort through proper fit is an important objective. NIJ-funded research suggests that armors that have been fitted by the

---

<sup>47</sup> One had been with the EPD since 2015 but was still using a vest he had acquired while in another division at VA in 2014.

<sup>48</sup> The director of the Police Service was notified that this employee needed a replacement vest at least as early as June 4, 2021. The OIG team followed up with the director on July 1, 2021, and was told that the employee’s armor would be ordered along with the rest of EPD personnel once the contract had been finalized. His replacement vest was not ordered until December 2022 and was not received until March 2022.

<sup>49</sup> VA EPD, SOP Manual, June 18, 2020, at 26.

<sup>50</sup> See *Selection and Application Guide 101.06*, at 42.

<sup>51</sup> The director of the Police Service told the OIG team that personnel “had complained that the vests were uncomfortable and that they did not fit properly with their dress suits.” VA OIG, *Mismanagement of the VA Executive Protection Division*, at 11.

<sup>52</sup> *Selection and Application Guide 101.06*, at 37. See also *Selection and Application Guide 100.01*, at 21 and 55.

manufacturer, working with agency representatives, are the ones that officers find most comfortable.<sup>53</sup>

NIJ even published a separate guide on how to measure in order “to increase consistency in how measurements are made by specifying the process for measuring officers being fitted for new armor.”<sup>54</sup> Moreover, “proper fit is equally important for ensuring adequate coverage and protection,” and “a number of officers have been injured or killed from shots that entered areas of the torso not covered by the vest due to improper fit.”<sup>55</sup> NIJ also noted specifically that “a large weight gain or loss can have an adverse impact on proper fit.”<sup>56</sup> This guidance applies to the EPD agent who had lost 80 pounds in particular.

In addition, as noted above, three of the seven EPD employees were using ballistic armor that was more than five years old. According to the complainant, body armor manufacturers consider those products to be expired after five years, and they should be replaced at that time.<sup>57</sup> NIJ noted in its guide on ballistic armor that “some departments have established formal replacement policies based solely on the length of time since the date of issuance” and that five years is a typical replacement cycle for armor that is worn frequently.<sup>58</sup> EPD special agents and security specialists who serve on the protective details of the Secretary and Deputy Secretary have a high rate of wear, which would favor this type of replacement cycle.<sup>59</sup>

While the SOP does not explicitly address the procurement of vests for EPD personnel, the OIG found it was VA’s obligation to ensure that each EPD employee protecting the Secretary or Deputy Secretary was properly measured and outfitted with ballistic armor tailored to that employee’s body and that it was not expired. This is particularly true with ballistic armor, where the degree of protection and wearability are directly related to fit and condition or age of the armor. Moreover, there was no process to approve, evaluate, or otherwise track agents’ preowned vests, as discussed below.

---

<sup>53</sup> *Selection and Application Guide 101.06*, at 23.

<sup>54</sup> *Selection and Application Guide 101.06*, at 23.

<sup>55</sup> *Selection and Application Guide 100.01*, at 48. “Ballistic-Resistant Body Armor: A Guide to Fit, Wear & Care,” NIJ, October 2017.

<sup>56</sup> *Selection and Application Guide 100.01*, at 48.

<sup>57</sup> Note, however, that according to NIJ there is “no easy or definitive answer” to the question, “How long does body armor last?” *Selection and Application Guide 101.06*, at 33. While body armor generally has a warranty period for ballistic performance, the actual performance of “individual body armor may vary based on how it has been stored and maintained, environmental exposure, and differences in use.” Ultimately “age alone does not cause a body armor’s ballistic resistance to deteriorate.” *Selection and Application Guide 100.01*, at 61. Instead, “the care and maintenance of a garment—or the lack thereof—have been shown to have a greater impact than age on the length of service life of a unit of body armor.”

<sup>58</sup> *Selection and Application Guide 100.01*, at 61.

<sup>59</sup> *Selection and Application Guide 100.01*, at 61. The former chief of EPD explained that, because agents and drivers are required to wear ballistic armor whenever they are “in close protection” or on a motorcade, in practical terms this means that they are required to wear their armor most of the time they are working.

## **VA Did Not Have Procedures to Ensure EPD Personnel Promptly Received Initial or Replacement Vests or to Track Vest Maintenance or Warranty Information, and It Did Not Have a Process for Selecting Body Armor Consistent with Threat and Protection Needs**

Based on witness accounts to investigators, as well as a review of policies, procedures, and other documents, the OIG found that there were no procedures in place relating to the procurement, condition, or selection of ballistic vests for EPD special agents and physical security specialists.

### *Procuring New and Replacement Armor*

The OIG team was not able to identify any onboarding procedures or other policies that outlined the process for obtaining initial or replacement ballistic vests for EPD personnel. The former chief of the EPD (from January 2018 to May 2021) confirmed that there were no onboarding procedures during his tenure that involved measuring new agents for vests or otherwise addressing how vests were issued and replaced.<sup>60</sup> In addition, several agents confirmed that they were not measured for body armor when they were assigned to the EPD. The OIG's review of records revealed that, even among agents who were issued body armor by the EPD, it took from several months to two years after they joined the division for the armor to be procured for them. The former chief of the EPD testified that he had no ability or authority to purchase vests as needed. He told OIG investigators that in order to buy body armor for EPD staff, he needed to first obtain approval from the directors of the Police Service and the OSLE. He then had to rely on an administrative officer or other purchase cardholder in the OSLE (not the EPD) to procure them. Because he "had a really hard time during [his] tenure [in the EPD] getting money to buy enough vests for the team," the chief of EPD drafted the SOP language to allow EPD personnel to use armor acquired outside of VA, such as from a previous job, without violating EPD procedures.

In addition, the OIG team did not identify any procedure for replacing EPD ballistic armor, and the former EPD chief testified that he was not aware of any such procedure. An NIJ study underscored the importance of "stronger body armor replacement strategies to ensure quick replacement when necessary."<sup>61</sup> Similarly, NIJ has stated that "all armor should be routinely inspected and when it is determined that it no longer fits properly or is no longer serviceable, it should be replaced immediately."<sup>62</sup> Because there has been no standardized process for

---

<sup>60</sup> The former EPD chief served in this position from January 2018 to October 2020 and again from May 3, 2021, to May 23, 2021. Between October 2020 and early May 2021, he served as the special agent in charge of the Secretary's detail.

<sup>61</sup> Taylor, Bruce et al., *A Practitioner's Guide to the 2011 National Body Armor Survey of Law Enforcement Officers*, November 1, 2012, at 12.

<sup>62</sup> *Selection and Application Guide 100.01*, at 71.

procuring ballistic armor, the OIG found that EPD has been unable to replace body armor promptly as needed. For example, the director of the Police Service was informed in June 2021 (and reminded by OIG staff in July 2021) that one of the special agents needed a new vest because of his extensive weight loss, but the director decided to wait until he placed the order to replace the vests for the entire division, which was not until December 2021. The agent did not receive a replacement vest until March 2022.<sup>63</sup>

### *Tracking Maintenance or Warranty Information*

Neither the OSLE nor the EPD had a procedure for maintaining or tracking the expiration or condition of the ballistic vests used by EPD personnel. The NIJ guide states that agencies should “[m]aintain accurate property records for all armor in inventory. At any time, an agency should be able to determine which armor was issued to a given officer and the issue date, supplier name, model designation, armor type and production lot number.”<sup>64</sup> As noted previously, manufacturers of body armor provide warranties against defects for a particular period of time, and NIJ recommends that agencies track and report when armor is in service beyond the warranty period.<sup>65</sup>

In addition to following the warranty cycle, NIJ notes the many other reasons that may warrant replacement, including “change in officer weight and shape, change in service weapons or ammunition threat, being struck by a bullet or edged weapon, or simply from normal wear and tear over time.”<sup>66</sup> NIJ has recommended that agencies provide guidelines for inspecting and maintaining vests, encouraged agencies to inspect armor at least annually, and suggested that they “consider supervisory involvement in the inspection of body armor.”<sup>67</sup>

Multiple agents testified to investigators that they were not aware of anyone within the OSLE keeping track of the expiration dates of the ballistic vests after they had been purchased or assigned. This responsibility to track expiration dates instead fell to the agents themselves to determine if their body armor was expired and if they needed to request new armor.

### *Selecting Ballistic Armor*

It does not appear that there was any process in place for VA to make—or periodically reassess—the selection of vests appropriate for EPD personnel in consideration of threat levels and protection requirements. NIJ has stated,

---

<sup>63</sup> NIJ has noted that “a large weight gain or loss can have an adverse impact on proper fit.” *Selection and Application Guide 100.01*, at 48.

<sup>64</sup> *Selection and Application Guide 101.06*, at 37.

<sup>65</sup> *Selection and Application Guide 101.06*, at 33.

<sup>66</sup> *Selection and Application Guide 101.06*, at 33.

<sup>67</sup> *Selection and Application Guide 101.06*, at 34. See also *Selection and Application Guide 100.01*, at 65 & app. E.

Before purchasing body armor, an agency must first assess its potential threats and determine what level of protection is required for its officers. Only after determining the protection needs of the department should those responsible for purchasing body armor begin to review specific products.<sup>68</sup>

The OIG learned that several agents, including the then EPD chief, had expressed concerns that the level II vests EPD personnel were using at the time of the allegations in April 2021 were inadequate. In response to written questions from OIG investigators, one special agent who had been in the EPD since 2019 replied that he actually purchased his own vest (a level III) instead of using the “unacceptable” one issued to him by the EPD at the time he joined the division (a level II) because he wanted “the best chance to survive an attack.”

Since the OIG initiated this investigation, four of the EPD employees initially identified by the complainant have received level IIIA body armor, which offers a higher level of protection than the level II body armor previously supplied to some EPD special agents.<sup>69</sup> VA has since purchased level IIIA ballistic vests and plates for all EPD special agents, as discussed further below, and the OIG team was informed that these were delivered in March 2022. The OIG team did not identify any procedure, however, that would require VA to reassess the appropriate protection level of EPD armor on a periodic or ongoing basis.

### **The SOP Was Not Enforced despite Awareness of Noncompliance**

In its prior review of the EPD, the OIG found that EPD special agents were not wearing their protective body armor, which was identified as a security vulnerability.<sup>70</sup> The OIG recommended that the OSLE create a written policy mandating the use of protective body armor to encourage better compliance.<sup>71</sup>

During interviews of the EPD staff in its investigation in 2021, the OIG team found that, although a written procedure was implemented in October 2018, there were continued reports of noncompliance even among agents who had vests.<sup>72</sup> One EPD supervisor assigned to the mission support detail testified to investigators that he had never worn a vest, and he made it optional for his employees unless they encountered a high-threat situation. Another agent on the Secretary’s protective detail testified that he only wore a vest when serving as the detail leader because the

---

<sup>68</sup> *Selection and Application Guide 100.01*, at 51.

<sup>69</sup> *Selection and Application Guide 101.06*, at 12-13.

<sup>70</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*, at 11.

<sup>71</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*, at 26.

<sup>72</sup> One EPD employee told the OIG that he was not aware of the ballistic armor requirement in the EPD SOP as of the date of his interview in April 2021. When the SOP was updated in June 2020, the then chief of the EPD sent an email to all EPD employees, however, the cover email did not specifically mention ballistic armor.

one he received in 2019 was several sizes too big, as it had been ordered for an agent who was eight inches taller.

The OIG found that OSP leaders have been aware of issues with agents not wearing vests for years. As noted previously, the OIG's 2019 audit report indicated that senior leaders within the OSP were aware at the time of the OIG's review in 2017 and 2018 that agents had not been wearing their vests.<sup>73</sup> In January 2021, the CSO noticed an EPD agent not wearing a ballistic vest at an awards ceremony attended by then VA Secretary Robert Wilkie. The CSO told OIG investigators that he engaged with the agent about the importance of wearing body armor. Claiming that he was unaware that the SOP mandated use of body armor, the CSO testified to investigators, "I was not aware of what their standard operating procedure was," and also said that he had not "digested the SOP." At the time of the January 2021 ceremony, the CSO had been serving as the EPD operational manager for three months, a responsibility that he had assigned himself when he reorganized the division in October 2020.

The former EPD chief, who has since left the division, was also at this January 2021 event. He stated that he had never disciplined an agent for not wearing body armor. He claimed that it is not possible to tell by sight whether an agent is wearing ballistic armor, as it is worn under clothing.<sup>74</sup> There is evidence, however, that he was generally aware of the problem of agents not wearing their armor. In June 2020, for example, he sent an email asking agents to "please wear armor" during a period of significant protests and demonstrations in Washington. He conceded to OIG investigators while he "never caught anyone not wearing body armor when they were supposed to be" he was "pretty sure it happens" and that he had heard "rumors" of agents not wearing it. He also noted that it would have been "so unfair" if he had told agents, who were complaining that their body armor was 10 years old, that they are in violation of the SOP "if the VA won't buy them body armor." He was concerned that an agent could make a formal complaint against him if he tried to enforce the SOP in a circumstance where an agent was not wearing a vest and VA had never purchased one.

The director of the Police Service testified to investigators that prior to 2018 no one was wearing their ballistic armor, but the former chief of the EPD began mandating their use when he joined the division in 2018. The director suggested that problems with compliance continued into 2021, mostly due to agents' complaints regarding comfort:

I definitely welcome you guys to come back in July and August and we look at this because you will see not one of them are going to be wearing the vest. They will be complaining up a storm, "It's too hot, it's uncomfortable." . . . And then wintertime comes around it's going to be the same thing, it's going to be, "Well, I

---

<sup>73</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*, at 11.

<sup>74</sup> There was conflicting testimony on this issue. The CSO, as mentioned above, indicated that he had noticed when a special agent on duty was not wearing his vest.

can't really wear a vest because I can't get my coat over it.”

He noted, though, that he believed the former EPD chief reminded the agents to wear vests when he was around, but observed, “I think as they get out of eyesight that thing is coming off.”

Although the director acknowledged reviewing and signing the SOP manual, which included the ballistic armor mandate, he claimed that it was the responsibility of the EPD chief to enforce the policy. At the time of his OIG interview, however, the CSO had only just rescinded his October 2020 memorandum—which had eliminated the EPD division chief position—the previous day. From October 19, 2020, until May 3, 2021, the CSO had assumed operational control of the EPD and assigned administrative management duties to the director of the Police Service and the executive director of the OSLE. The CSO testified that enforcing the wearing of vests was a “collective management responsibility,” including the supervisory special agents, as well as the leadership team: “As a leadership team, starting with [the director of the Police Service, the director of the OSLE, and] myself, it is also our responsibility to make sure that the requirements established in the SOP are being adhered to by the entire organization.”

The OIG found there was general awareness among several members of security management—including the former director of the EPD, the director of the Police Service, and the CSO—that agents did not always wear their body armor.<sup>75</sup> No procedure was ever implemented to assess compliance (such as routine inspections) or to establish operational or disciplinary consequences for nonuse.<sup>76</sup> In addition, the OIG’s investigation did not uncover any instance where an agent was reprimanded for violating the SOP despite the OIG’s 2019 finding that, among other issues, agents’ failure to wear their ballistic armor could “potentially undermine the security of the VA Secretary.”<sup>77</sup>

---

<sup>75</sup> The executive director of the OSLE denied knowing that EPD personnel were not wearing ballistic armor as required, and, like the director of the Police Service, assigned the responsibility for enforcement to the EPD’s former division chief. At the time of the executive director’s testimony, however, there was no division chief, as the CSO’s memorandum had eliminated the position, and the former director of the EPD no longer had supervisory authority over the entire division.

<sup>76</sup> A 2011 NIJ-funded study found that some agencies do conduct regular inspections and that these appear to increase the perception among officers that “their agency strongly supported body armor use.” Bruce Taylor et al., *A Practitioner’s Guide to the 2011 National Body Armor Survey of Law Enforcement Officers*, November 1, 2012, at 8. As a result, the study authors concluded that “agencies should conduct inspections to ensure that officers are wearing, and are properly maintaining, body armor.” Taylor, *A Practitioner’s Guide to the 2011 National Body Armor Survey of Law Enforcement Officers*, at 8. NIJ also noted in its most recent *Selection and Application Guide* that when mandatory wear procedures “are properly enforced, wear rates are higher,” and that certain grant programs require such policies for agencies to receive funding. NIJ, *Selection and Application Guide 101.06*, at 38.

<sup>77</sup> VA OIG, *Mismanagement of the VA Executive Protection Division*, at 11.

## **Body Armor Purchasing Actions Took Months, during Which the EPD Personnel Served on Protective Details**

As noted above, on April 15, 2021, Acting Assistant Secretary Mayo responded to the OIG's memorandum alerting him to five agents lacking ballistic armor. In that response he indicated that the OSLE would procure new armor for all EPD employees to "immediately address and resolve the lack of sufficient amounts of ballistic armor." He noted that the OSLE would "expedite" the purchases.<sup>78</sup> He also stated that "HRA/OSP estimates that the OSLE will be able to issue new armor to all EPD employees, in accordance with EPD Standard Operating Procedures, by May 15, 2021."<sup>79</sup>

The OIG staff confirmed that the orders for new armor for four of the EPD staff members referenced in the OIG's April 14 memorandum were placed promptly. These four initially received their vests in July and August 2021.<sup>80</sup> However, the OIG found that the agents had not been reassigned to low-risk duties pending their receipt of this new body armor. The acting assistant secretary's memorandum stated, "While OSLE waits for the new armor, the four Special Agents and Security Specialist assigned to the EPD without ballistic armor will be assigned low risk duties associated with the performance of the EPD's mission."<sup>81</sup> These four EPD personnel told the OIG investigative team that they had continued to work on the Secretary's protective detail subsequent to the memorandum's issuance before they received their new armor, including the security specialist who did not have any armor to wear. The agents recalled some discussion or instruction about not being a detail leader during this time, but said that this lasted only for a short period (estimates ranged from a couple of days to two to three weeks). Moreover, several agents testified that there are no low-risk duties associated with executive protection. One agent explained that whether they were assigned to be the detail leader or driver or on the advance team, it was all close protection. Because the EPD was short-staffed, the agent did not think it would have even been possible to remove all five of them from the protective details and still carry out the division's mission.

In addition, the process of procuring new ballistic armor for the remainder of the EPD's employees took nearly a year, and the vests were not delivered to VA until March 2022. This was 10 months past the anticipated delivery date provided to the OIG in the acting assistant

---

<sup>78</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

<sup>79</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

<sup>80</sup> The armor was received by the four personnel at various times between July and September 2021. Two of the employees had to return the vests they initially received. The fifth individual was not ordered a vest at that time, but subsequently informed the OIG team that they last worked in close protection in early April 2021 and had been reassigned to a different OSLE division outside of the EPD in October 2021.

<sup>81</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

secretary's memorandum. This delay is even more surprising because a draft statement of work was reportedly already in process in April 2021.<sup>82</sup>

Although not the focus of this investigation, the OIG team has learned a number of factors contributed to this delay, all of which suggest that this procurement was not prioritized. First, the director of the Police Service did not receive approval until July 1, 2021, from the HR&A Program Management Office to proceed with procuring vests for the remaining EPD staff. Second, according to VA contract documentation and contracting personnel, the contract itself was categorized as "low" priority and was not expedited.

VA did not execute the contract with the selected vendor until September 23, 2021. EPD personnel were then measured for their armor in October and November 2021. Due in part to a misunderstanding regarding the ordering process by VA personnel (who had mistakenly believed that the order was placed when the measurements were submitted) and lack of prompt follow-up, the order was not actually placed by VA with the vendor until December 15, 2021. Then, due to a vendor system error, it was not transmitted by the vendor to the manufacturer until January 2022. The vests were delivered to VA in March 2022.

## **Finding 1 Conclusion**

The OIG substantiated the allegation that certain personnel in the EPD were never issued individual ballistic armor and that many were using expired vests. Whether these EPD special agents and physical security specialists were never issued a vest by the EPD, or were using expired or ill-fitting vests, the result is the same. Many were either unable or less likely to comply with the SOP, which increased the risk to agents and their protectees—the VA Secretary and the Deputy Secretary.

Even more concerning is the OIG's finding that VA's leaders in the Office of Security and Preparedness failed to ensure that the procedure mandating ballistic armor use was enforced and properly implemented even after assuming operational and administrative management of the EPD in October 2020. The OIG did not find any evidence that agents were subject to inspections to determine compliance or that there were any consequences for nonuse. Similarly, there were no procedures in place to procure body armor for new agents or security specialists; track the condition of assigned armor; or replace vests that were old, did not fit, or had other defects. Finally, recent delays in procuring new ballistic armor underscore the need for the EPD to establish procedures that will provide for more timely procurement and replacement of ballistic armor and also institute contingency plans when new armor deliveries are delayed.

---

<sup>82</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

## Recommendations 1–4

The OIG recommends that the assistant secretary for Human Resources & Administration/Operations, Security & Preparedness conducts the following actions:

1. Ensure the director of the Office of Operations, Security, and Preparedness creates a written policy establishing minimum standards for ballistic armor for Executive Protection Division personnel based on agents' input, industry best practices and research, and relevant threat levels, which is routinely reassessed for adequacy.
2. Make certain that the director of the Office of Security and Law Enforcement develops onboarding procedures for new Executive Protection Division personnel who are or may be assigned to protective details or motorcades of the VA Secretary or Deputy Secretary, including procedures for measuring personnel and procuring new ballistic vests or assessing and approving the use of an employee's own vest to ensure it meets minimum safety standards.
3. Require the director of the Office of Security and Law Enforcement to establish procedures to track the maintenance and expiration of ballistic vests assigned to Executive Protection Division personnel and to ensure their replacement as needed.
4. Instruct the director of the Office of Security and Law Enforcement to create procedures for monitoring compliance with the standard operating procedure requirement to wear ballistic armor, such as periodic inspections, and establish consequences for noncompliance.

## **Finding 2: The OIG Cannot Substantiate That OSP Leaders Denied Vest Procurement Requests or Knew Some EPD Personnel Needed Them**

The complainant alleged that senior leaders in the OSP had been informed that some EPD personnel needed body armor but had repeatedly denied requests to purchase armor due to budgetary constraints. The OIG cannot substantiate this allegation due to insufficient evidence. Although the OIG found indications that some ballistic armor deficiencies had been discussed with leaders in the OSP prior to the OIG's April 14, 2021, memorandum, there was no definitive documentation that requests for purchasing vests had been made and denied prior to this OIG administrative investigation.

The complainant based the allegations on knowledge of oral communications and claimed that requests for vests had been made to the director of the Police Service, the executive director of the OSLE, and the CSO "easily over a hundred times." The OIG investigators were unable to identify any documentary evidence that supported or negated the complainant's allegation that requests to procure body armor to these senior leaders in HRA/OSP had been made and denied prior to April 2021, when this administrative investigation commenced. As stated below, there was conflicting testimony among those interviewed.

The OIG team validated only that, at least as of mid-March 2021, senior leaders were aware that EPD personnel needed replacement armor and that steps were initiated to begin the procurement process. Specifically, the acting assistant secretary of HRA/OSP stated the following in his April 15, 2021, memorandum:

On March 18, 2021, the Chief Security Officer (CSO) in HRA/OSP requested that the Office of Security and Law Enforcement (OSLE) work with the appropriate VA offices to establish a Blanket Purchase Agreement to procure 27 sets of ballistic armor. On April 13, 2021, OSLE completed a draft statement of work and is currently working closely with contracting to expedite the purchase of ballistic armor.<sup>83</sup>

The OIG's investigation revealed that EPD had a Microsoft Teams online meeting with VA's CSO in March 2021. Shortly after, the CSO requested that EPD personnel obtain a quote from a vendor to replace their ballistic armor. On March 18, 2021, in response to an email providing cost information from the supervisory special agent in charge of the Secretary's detail, the CSO approved moving forward with contracting to procure the vests.

However, there is conflicting testimony as to whether the CSO was specifically told at this March 2021 meeting that any special agents or security specialists either had no armor or had

---

<sup>83</sup> Acting Assistant Secretary Mayo, memorandum to Assistant Inspector General Smith, April 15, 2021.

never been issued vests by EPD versus being asked to approve a general request to replace all vests with more current models. The CSO, the director of the Police Service, and the executive director of the OSLE told investigators that they had not heard that some agents did not have vests prior to the OIG's April 14, 2021, memorandum. Two agents told the OIG team that the CSO was aware that some personnel did not have vests because it came up on the March 2021 call. One of these agents recalled that the CSO "indicated that it's unacceptable for people not to have vests." Two other witnesses at that March meeting, however, could not remember whether the lack of vests was discussed but one recollected that body armor was discussed generally. In addition, the March 17, 2021, email from the then chief of EPD to the CSO seeking approval for the procurement of replacement vests for the division did not mention that some agents did not have vests but only that they needed "to purchase armor for all of our agents."

Other than during this March 2021 meeting, the former chief of EPD recalled discussing body armor at a meeting with the CSO in October 2020 shortly after the CSO issued the memorandum restructuring EPD. He said that the CSO asked him if EPD needed equipment, and he told the CSO that they needed to replace the level II vests that agents were using at that time and "get everyone who didn't have a vest a brand new vest." Although the former chief of EPD provided evidence that the meeting was arranged, he was unable to produce any additional evidence that the topic of vests was discussed then or at an earlier time, as these requests and follow-up were "always verbal." The director of the Police Service said that he was "positive" the former EPD chief told him about escalating to the CSO that "the guys needed new vests" at a meeting in October 2020.

## **Finding 2 Conclusion**

In the absence of more conclusive testimonial and documentary evidence, the OIG cannot substantiate that the CSO or other leaders in the OSP were aware that some EPD personnel did not have body armor or that prior requests to purchase vests had been denied due to budgetary constraints.<sup>84</sup> However, the OIG found indications that there were discussions of concerns regarding the body armor assigned to EPD personnel prior to the OIG's April 14, 2021, memorandum. As confirmed in the assistant secretary's April 15, 2021, memorandum, the issue was raised in March 2021 during a division conference call with the CSO, and two witnesses also recalled that the CSO had been informed of the need for armor in October 2020.

---

<sup>84</sup> In an administrative investigation, the OIG *substantiates* allegations when the facts and findings support that the alleged events or actions took place. The OIG *does not substantiate* allegations when the facts show the allegations are unfounded. The OIG *cannot substantiate* allegations when there is no conclusive evidence to either sustain or refute the allegation.

### **Finding 3: The OIG Cannot Substantiate That EPD Special Agents' Firearms Were Frequently Malfunctioning and Needed Replacement**

The OIG also investigated the complainant's allegation that their "weapons malfunction every time [agents] qualify with them. At least a third of [EPD's] weapons go down when [agents] qualify."<sup>85</sup> In a subsequent interview with OIG investigators, the complainant explained that these malfunctions included "misfeeds, double feeds, failure to feed, those common things." The complainant attributed these issues to the age of the firearms, which were 2008 models, and claimed that the firearms needed to be replaced.

The OIG recognizes the seriousness of this allegation given the need for firearms to be kept in good condition and working order. As the firearms manual of VA's Law Enforcement Training Center (LETC) states, "the proper care and maintenance of [a] weapon could literally mean the difference between life and death! . . . It is a lifesaving tool that must function reliably each time the trigger is pulled."<sup>86</sup> The OIG could not substantiate the complainant's allegation, however, due to conflicting statements and lack of documentary evidence.

EPD special agents carry firearms and are special deputy US Marshals.<sup>87</sup> EPD special agents may carry one of three specified semiautomatic handguns.<sup>88</sup> At the time of the initial complaint in April 2021, EPD special agents were assigned either 2008 model handguns that had been completely refurbished in early 2019 by a certified LETC armorer or 2015 models acquired after this refurbishment.<sup>89</sup>

The complainant's allegations focused on the 2008 models, and, as noted above, claimed that they "malfunction every time [the agents] qualify with them" and that "at least a third . . . go down." The OIG did not find evidence of any significant operational issues with the firearms that

---

<sup>85</sup> "Qualify" is a reference to VA's policy requiring EPD special agents to meet "firearm range qualification" and other training requirements on a regular basis to continue to carry their OSLE-issued firearms. VA Handbook 720 at 8. Specifically, OSLE procedures require EPD special agents to complete an approved qualification course twice a year to practice firing their handguns at a range and hit "the appropriate area of the authorized target" 40 out of 50 times. VA OSP, "Department Issued Weapons," SOP, January 25, 2013, at 6. EPD special agents also must go to a range independently once a quarter during the year and fire a specified number of rounds to stay compliant with OSLE requirements.

<sup>86</sup> LETC, *Firearms Training Manual*, December 2016, at 63. This section of the manual also establishes the firearms cleaning and maintenance requirements that VA police officers and special agents who are assigned firearms are required to follow.

<sup>87</sup> 28 U.S.C § 566(d)

<sup>88</sup> LETC, *Firearms Training Manual* at 13.

<sup>89</sup> The EPD firearms file states that the refurbishment consisted of the following steps: "deep cleaned with Sonic Cleaner, replaced barrel, replaced recoil spring, replaced trigger bar, replaced slide lock lever, replaced slide catch spring, replaced trigger spring, replaced ejector, replaced ejector pin, replaced ejector spring, replaced magazine safety assembly, replaced firing pin block, replaced firing pin spring, replaced firing pin, and replaced the firing pin block spring." As the then EPD firearms instructor testified, once the refurbishment process was completed, the agents "got a new refurbished gun," which he agreed was like a car getting a new engine.

required they be taken out of service for repairs between the 2019 refurbishment and the complainant's allegations in April 2021. The certified armorer from LETC testified that if EPD personnel ever had a problem with a firearm not being operational that needed to be taken out of service, they would have been required to notify their supervisor and an OSLE firearms instructor. Moreover, if the instructor could not repair it, the firearm would be sent to the armorer to make the repairs.<sup>90</sup> The armorer told OIG investigators that EPD special agents had only brought him firearms to be repaired on a few occasions, and that the repairs were all minor. The former EPD firearms instructor, who was also a trained armorer, testified that he never had to take any of the EPD firearms fully out of service for repair. If there was a small problem he was able to fix it expeditiously. The firearms instructor for the EPD at the time of the administrative investigation also confirmed that there were not any major EPD firearm malfunctions during his three-year tenure. In addition, the records maintained by the OSLE firearms instructors reflected that, at the time the OIG initiated its review, each EPD firearm had been successfully fired at least 50 times during the agent's most recent qualification.

However, the types of malfunctions that were the subject of the complaint would not necessarily have required repairs or otherwise been documented, as they are typically cleared (or resolved) through "primary immediate action," which means that the agent would resolve the malfunction on the spot and resume firing.<sup>91</sup> Contrasting these types of malfunctions with others that may require further repair, the LETC firearms manual notes that "it is inevitable that at some point the weapon may fail to fire—or malfunction," and that "malfunctions occur for many reasons such as faulty ammunition, a bad magazine, a broken weapon, or (most commonly) shooter error."<sup>92</sup> The OIG did not identify any documentary evidence of these malfunctions. In addition, there was conflicting witness testimony regarding whether agents were frequently experiencing these types of malfunctions when they qualified. As a result, the OIG could not determine the extent of such malfunctions or whether the cause related to the age or condition of the firearms such that replacement was necessary.

Before this investigation was completed, EPD special agents received ten new firearms in April 2022, all of which were manufactured in 2015 and most of which were new and had never been fired. According to the firearms instructor, the new handguns were acquired from a VA police office in West Virginia that did not need them. The instructor offered them to all EPD special agents on a first-come, first-serve basis. As of June 2022, only two agents were still using the refurbished 2008 firearms.

---

<sup>90</sup> The EPD's SOP manual states that the special agent serving as detail leader must report any issues with weapons as soon as possible. VA EPD, SOP, June 18, 2020, at 12.

<sup>91</sup> LETC, *Firearms Manual*, at 29.

<sup>92</sup> LETC, *Firearms Manual*, at 29.

### **Finding 3 Conclusion**

The OIG cannot substantiate the complainant's allegations regarding the EPD special agents' firearms because of conflicting testimony and lack of documentary evidence. The EPD did receive 10 new or lightly used firearms in April 2022. Due to the seriousness of the allegations and conflicting evidence, the OIG makes the recommendation below.

### **Recommendation 5**

5. The OIG recommends that the director of the Office of Security and Law Enforcement conducts a review of the condition of all firearms currently assigned to EPD special agents and determines whether any are in need of replacement.

## Conclusion

The mission of the EPD is clear-cut: Protect the VA Secretary and Deputy Secretary from harm. The OIG's 2019 report regarding its review of the EPD revealed a number of security vulnerabilities, including that agents were not wearing ballistic armor. Yet, the OIG found in this investigation that even after corrective action was taken in response to that report, security risks persisted and VA failed to adequately equip its EPD personnel with the protective gear they needed.

Specifically, the OIG substantiated the complainant's allegation that several agents and a physical security specialist in the EPD had never been measured for or issued new body armor since their assignments to the EPD. Ballistic armor is designed to protect not only the agent but also the individual the agent is protecting. Some of the EPD's special agents resorted to using older vests that they had acquired through previous employment, and some had none to wear. The OIG also found that, although the EPD implemented a procedure requiring body armor use, it was not enforced and compliance issues among those with vests persisted. In addition, OSP leaders had not implemented any policies, procedures, or processes to ensure that EPD special agents had adequate VA-issued body armor, that the maintenance and expiration of that armor was tracked, or that armor was promptly replaced as needed. To effectively protect its agents and leaders, VA must provide EPD personnel with the basic safety equipment for performing their jobs. The complainant also alleged that OSP leaders knew EPD personnel did not have adequate ballistic armor but had denied prior requests to procure vests due to budgetary constraints. The OIG cannot substantiate this allegation, however, due to conflicting testimony and insufficient documentary evidence.

The OIG also cannot substantiate the complainant's allegation that the firearms issued to EPD special agents were malfunctioning "every time [the agents] qualify with them" and that they needed to be replaced. Investigators recognize that an improperly functioning firearm could be a matter of life or death for the agents and the individuals they are protecting. However, contradictory testimonial evidence and lack of documentation hindered a determination whether, or to what extent, these types of malfunctions were occurring. In addition, most of the older firearms that were the focus of the complainant's allegations have been replaced since the OIG commenced this investigation.

The OIG has made four recommendations relating to the implementation of additional policies and procedures regarding the procurement, use, and maintenance of ballistic armor for EPD special agents and other staff that are based on DOJ guidance, industry best practices, and the enforcement of existing policies. The OIG made a fifth recommendation that the executive director of the OSLE assess the firearms assigned to EPD special agents and determine whether

any need to be replaced. These recommendations are meant to advance VA's efforts to ensure the safety of its leaders and the agents and specialists who protect them.<sup>93</sup>

---

<sup>93</sup> Although no recommendation was made specifically for VA to consider administrative action involving its personnel, nothing precludes VA from determining whether any such action is appropriate.

## **VA Management Comments and OIG Response**

The assistant secretary for HRA/OSP reviewed the draft report and responded by concurring with all five recommendations and submitting acceptable action plans. Accordingly, an OIG response is not warranted. The VA comments are published in their entirety as appendix B. The OIG will continue to monitor all recommendations until sufficient documentation has been received to close them as implemented.

## Appendix A: Scope and Methodology

### Scope

The OIG focused its review on the status of EPD’s ballistic armor and firearms at the time the complainant made the allegations in April 2021. The OIG conducted this administrative investigation from April 2021 through November 2021 with discrete follow-up through June 2022, primarily concerning corrective action taken by VA and equipment replacement.

### Methodology

OIG staff interviewed 15 individuals in connection with this administrative investigation. Specifically, the OIG team interviewed the former chief of EPD, the director of the Police Service, the executive director of the OSLE, VA’s chief security officer, multiple employees assigned to the EPD, VA contracting personnel, and a vendor representative. The team reviewed a number of documents, including VA email records, EPD records regarding firearms maintenance, and memoranda and records related to the procurement of ballistic vests. The OIG also reviewed applicable federal laws and regulations; VA policies, procedures, and guidance; and publicly available DOJ materials on executive protection and the use of protective gear.

### Scope Limitation

The OIG did not explore in detail the changes in the EPD’s organizational structure that were implemented in October 2020. The level of review was sufficient to meet the needs of the investigation. In addition, the OIG focused its review on EPD policies, procedures, or practices with respect to the use or procurement of ballistic armor—not those in other VA divisions. Lastly, the OIG did not assess other related actions undertaken by VA during the course of this investigation to procure additional armor for EPD personnel, including the appropriateness of its selection of a vendor, the type of vest, or negotiation of the contract terms.

### Government Standards

The OIG conducted this review in accordance with the Council of the Inspectors General on Integrity and Efficiency’s *Quality Standards for Investigations*.

## Appendix B: VA Management Comments

### Department of Veterans Affairs Memorandum

Date: August 31, 2022

From: Assistant Secretary for Human Resources and Administration/Operations Security and Preparedness (006)

Subj: Response to Draft Report: Alleged Failures to Provide Adequate Equipment to Executive Protection Agents is Substantiated in Part, Project Number 2021-02145-SR-0013<sup>94</sup>

To: Acting Assistant Inspector General for Special Reviews (56)

1. Thank you for the opportunity to review and comment on the Office of Inspector General, Office of Special Reviews, draft report titled “Alleged Failures to Provide Adequate Equipment to Executive Protection Agents is Substantiated in Part.” We concur with the recommendations and provide the attached implementation plan with target completion dates.

*The OIG removed point of contact information prior to publication.*

(Original signed by)

Gina M. Grosso

Attachment

---

<sup>94</sup> The title of the final report was slightly reworded after VA’s review in acknowledgment that not all EPD personnel are “agents” and to be more precise as to when “special agents” is used throughout the document. The same applies to the wording of some recommendations as noted below. These technical edits for precision made throughout the document following VA’s review do not affect VA’s responses to the recommendations or substantively change its content.

**Department of Veterans Affairs (VA)  
Comments to Office of the Inspector General (OIG) Draft Report:  
Alleged Failures to Provide Adequate Equipment to Executive Protection Agents is Substantiated  
in Part (Project Number 2021-02145-SR-0013)**

OIG made five recommendations to the Office of Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP):

**OIG Recommendation 1: Ensure the director of the Office of Operations, Security and Preparedness creates a written policy establishing minimum standards for ballistic armor for Executive Protection Division personnel based on agents' input, industry best practices and research, and relevant threat levels, which is routinely reassessed for adequacy.<sup>95</sup>**

**HRA/OSP Response: Concur.** The Assistant Secretary, HRA/OSP will ensure the Chief Security Officer in the Office of Operations, Security and Preparedness creates a written policy establishing minimum standards for ballistic armor for Executive Protection Division personnel based on agents' input, industry best practices and research, and relevant threat levels, and routinely reassess the policy for adequacy.

Target completion date is February 1, 2023.

**OIG Recommendation 2: Make certain that the director of the Office of Security and Law Enforcement develops onboarding procedures for new Executive Protection Division personnel who are or may be assigned to protective details or motorcades of the VA Secretary and Deputy Secretary, including procedures for measuring agents and procuring new ballistic vests or assessing and approving the use of the agent's own vest to ensure it meets minimum safety standards.**

**HRA/OSP Response: Concur.** Effective immediately, the Office of Security and Law Enforcement will assess any new Executive Protection agent to ensure they have ballistic vests. The Assistant Secretary, HRA/OSP will make certain the Executive Director for Security and Law Enforcement develops onboarding procedures for new Executive Protection Division personnel who are or may be assigned to protective details or motorcades of the VA Secretary and Deputy Secretary, including procedures for measuring and procuring new ballistic vests or assessing the use of the agent's own vest.

Target completion date is April 3, 2023 (two months after completion of Recommendation 1).

**OIG Recommendation 3: Require the director of the Office of Security and Law Enforcement to establish procedures to track the maintenance and expiration of ballistic vests assigned to Executive Protection Division agents, and to ensure their replacement as needed.**

**HRA/OSP Response: Concur.** The Assistant Secretary, HRA/OSP will require the Executive Director for Security and Law Enforcement to establish procedures to track the maintenance and expiration of ballistic vests assigned to Executive Protection Division agents, and to ensure their replacement as needed. Until new procedures are in place, the Office of Security and Law

---

<sup>95</sup> In the final published report following VA's review, the OIG changed some mentions of "agents" in the recommendations to "EPD personnel" or "EPD employees" as well and was more exacting in its use of "special agents." The VA response was left unchanged and the technical revisions do not affect VA's comments or action plans.

Enforcement will complete an inventory of current ballistic armor by October 1, 2022, and use the manufacturer's recommended expiration date.

Target Completion date is April 3, 2023 (two months after completion of Recommendation 1).

**OIG Recommendation 4: Instruct the director of the Office of Security and Law Enforcement to create procedures for monitoring compliance with the standard operating procedure requirement to wear ballistic armor, such as periodic inspections, and establish consequences for noncompliance.**

**HRA/OSP Response. Concur.** The Assistant Secretary, HRA/OSP will instruct the Executive Director for Security and Law Enforcement to create procedures for monitoring compliance with the standard operating procedure requirement to wear ballistic armor.

Target completion date is April 3, 2023 (two months after completion of Recommendation 1).

**OIG Recommendation 5: Conduct a review of the condition of all firearms currently assigned to EPD agents and determine whether they are in need of replacement.**

**HRA/OSP Response. Concur.** The Executive Director for Security and Law Enforcement will conduct a review of the condition of firearms currently assigned to EPD agents and determine whether they need replacement.

Target completion date is December 1, 2022.

## OIG Contact and Staff Acknowledgments

---

<b>Contact</b>	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
<b>Primary Contributors</b>	Nate Landkammer Craig Cruz Michael Dinet Rebecca Kline Dubill
<b>Other Acknowledgments</b>	Leanne Watkins Michele Hale Emily Marcus Patrick McMullen Samantha Rayborn

---

## Report Distribution

### VA Distribution

Office of the Secretary  
Veterans Health Administration  
Assistant Secretaries  
General Counsel

### Non-VA Distribution

House Committee on Veterans' Affairs  
House Appropriations Subcommittee on Military Construction, Veterans Affairs,  
and Related Agencies  
House Committee on Oversight and Reform  
Senate Committee on Veterans' Affairs  
Senate Appropriations Subcommittee on Military Construction, Veterans Affairs,  
and Related Agencies  
Senate Committee on Homeland Security and Governmental Affairs  
National Veterans Service Organizations  
Government Accountability Office  
Office of Management and Budget

OIG reports are available at [www.va.gov/oig](http://www.va.gov/oig).