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SPECIAL COUNSEL TRANSMITS REPORT FINDING INVESTIGATION OF THREATS AGAINST ATF AGENT INADEQUATE

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./July 20, 2009 – The U.S. Office of Special Counsel (OSC) recently transmitted to the President the findings of the Department of Justice (DOJ), Office of the Inspector General’s (OIG) investigation that officials of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) failed to investigate threats of violence made against one of its own agents. The whistleblower, an ATF Special Agent, alleged that ATF lacked procedures for responding to threats of violence made against its agents. The agent also alleged that ATF failed to thoroughly investigate death threats against him and his family. The allegations were investigated as possible violations of law, rule or regulation, gross mismanagement, and a substantial and specific danger to public safety by ATF employees.

The DOJ OIG report confirmed that ATF “needlessly and inappropriately delayed” its response to, and investigation of, violent threats against the Special Agent, and that ATF should have investigated the threats more thoroughly. The report also confirmed that ATF’s procedures on the management of violent threats were generally adequate but found that due to a miscommunication among ATF officials, the agent did not receive the authorized emergency relocation. The report also found that there was no requirement that the order for an emergency relocation be put in writing. The DOJ OIG recommended that ATF amend its policies to prevent similar miscommunications. ATF concurred and amended its policies and training materials to ensure ATF personnel are aware of the new policy.

OSC determined that the agency’s report contains all the information required by statute and that the OIG’s findings appear reasonable. In the letter transmitting the report of the DOJ OIG to the President, OSC noted that absent from the report was any statement from ATF regarding action taken to address the failure to adequately investigate the threats made against the Special Agent. OSC commented that if ATF is to fully address this issue, threats against agents must be pursued aggressively and officials at all levels must cooperate in any investigation. The protection of its own agents is critical to the success of ATF’s mission to protect the nation from violent crime and enforce federal criminal laws regulating the firearms and explosives industries.

A copy of the report and the whistleblower's comments has been placed in OSC's public file and is now available online at www.osc.gov.

The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act. For more information please visit our web site at www.osc.gov or call 1 (800) 872-9855.