

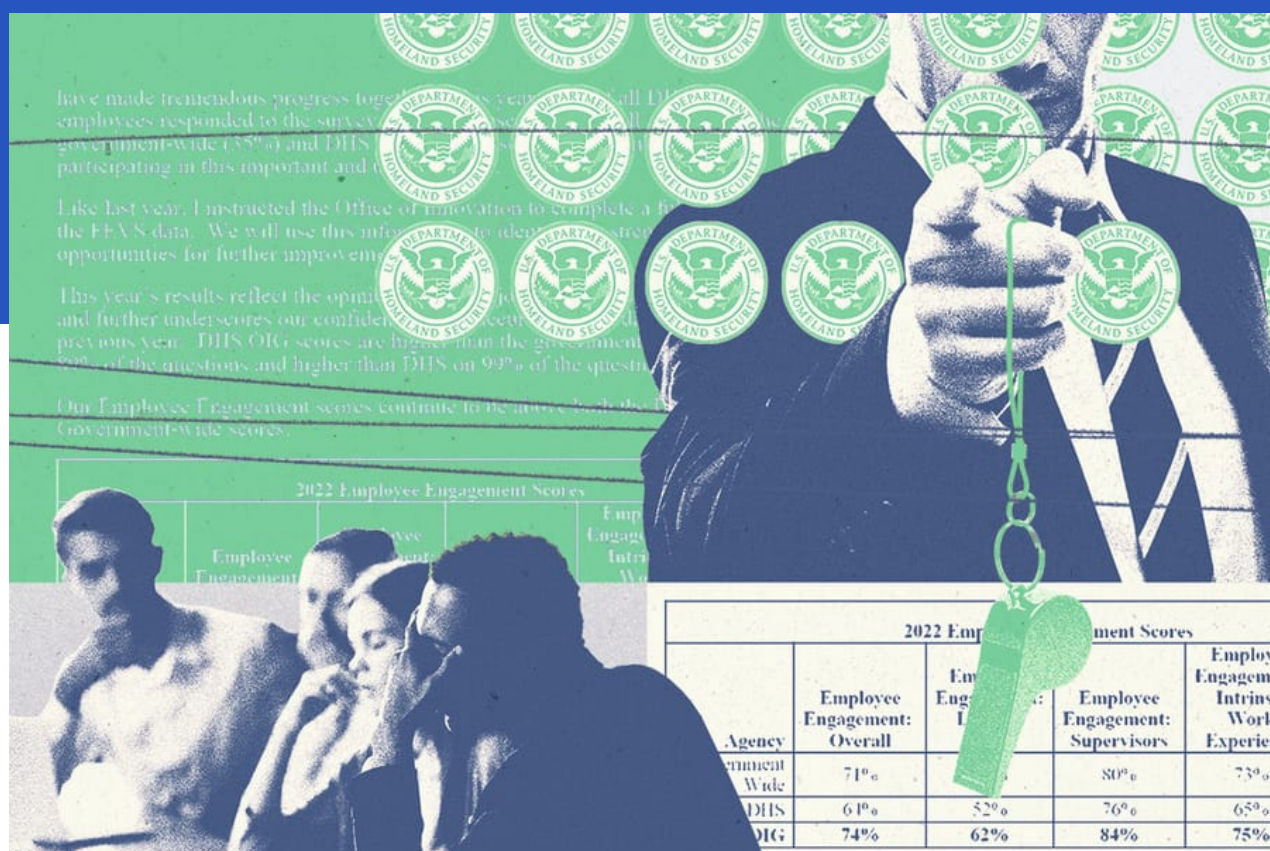


[Protecting Civil and Human Rights](#) | [Analysis](#)

Whistleblower Reprisal Feared in Key Parts of DHS Watchdog

Attorneys and Staff Leading High-Profile Reviews Give Senior Leaders Low Marks for Honesty and Integrity, Newly Obtained Survey Results Show

Mar 08, 2023 | [Nick Schwellenbach](#)



Within key parts of the Department of Homeland Security's (DHS) watchdog

office, there is widespread fear of retaliation and a belief that senior leaders do not maintain high levels of honesty and integrity, according to detailed 2022 Federal Employee Viewpoint Survey results. These results include several topline positive survey scores which DHS Inspector General (IG) Joseph Cuffari has touted within the office and shared beyond it. But they also show how those scores obscure more troubling granular data that IG Cuffari has kept more closely held.

The new data comes in the wake of troubling disclosures by IG insiders that Cuffari has put the office's independence and integrity at risk. It also comes after the Project On Government Oversight (POGO) broke the news last year that Cuffari has been under investigation into claims he retaliated against former IG staff.

Representative Bennie Thompson (D-MS), the ranking member on the House Homeland Security Committee, sought to obtain the detailed survey results from the DHS IG in December. But so far, that effort has been unsuccessful, a spokesman for committee Democrats told POGO. POGO obtained the results from the DHS Office of Inspector General (DHS IG) through the Freedom of Information Act.

The detailed results show that employees within key parts of the IG office tend to have a much more negative view of top watchdog officials than other parts of the IG office do. These include the IG's Office of Counsel, comprised of attorneys who provide legal guidance and support to the IG and other leaders, and the IG's Office of Inspections and Evaluations, staffed by inspectors and analysts who tackle some of the watchdog's most high-profile probes. The results show respondents in these offices and some other parts of the DHS watchdog have a lower regard, sometimes much lower, for their senior leaders' honesty and integrity compared to responses from DHS employees and from government employees as a whole.

One of the more troubling data points is that fewer than half of the respondents from the Office of Counsel say they can blow the whistle without fear of reprisal. This is important because these attorneys are among the staff best positioned to disclose suspected legal violations by senior IG leaders.

“The detailed results show that employees within key parts of the IG office tend to have a much more negative view of top watchdog officials than other parts of the IG office do.”

The DHS Office of Inspector General is among the most important watchdog offices in the federal government. It oversees Customs and Border Protection, Immigration and Customs Enforcement, the Federal Emergency Management Agency, the Secret Service, the Transportation Security Administration, and other parts of DHS. The integrity of the watchdog office's leadership and the willingness of its employees to blow the whistle on their failures to independently oversee DHS are critical to ensuring the office is an effective and credible check on government misconduct and abuse.

“If people in the IG’s office don’t feel comfortable speaking up, then how can they expect those in the department or those in the general public to be able to speak up and speak to the IG and make those allegations that are so vital?” a DHS IG insider said during an [interview](#) for POGO’s podcast, [Bad Watchdog](#).

The DHS OIG did not respond to POGO’s questions prior to publication.

The annual Federal Employee Viewpoint Survey was last administered in June 2022. According to a [December 5, 2022 email](#) by Cuffari, 64% of DHS IG employees responded to the 2022 survey – a much higher percentage of employees than those across DHS (36%) and the federal government (35%) who took it. Although there are [dozens of IG field offices](#), only five of them are broken out in the 2022 survey data: Chicago, Miami, El Paso, San Diego, and San Antonio. Each of the five had at least 10 employees respond to the survey. POGO also obtained 2021 survey data for DHS IG; the 2021 data was not broken out by the different parts of the watchdog office.

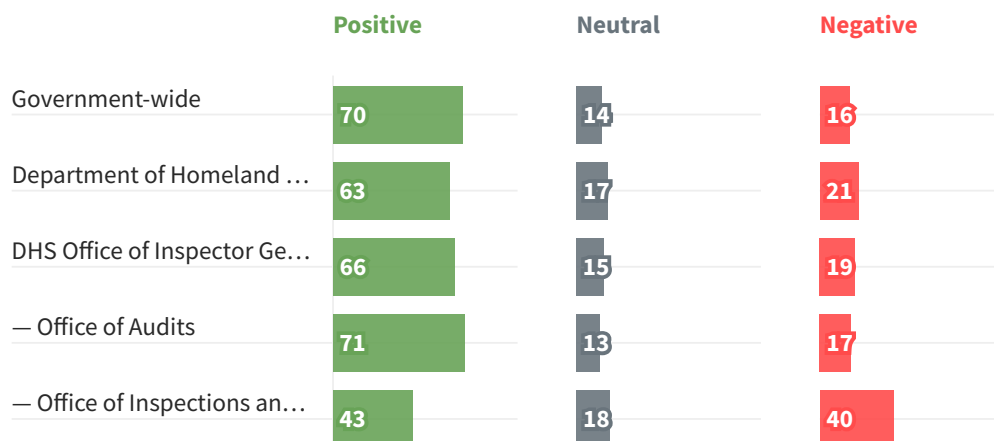
“Fear of Reprisal”

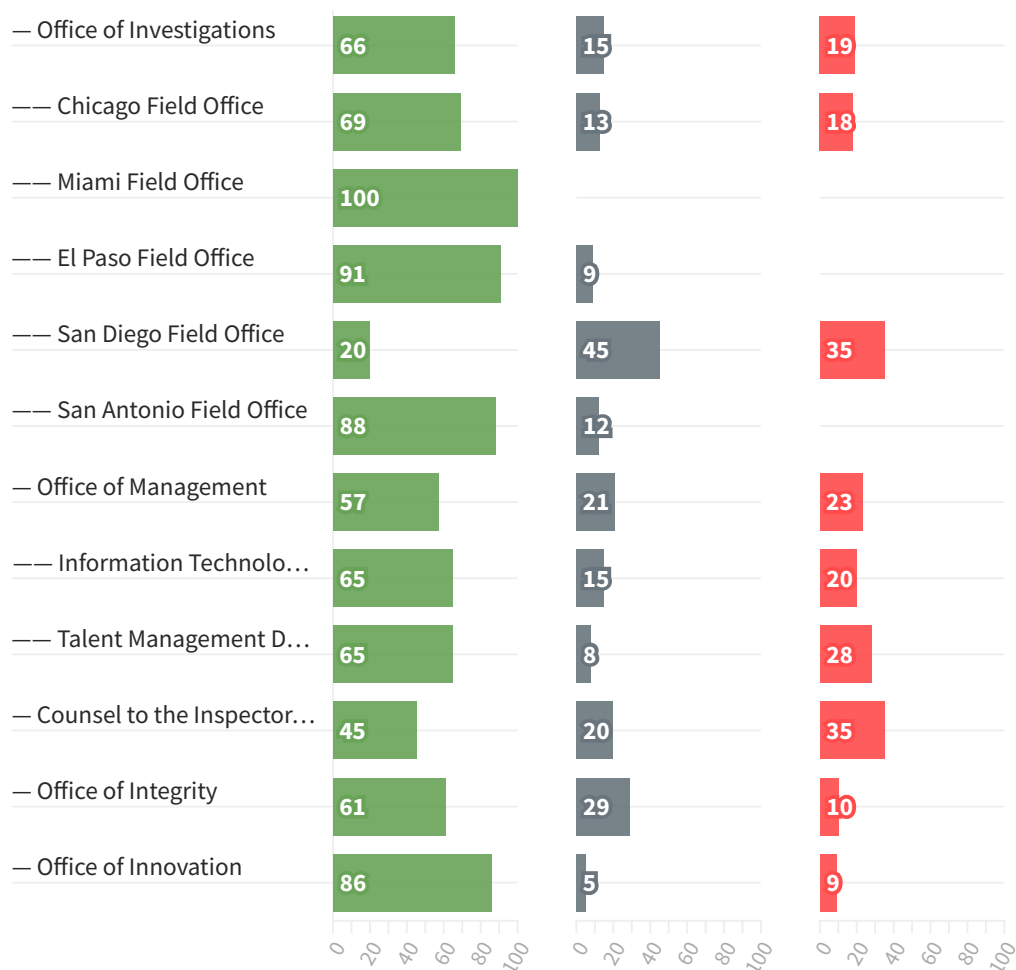
One of the survey questions asks federal employees to respond to whether they believe they can [“disclose a suspected violation of any law, rule or regulation without fear of reprisal.”](#)

A majority of respondents with DHS IG’s Office of Counsel, Office of Inspections and Evaluations, and San Diego field office did not respond affirmatively to this question. The scores from these offices are worse than both government-wide scores, and scores with the Department of Homeland Security more broadly.

2022 Federal Employee Viewpoint Survey Responses

“I can disclose a suspected violation of any law, rule or regulation without fear of reprisal”





Source: DHS OIG records obtained through the Freedom of Information Act by POGO.

Note: Totals may not always equal 100% due to rounding by the government. The DHS OIG has more field offices, but these are the only ones broken out in the records.

* A Flourish chart

Staff respondents from a fourth component of the IG – its Office of Management – also responded to this question with responses worse than government- and DHS-wide scores.

Office of Counsel

In the DHS IG's Office of Counsel, 55% of respondents within answered the prompt with neutral ("neither agree nor disagree") or negative ("disagree"; "strongly disagree") responses. More than a third – 35% – of Office of Counsel employees responded in the negative.

Last fall, NPR reported that the IG's Office of Counsel has seen tremendous recent staff turnover, citing sources who said Cuffari was too deferential to the DHS agencies he oversees.

DHS IG's Office of Counsel includes its whistleblower protection unit, which investigates retaliation claims. In 2021, POGO revealed that the former head of

the IG's whistleblower protection unit claimed that IG leaders, including Cuffari, undermined the IG's independence by hindering highly sensitive probes involving top Trump-era DHS officials. (Like most of the complaints it received, the case was closed by the government panel that received the claim.)

POGO also broke the news that Cuffari did not inform Congress earlier about the Secret Service's deletion of January 6-related texts despite an April 2022 recommendation from the Office of Counsel, and other parts of the IG office, that he do so to fulfill a legal obligation to inform Congress.

Office of Inspections and Evaluations

In the DHS IG Office of Inspections and Evaluations, 58% of respondents provided neutral or negative answers (40% were negative) to the question of whether they can blow the whistle without fear of reprisal.

POGO has previously revealed that DHS IG leaders rejected proposals by the Office of Inspections and Evaluations to review high-profile issues like the Secret Service's use of force at Lafayette Square. DHS IG leaders also directed the removal of factual findings from a report on domestic violence by law enforcement agents this part of the IG produced. And IG leaders have significantly delayed and still have not issued a report on sexual misconduct within DHS that the Office of Inspections and Evaluations had worked on for years.

San Diego Field Office and Office of Management

In the DHS IG's San Diego Field Office, a part of the IG's Office of Investigations, 80% of respondents provided neutral or negative answers (35% negative) to the question of whether they can blow the whistle without fear of reprisal.

In the DHS IG's Office of Management, 44% of respondents gave neutral or negative answers (23% negative) to the question of whether they can blow the whistle without fear of reprisal.

The DHS IG as a whole scored better than its components listed above, but its scores are not stellar. The office, which employs over 700 staffers, scored worse than the entire government but slightly better than DHS as a whole. Government-wide, 30% of respondents gave neutral or negative answers to the prompt (with 16% negative). Across DHS, 38% of respondents gave neutral or negative answers to the prompt (with 21% negative). Across all components of DHS IG, just over a third – 34% – of employees gave neutral or negative answers to the prompt on whistleblower reprisal (19% were negative).

A fear of reprisal for reporting wrongdoing should be the very antithesis of office culture for any government agency, but especially a watchdog office. Yet responses to this survey question have not received the attention they deserve in efforts to take stock of federal government performance using the survey scores.

Despite being one of 16 statutorily required survey questions, the question about reprisal is not part of any of indices created by the Office of Personnel Management. According to the Office of Personnel Management, these indices provide agencies with “a richer understanding of aspects of the workplace (e.g., management practices) that employees perceive as effective versus those which should be developed and improved.”

“High Standards of Honesty and Integrity”

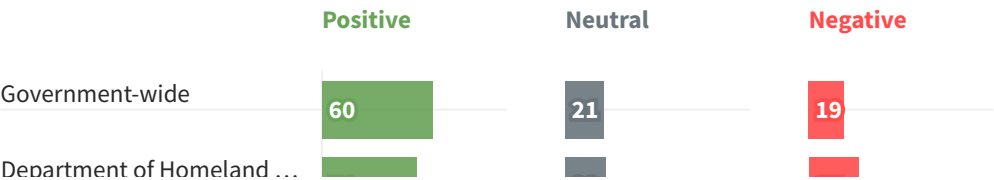
The DHS watchdog office’s overall scores on these indices, which Inspector General Cuffari has touted in his December staff-wide email, can obscure more troubling granular findings within critical areas of the agency – especially when the detailed results are not made public. For instance, while 62% of DHS IG respondents gave positive marks – above government-wide and DHS scores – under the “Employee Engagement: Leaders Lead” index, the new data obtained by POGO paints a more nuanced picture.

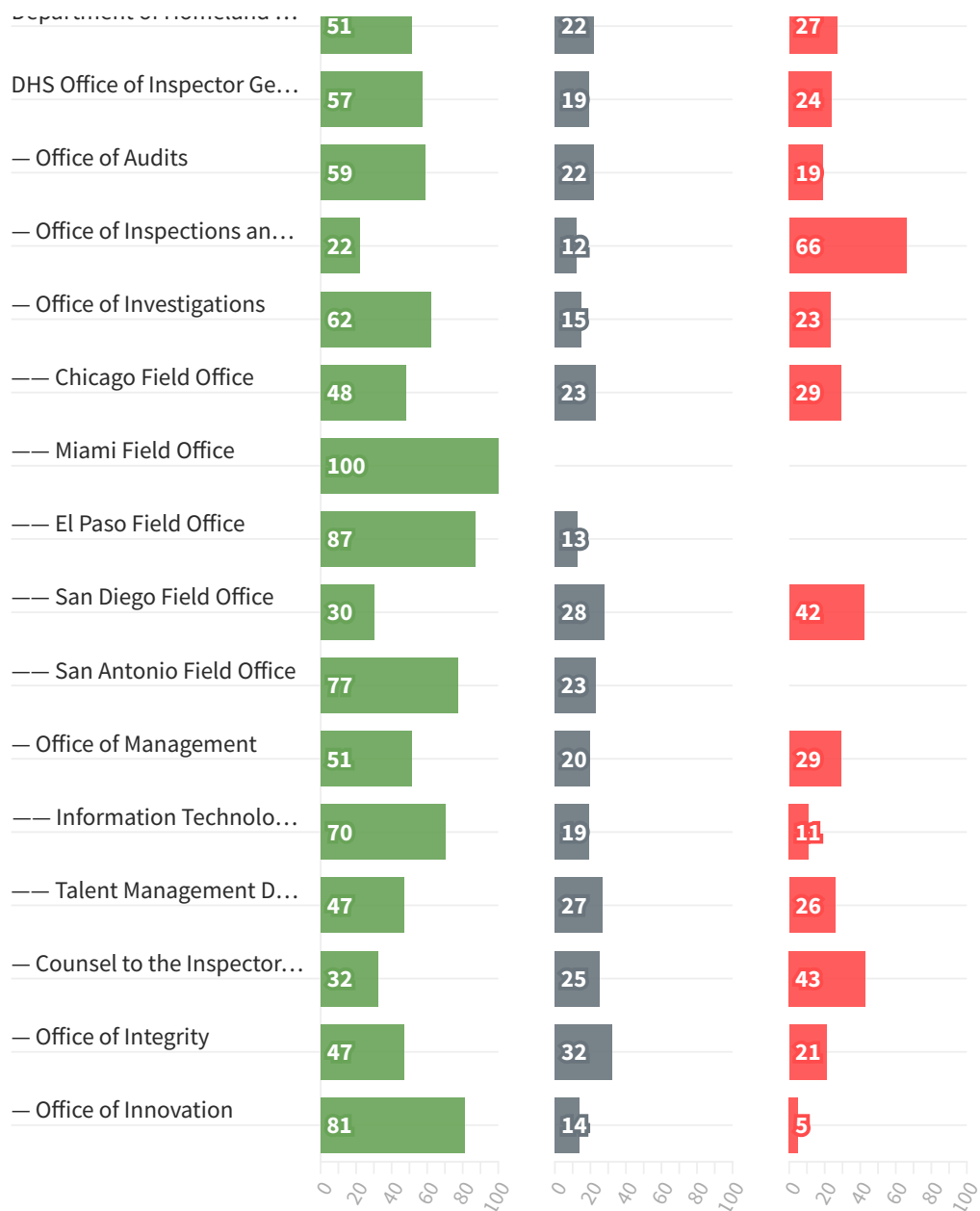
One of the five questions used to create the “Leaders Lead” index asks federal employees to respond to the prompt: “my organization’s senior leaders maintain high standards of honesty and integrity.”

Like the reprisal scores, the DHS IG overall scores worse on this question than the government-wide score in 2022, but better than DHS as a whole. But the trend line is not good. The overall IG positive score for senior leader integrity and honesty dropped 4% from 2021, while the government-wide and DHS overall positive scores stayed the same.

2022 Federal Employee Viewpoint Survey Responses

“My organization's senior leaders maintain high standards of honesty and integrity”





Source: DHS OIG records obtained through the Freedom of Information Act by POGO.

Note: Totals may not always equal 100% due to rounding by the government. The DHS OIG has more field offices, but these are the only ones broken out in the records.

*A Flourish chart

Strikingly, more than half of respondents in the DHS IG's Office of *Integrity* – which performs internal oversight within the IG – did not answer affirmatively when asked whether senior leaders maintain high standards for integrity and honesty. Thirty-two percent provided a neutral response, 21% responded negatively.

Responses from several other critical components of the watchdog office indicate a lack of trust in their senior leadership compared with DHS-wide and government-wide responses:

- 68% of respondents within the IG's Office of Counsel answered the question either neutrally or negatively (43% negatively);

- 78% of respondents within the IG's Office of Inspections and Evaluations answered the question either neutrally or negatively (66% negatively); and
- 70% of respondents within the IG's San Diego field office answered the question either neutrally or negatively (42% negatively).

This isn't the first time DHS watchdog employees have questioned their leadership's integrity, but these official records show it is just not an isolated handful who do. Some employees have said its leaders have eroded the office's ability to act as an effective watchdog. Months ago, POGO obtained an anonymous letter from DHS IG employees that called on President Joe Biden to remove Inspector General Cuffari. "For fear of retaliation, we cannot identify ourselves," those employees wrote. (POGO's executive director has similarly called for his removal, citing earlier POGO investigations.)

"Tremendous Progress"?

Despite touting the results of the 2022 survey, Cuffari has not widely shared the detailed scores within the watchdog office, two insider sources told POGO. In a December email, Cuffari wrote to his staff that "the data continues to document what we all know – we have made tremendous progress together!"

But the actual data shows that IG office scores slipped somewhat. "DHS OIG scores are higher than the government-wide scores on 89% of the questions and higher than DHS on 99% of the questions," Cuffari wrote in December. But this is a drop from the prior year, when the IG was higher than the government-wide scores on 93% of the questions, and higher than DHS on all of them.

While it lost some ground compared with government-wide and DHS scores, in 2022 the DHS IG still scored higher on several indices that average answers across various related questions.

In absolute numbers, however, the IG's scores for all but one of the key indices are slightly lower in 2022 than their scores in 2021. (A new index on Diversity, Equity, Inclusion, and Accessibility, was added by the Office of Personnel Management in 2022.) The one exception is an index reflecting on supervisors.

"Good or improving scores do not necessarily mean an inspector general is doing their job well, as the example of former Securities and Exchange Commission Inspector General Carl Hoecker shows."

Moreover, as we've noted, the indices themselves can gloss over problems that more granular data throws into sharp relief. Responses to the question about

reprisal are not used in any of the government's indices or in the non-profit Partnership for Public Service's "Best Places to Work in the Federal Government" ratings, even though the ratings are heavily based on Federal Employee Viewpoint Survey scores for over 40 other questions. (The Partnership's most recent ranking for 2021 places the DHS IG 253rd out of 432 agency subcomponents.)

Federal Employee Viewpoint Survey results are far from the full picture. Good or improving scores do not necessarily mean an inspector general is doing their job well, as the example of former Securities and Exchange Commission Inspector General Carl Hoecker shows. (He touted improved scores while defending himself against findings that he "abused his authority" and undermined "the independence and integrity reasonably expected of an IG.") But bad scores are warning signs.

This new detailed data shows that not all is well under the hood at DHS IG. Within some important parts of the watchdog office, many of its employees do not trust its leadership and fear they could face retaliation for blowing the whistle.





