



Office of the Attorney General
Washington, D.C. 20530

January 18, 2001

The Honorable Elaine Kaplan
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW
Washington, DC 20036-4505

Dear Ms. Kaplan:

This letter responds to your letter concerning allegations raised by employees who requested anonymity at the National Firearms Unit (NFU), U.S. Immigration and Naturalization Service (INS), Altoona, Pennsylvania, OSC File Nos. DI-00-1814, DI-00-2108, DI-00-2083, DI-00-2151). You requested that we investigate and report to you about a series of allegations of impropriety, use of Government property for personal reasons, waste of funds and ethical violations on the part of Gary Runyon, the then-Director, NFU, and other employees in his chain of command.

Certain allegations referenced in your letter were initially reported to the Department of Justice's Office of the Inspector General (OIG) on July 27, 2000. That office referred them to the INS' Office of Internal Audit (OIA) for investigation on August 7, 2000. The OIA conducted an investigation at the NFU, incorporating other issues received from NFU employees, which included allegations that Mr. Runyon proposed disciplinary action and took other actions against certain employees in retaliation for their discussing possible misconduct on his part with a supervisor in their chain of command. The OIA coordinated its investigative efforts with members of your Office's Prosecutions Division. The OIA's investigation involved the interviews of over 35 NFU employees, NFU contract employees, private citizens, and other INS employees, as well as a review of hundreds of pages of documentation.

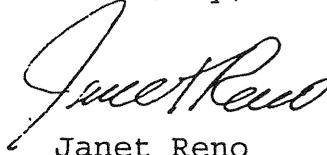
The OIA investigation has been completed, and is being forwarded to the INS' Executive Associate Commissioner for Management and the Border Patrol's Chief Patrol Agent, Operation Alliance, for consideration of corrective action related to the OIA's findings regarding individual employees as well as

The Honorable Elaine Kaplan
Page 2

systemic issues discovered during the investigation. It is noted that during the course of the OIA investigation, Mr. Runyon retired from federal employment. It is also noted that the INS rescinded two disciplinary actions proposed by Mr. Runyon concerning David Smith, Assistant Director, NFU, and Walter Diaczenko, Supervisory Training Instructor, NFU, and canceled a Performance Improvement Plan that Mr. Runyon had issued to Mr. Smith.

If you should require additional information concerning this matter, please do not hesitate to contact my office or Acting INS Commissioner Mary Ann Wyrsh. I appreciate and share your interest in improving the operation and management of the Department of Justice, including the INS.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Reno".

Janet Reno

Enclosure

cc: Ms. Mary Ann Wyrsh
Acting Commissioner
Immigration and Naturalization Service

Synopsis of issues addressed and investigative findings
related to the Immigration and Naturalization Service Office
of Internal Audit's (OIA) investigation of allegations
related to the National Firearms Unit (NFU), Altoona,
Pennsylvania

Please note that when a subject of this investigation admitted in a sworn statement that a specific allegation was factual, this synopsis contains primarily the details of that admission, plus any relevant background. When the account differed from those of other employees, the statements obtained are detailed.

The following is a discussion of the findings of the OIA investigation related to allegations contained in the October 18, 2000, letter from the Office of Special Counsel:

- Allegation that Gary Runyon, Director, NFU regularly instructed Training Specialists/Armorers (TSA) to perform personal tasks for him during official time, using government equipment. Specifically, in February 2000, Runyon directed a TSA to cut gun sight dovetails into 12 rifles belonging to Runyon and his friends. When the employee questioned this directive, Runyon stated that if he did not do the work, his performance appraisal would be adversely affected.

The investigation disclosed evidence, to include Runyon's own admission, that NFU personnel performed work on non-government firearms at the NFU, using NFU equipment and supplies in contradiction with the terms of 5 C.F.R. 2635.704 and 2635.705. Runyon denied that NFU armorers made parts for non-government firearms. Runyon admitted that he had his personally owned black powder firearms serviced by NFU armorers using NFU equipment. He estimated that his personal firearms were serviced around six times over the past 6 years.

Former Deputy Administrator, NFU, Randy Hill, Supervisory Training Instructor Walter Diaczenko, and five other subordinate TSAs provided sworn statements advising that they had worked, or been directed to work on firearms owned by local law enforcement agencies, Runyon, and Runyon's friends. Hill stated that the NFU made a standing offer to local law enforcement agencies to fix their weapons, as long as they supplied the parts. Diaczenko in particular described the work on dovetail sights for rifles belonging to Runyon and his friends. Other NFU employees, such as

Computer Specialist Michael Pallo, Supply Technician Jody Seymore and Secretary Marsha Healy, provided sworn statements that NFU personnel told him they worked on guns belonging to non-INS entities, or that they had witnessed this practice.

A systemic finding of the investigation is that Runyon contended it was NFU policy to maintain liaison with local law enforcement entities. According to him, his former supervisor was aware of and approved the informal policy to use NFU facilities and personnel to work on non-INS weapons. The investigation disclosed that on February 14, 1996, Runyon signed into effect an NFU Standard Operating Procedure regarding Repair of Other Than INS Owned Firearms.

- Allegation that in February 2000, Runyon removed three Winchester rifles from the NFU's historical reference vault and instructed three employees to strip the rifles of their parts, destroy the receivers, and deliver the parts to him. Runyon allegedly requested this so he would have parts for rifles in his private collection.

Runyon admitted that he instructed subordinates to retrieve the Winchester rifles from the NFU vault, but denied that he took parts of them home and did not return them. He stated he signed for the rifles and took them home to disassemble them because he was curious about them. He maintained that he returned the parts to the NFU.

The NFU Assistant Director David Smith advised that Runyon gave him a tasking that Diaczenko disassemble the rifles and that the all the parts were to be returned to Runyon. Diaczenko corroborated that the assignment was given to him, and that he directed TSA Allan Cornett to take apart the weapons and give the parts to Runyon. Cornett advised he took apart the weapons and hand delivered the parts to Runyon. Seymore also advised that in June 2000, Runyon directed him to remove lever action rifles from the vault and bring them to him. He then took them to the armory to be disassembled at Runyon's direction.

- Allegation that in March 2000, Runyon directed NFU personnel to clean and fabricate parts for an antique sewing machine owned by Karen Severn, the then Deputy Associate Commissioner for Administration and Runyon's supervisor. Severn was transferring to Dallas so the work on the machine was a going away present from Runyon. Employees used government time and equipment to do this work.

Runyon admitted that he brought Severn's sewing machine into the NFU and had NFU armorers perform maintenance work on it. He stated that Severn had no knowledge either before or after the work was done by NFU employees.

Diaczenko and TSA Stephen Nastoff corroborated that they worked on the machine and that they knew it belonged to Severn. The machine was cleaned, oiled, and milled. Diaczenko stated he also made a spindle for it at the NFU. TSA Larry Luttenegger advised that he made hinges for a sewing machine at NFU and delivered them to Runyon, but he did not know to whom the machine belonged.

Severn advised that she gave her sewing machine to Runyon for maintenance before she transferred to Dallas, Texas. She denied knowledge that Runyon allowed NFU staff to perform the work. She stated she assumed that Runyon would work on it at his home. She stated when she picked up the machine at the NFU, no one complained about having worked on it. Severn recalled that Smith told her in March or May 2000 that Runyon had forced Diaczenko to make the spindle, but she disregarded it because Diaczenko did not complain to her when she thanked him for making the spindle when she picked up the machine.

- Allegation that in January 2000, Runyon transported his wife to and from the airport in a government vehicle.

Runyon admitted that his wife rode to and from the Pittsburgh International Airport in a government-owned Chevrolet Suburban while accompanying him on a business trip to Las Vegas, Nevada, in January 2000. He acknowledged that he had received no permission for her to do this. Several employees corroborated that Runyon engaged in this practice, including Hill, who stated that Runyon would bring his wife to Washington, DC, in a government car when he went there on business.

- Allegation that in January 2000, Runyon used a government Federal Express account to ship rifles he purchased for personal use in Las Vegas.

Runyon admitted that while in Las Vegas, Nevada, on a business trip in January 2000, he purchased a lever-action rifle for personal use. He admitted he shipped it back to Pennsylvania using a government Federal Express account label. A number of employees stated they witnessed this.

- Allegation that in 1995, Runyon used a government vehicle to deliver furniture to his son in Washington, DC.

This allegation was not specifically made to the OIA or received at the outset of the investigation. Runyon, however, admitted to use of government vehicles for personal reasons in other instances.

- Allegation that in 1995, Runyon used a government truck to move his personal firearms and black powder from his residence in Virginia to his new residence in Pennsylvania.

Runyon admitted that in 1995 or 1996, he used a government vehicle to move his personal property from Springfield, Virginia, to Altoona, Pennsylvania. He admitted he had no approval to do this. Hill stated he helped Runyon on this occasion.

- Allegation that in 1995, Runyon stored his personally-owned Corvette in the NFU garage for a period of 6 months.

Runyon admitted that in 1995, he parked his personally-owned Corvette at the NFU, and that it remained there between 10 and 12 months. He admitted he had received no approval to do so. Employees interviewed corroborated that the vehicle was parked at the NFU.

- Allegation that Runyon gave NFU employees ammunition seized by the INS for their personal use. It was also alleged that Runyon advised employees that he took home and used seized ammunition. It was also alleged to the OIA that Runyon would refuse to sign receipts for government ammunition he took from NFU, and that he sold government ammunition to civilians.

Runyon denied that he had taken rounds of ammunition from the NFU without signing a receipt. He denied he sold government ammunition to civilians. The OIA reviewed NFU Ammunition Log Sheets (Form G-484) for the period March 6, 1996, through June 30, 2000, which disclosed that Runyon was issued and signed for a total of 122,890 rounds of ammunition of different types during that period. Runyon denied giving subordinates seized or government ammunition to use without accounting for it.

Diaczenko advised that Runyon would refuse to sign for ammunition he took, and noted that Runyon took the type of ammunition used in competition shooting. Secretary Marsha Healy advised that on one occasion, Runyon gave her a box of around 50 rounds, which he told her was confiscated and told her to use it any time. She stated he was mad when she gave it back and told him she did not feel right having it. The investigation did not disclose any evidence to indicate that Runyon sold ammunition to civilians.

- Allegation that Runyon required TSAs to carry firearms on and off duty, and that he issued Colt M-4 machine guns, Remington 870 shotguns, Beretta .40 caliber pistols, body armor and helmets to the TSAs.

The investigation disclosed evidence that Runyon issued weapons to NFU personnel in contradiction with the terms of section 287(a) of the Immigration and Nationality Act (INA), 5 C.F.R. 287.5(f). Specifically, Cornett and Healy advised that Runyon issued them revolvers and required them to qualify quarterly with them in 1994 and 1995. Runyon denied this. Runyon acknowledged that he required armorers to qualify quarterly with a firearm, despite the fact that they did not meet the statutory definition of an Immigration Officer.

Runyon stated that in late December 1999, there was intelligence that federal facilities might come under attack. Runyon was asked if he required a non-Immigration Officer to take firearms and a van and standby in case the NFU was attacked. He stated he recalled a van was set up as a stakeout vehicle, but he could not recall if the individual in the vehicle had firearms or other equipment. Runyon denied that he allowed armorers to take firearms home and maintained that only sworn law enforcement officers carried firearms on and off duty.

The investigation disclosed that Runyon signed several documents entitled Authority for Service Training Specialist/Armorer to Possess Firearms in 1994 and 1995, which authorized personnel to possess firearms during duty hours. Diaczenko, TSA Robert Masters, TSA Robert Denbleyker, TSA Stephen Nastoff and TSA Allan Cornett advised that they were or could be armed during the workday, and/or that they had carried or possessed a weapon off duty. Diaczenko stated he carried a weapon off duty on a few occasions as directed by Runyon. Several of these individuals also advised that Runyon had issued them weapons such as M-4s, sawed off shotguns, and .40 caliber Beretta pistols to take home during the threat period.

- Allegation that in 1999, Runyon authorized non-INS employees to fire INS weapons at the NFU range.

Runyon advised that he authorized civilians to shoot government firearms at the NFU under a program he called either Fun Day or Fun Shoot. He stated he allowed contract employees and other civilians (who were local police department personnel) to fire handguns and automatic firearms and that the NFU staff acted as range safety officers. Runyon also stated that a 16 year old stay-in-school employee participated in this event. He stated he was not aware of whether parental consent had been obtained for the student's participation, and advised that he assumed Diazczenko or an Assistant Director had handled that. Runyon stated he considered this event to be a morale builder and good public relations. Several interviewees corroborated this event, some placing it in 1998.

- Allegation that Runyon engaged in a gross waste of funds by purchasing a CNC lathe and a CNC milling machine.

Smith stated that he reported to Severn in January 2000 that Runyon was unnecessarily purchasing this equipment and that he thought Runyon had moved money in his budget to purchase it. He stated Severn in turn told him that the lathe had never been approved for purchase and that such items (valued at over \$100,000) needed special approval. Smith stated that on March 15 or 16, 2000, he had a budget meeting with Severn, Yentzer and others in Washington, DC. He stated Severn reviewed NFU materials and discovered a projected expenditure of \$165,000 for a CNC lathe. Smith stated Severn said that this had never been approved and that purchases over \$100,000 needed special approval. Severn stated she would discuss it with Yentzer. During the meeting, he stated Severn came into Yentzer's office and handed him papers and said something about the CNC machine. He also stated this was discussed in a budget meeting in the Spring of 2000, and Yentzer stated that if anyone was buying capitalized property without approval, they would be in trouble, and that he would discuss it with her later.

Severn stated Smith told her about the lathe and that Runyon had possibly moved money to buy it. She denied telling Smith that it had never been approved and that it would need special approval. She recalled she told Smith that moving money was not the original intent and she would mention it to Yentzer. Severn stated she reviewed purchases and there were no improprieties involving the acquisition of equipment for NFU.

Associate Commissioner for Administration David Yentzer recalled conversing with Smith about a lathe that Smith thought was improper, but did not recall Smith making specific allegations of fraud or waste. He acknowledged he said in a budget meeting in March 2000 that if anyone was purchasing capitalized property without the requisite approval they would be in trouble.

- Allegation that during a business trip to a gun show in Las Vegas, Runyon accepted show tickets and dinner for himself and other NFU employees from a representative of Remington Arms Gun Company. Runyon allegedly instructed the employees not to discuss this because they were not allowed to accept such gifts. It was also alleged to the OIA that Runyon spent the night with a female contract employee and made a comment to the group about having done so. It was also alleged to the OIA that Hill made inappropriate sexual comments to the contract employee in Spanish.

Runyon admitted that he, Hill, Danielle Link (a contract employee), and Cornett and his wife attended a National Shot Show in Las Vegas in January 1998. He denied any physical involvement with the contract employee or making a statement to the effect there was. Runyon admitted that he accepted five tickets to a Cirque de Soliel show from a Remington representative and that he, Hill, Link, and the Cornetts attended the show. He stated he could not recall the cost of the tickets, but denied they included dinner. He stated he could not recall stating to the group that they should not discuss receipt of the tickets. Runyon denied that Hill behaved in an offensive manner during the trip.

Hill, Cornett, Kaveri Cornett, and Link confirmed they received the tickets to the show from Runyon and attended. The Cornetts corroborated Runyon's telling them not to mention it. The Cornetts advised they heard Runyon's comment about Link and Hill's comments to Link. Link denied she spent the night with Runyon. Hill advised he spent the night with Link and they currently intend to marry. He advised he did make comments of a sexual nature in Spanish to Link.

Synopsis of additional allegations and findings addressed during the OIA investigation:

- Allegation that Runyon retaliated against Smith by issuing a proposal for discipline as a result of Smith's reporting of an alleged inappropriate relationship between Runyon and Diane Johnson, Program Manager, NFU, and Runyon's alleged misuse of funds to purchase the CNC lathe and milling machine to Karen Severn, Deputy Associate Commissioner, Administration, in February 2000. It was also alleged that Runyon refused to name Smith acting director in his absence, and changed Smith's tour of duty so he could not work overtime, in retaliation for Smith's conversation with Severn. It was also alleged that in June 2000, Runyon placed Smith on a Performance Improvement Plan (PIP) in retaliation for his conversation with Severn.

This investigation disclosed evidence to indicate that Severn was made aware by Smith of allegations of misconduct on the part of Runyon and failed to report them in accordance with agency procedure. Specifically, INS Operations Instruction (OI) 287.10 (c) (1) requires that all Service employees are responsible for immediately reporting either orally or in writing any allegation of misconduct to a supervisor, the OIA, or the OIG. OI 287.10(d) (1) states that Service managers and supervisors are to ensure that allegations of misconduct reported to them in accordance with the OI are appropriately reported to the OIA or the OIG. The investigation did not disclose any evidence that Severn reported the information appropriately, and confirmed that she reported it, as well as who reported it to her, to the wife of the subject of the allegation, Runyon. Runyon also failed to report the allegation appropriately and proceeded to conduct his own inquiry into the matter, and then to initiate disciplinary and other actions against Smith and Diaczenko.

Smith stated he talked to Severn in January 2000, and they discussed the relationship between Runyon and Johnson, to the effect that it gave the appearance of an inappropriate relationship. Smith stated Severn told him she was well aware of it long before he reported to NFU, and that she had spoken to Runyon about the appearance of the relationship. Smith stated he had lunch with Severn in Washington on February 24 or 25, 2000, and they again discussed the relationship. He stated he told Severn he feared Runyon would retaliate against him because he complained about the CNC equipment. He stated Severn assured him she would approach the issue in a manner to protect him.

Smith stated that on March 15 or 16, 2000, he and NFU Program Specialist Maureen Huelsman attended a budget meeting with Severn and Yentzer in Washington, DC. Smith stated that Severn inquired after Runyon and, on being told he was on travel with Johnson, made a comment to the effect their relationship was inappropriate and was interfering with the running of the NFU. Smith stated that on March 16, 2000, he met with Severn on her last day in Washington, DC, and they again discussed the relationship, the CNC machines, and NFU armorers repairing non-INS weapons.

Smith stated that on April 17, 2000, Runyon, who had been on travel, convened an immediate staff meeting, at which he berated Smith. Smith later approached Runyon and asked him what was wrong. He stated Runyon changed his tour of duty, preventing him from working overtime. Runyon said that was his problem. Runyon then told him he knew Smith had made allegations against him to Severn about his relationship with Johnson, the CNC machines, and non-INS weapon repair at the NFU. Runyon told him that Severn met with his (Runyon's) wife in Dallas and told her that Smith and Huelsman made complaints about him.

Smith stated he told Runyon that he told Severn the relationship was inappropriate and very preferential, not an affair. He also confirmed to Runyon that he discussed his concerns regarding the machines with Severn. Smith stated Runyon called him a backstabber and a liar.

Smith stated he then went on travel. When he returned, Diaczkeno let him know that Runyon had been questioning staff members as to any comments Smith had made about Runyon and Johnson, and had ordered them to provide statements.

Smith stated he called Severn on May 8, 2000, and reported that Runyon was planning on initiating an adverse action against him for what he reported to her. Smith stated Severn disputed the version of events that Runyon supplied to Smith, and stated that Runyon's wife invited herself over for coffee at Severn's in Dallas, and probed her (Severn) for information concerning Runyon and Johnson. Severn told Smith she told Runyon's wife that if she valued her marriage, she should talk to Runyon about his relationship with Johnson, which was inappropriate and disruptive. Severn told Smith that Runyon called her two days later and was angry. She told him that there were a lot of rumors circulating about him and Johnson.

Johnson denied that she was involved in an intimate relationship with Runyon. She characterized their

relationship as professional and friendly. She corroborated that Runyon requested a memorandum from her concerning a conversation she had with Seymore. Seymore reported to her that Smith said she and Runyon were having an affair. She confirmed that she and Runyon spent a lot of time together at work, they traveled together on business, and that Runyon has massaged her shoulders in the workplace.

Huelsman corroborated that she and Smith attended a budget meeting in Washington with Severn and Yentzer. She stated Severn asked her where Runyon was and she responded that he was conducting firearms accountability review with Johnson in Kansas. She stated nothing further was exchanged about the matter then, but when Runyon returned to NFU, he accused her of spreading rumors about him and Johnson having an affair. Huelsman stated she denied this to Runyon. Huelsman denied she was present when Smith discussed with Severn or Yentzer issues regarding Runyon and Johnson's relationship, CNC equipment, or NFU personnel fixing non-INS weapons.

Severn recalled Smith told her in March 2000 that Diaczenko was convinced that Johnson and Runyon were having an affair. Severn stated Smith had no evidence of this and she dismissed it as gossip. She denied hearing information to this effect before. She denied that Smith reported to her in January or February 2000 about the relationship. She denied that Smith reported to her that NFU armorers fixed non-INS weapons.

Severn stated she had a telephone discussion on May 8, 2000, with Smith regarding the fact that she told Runyon about the allegations Smith made against Runyon. She stated she confirmed to Smith that she disclosed his and Diaczenko's names to Runyon's wife during a conversation they had in Dallas. She stated she told Runyon's wife that she did not know if she was doing the right thing, but she wanted to let them know that some of the people Runyon put so much trust in had engaged in gossip to the effect that Runyon and Johnson were having an affair.

Runyon signed proposals for disciplinary action (a 1-day suspension then increased to a 30-day suspension) for Smith and (1-day suspension) Diaczenko, for unprofessional conduct, related to their discussion of Runyon and Johnson.

Runyon stated he has known Johnson a long time and stated they had a close working relationship. He denied their relationship was intimate. He denied he had ever massaged Johnson's shoulders in the workplace. He stated he traveled

with her on a business trip to Puerto Rico and was in her hotel room when she colored her hair.

Runyon denied that he purposely adjusted Smith's work hours so that Smith could not work AUO. He stated he changed Smith's core hours to be from 8:00 a.m. to 4:30 p.m. to ensure Smith was at the NFU until it closed. He said Smith was still able to work AUO from 2:30 p.m. to 4:30 p.m.

- Allegation that Runyon attempted to conduct an illegal search of David Smith's, Assistant Director, NFU personally-owned vehicle parked at the NFU on July 13, 2000. It was also alleged that Runyon retaliated against Smith over this incident by limiting his access to the NFU.

Runyon stated he was involved in an incident with Smith in the NFU parking lot on July 13, 2000. He stated he was advised by a WANG contract employee that she had seen Smith take file folders from the NFU and place them in his vehicle in the NFU parking lot. Runyon got Assistant Director Carl Michaud and Chief of Security Joyce Pigza to accompany him, and they went to Smith's office. Runyon stated he told Smith that he needed to look at the files in his vehicle. Smith responded that those were his personal files and Runyon was not going to look at them. Runyon admitted he responded to Smith's assertion (that he needed a search warrant to look in the car) with profanity and to the effect that he did not care about a warrant. Runyon stated he then had Michaud look at the files, and Michaud determined they did not belong to the NFU. Runyon stated they returned to their offices and denied he stood outside Smith's door and stared at him to intimidate him. He stated he did stand outside in the hall to ensure that Smith could not speak to Seymore before Runyon did, because this was the same day Smith made a comment to Seymore that Runyon and Johnson were having an affair. Runyon also admitted that the events in the parking lot were captured on the NFU's security videotape. He stated he received the tape from Pigza at his request, but denied he viewed it. When the tape was received by OIA from Runyon and reviewed, it was blank in the section that would have contained footage of the events in the NFU parking lot on July 13, 2000. Runyon denied he tampered with or erased the tape.

Michaud, Smith, and Pigza essentially corroborated these events, but Smith claimed that Runyon stood in his doorway and stared at him after it was over. Smith also stated he felt threatened because everyone was armed and he had no choice but to comply. All interviewees described the

situation as tense. Pigza advised that she viewed the videotape before giving it to Runyon and the events in the parking lot were captured on it.

- Allegation that Smith removed Runyon's personnel file from the NFU in August 2000.

Smith admitted that on August 2, 2000, he removed Runyon's personnel file from Huelsman's office and replaced it the next day. He stated he knew the drawer would be open because that was how it was always left. He stated he took the file to review it to see if Runyon had falsified information on a leave slip. He stated he copied Runyon's time and attendance records, but later shredded them.

- Allegation that Runyon used his motor home to make a trip to Springfield, Massachusetts, on May 22 through 26, 2000, on government business and that he also visited his son and claimed mileage and lodging to which he was not entitled.

Runyon admitted that he used his personally-owned vehicle to make a trip to Springfield, Massachusetts, from June 22 through 26, 2000. He denied that he claimed any mileage to which he was not entitled. Runyon stated his travel vouchers are prepared using a computer program that automatically calculates reimbursable mileage. A review of the voucher for this trip disclosed that Runyon claimed 792 miles, the authorized round trip mileage between Pennsylvania and Massachusetts.

- Allegation that Runyon abused his authority by exercising in the NFU fitness room on government time.

Runyon admitted that he and his wife exercised in the NFU room regularly in the mornings. He stated he was not aware that the INS' Health Improvement Program (HIP) prohibited officers from using the first or last hour of the workday.

- Allegation that Runyon appointed Johnson to an unauthorized position, was involved in an inappropriate relationship with her, and that he created a perception of favoritism of her over other employees.

Runyon acknowledged that he appointed Johnson the Acting Assistant Director for Administration at the NFU, but that the Eastern Regional Office of INS would not allow this to be more than a 120-day detail because it was an existing position for the NFU. Runyon stated he has known Johnson a long time and stated they had a close working relationship.

He denied their relationship was intimate. He denied he had ever massaged Johnson's shoulders in the workplace. He stated he traveled with her on a business trip to Puerto Rico and was in her hotel room when she colored her hair. Smith stated he had seen Runyon rubbing Johnson's back in the office. Johnson stated that Runyon had rubbed her shoulders in the office on occasion.

Virtually all of the NFU employees interviewed stated that Johnson had unprecedented access to Runyon, that he favored her over any other employee, or that their relationship was inappropriate.

- Allegation that Runyon and former Assistant Director NFU Randy Hill went to a local gunsmith and threatened to take NFU business away if the shop did not sell a specific antique gun to Runyon.

Healy advised that her father left some antique weapons with his estate and that her family put them on consignment in a local gun shop. She stated she heard that Hill wanted to buy one of the weapons, and asked the owner for a lower price, which the family did not want to give. She stated she heard Hill threatened to take the NFU business if he did not get the price he wanted. She stated she later saw a logbook entry that Hill had purchased a weapon there.

Both Runyon and Hill denied ever threatening a gun shop owner that he would take away NFU business if the shop did not sell him a particular weapon. The OIA interviewed the owners of the shop, and they denied that anyone from NFU had ever threatened them with loss of business regarding the purchase of an antique firearm.

- Allegation that Runyon directed the NFU purchase a safe for him to store personal firearms in at his home.

Runyon acknowledged in a sworn statement that he approved the purchase of safes that were placed in the residences of certain NFU employees. He denied instructing anyone that he was to receive a larger safe than others because he wanted to use it to store personally-owned firearms. He denied instructing a subordinate not to enter the safe for him on the inventory.

Smith stated Runyon instructed him to order a particular safe for Runyon, but Runyon's plan was foiled when Supply Management Specialist Ronald Beegle entered on duty. When interviewed, Beegle stated he had not observed any procurement irregularities at the NFU.

- Allegation that Runyon took NFU tools and equipment and kept them at his home, and that he took and stored ammunition at his home.

Diaczenko stated that Runyon asked him to come to Runyon's home to work on the trigger of a competition weapon. At the house, Diaczenko stated he noticed there were NFU tools and equipment. He also stated there was a closet full of ammunition, but he could not tell if it was from NFU.

Runyon denied removing tools from the NFU and not returning them. He advised he had NFU ammunition at his residence.

- Allegation that Runyon requested an M-4 upper receiver. When he was given one from the armory, he demanded a new one.

Runyon acknowledged that he instructed a subordinate to retrieve an upper receiver for an M-4 from the NFU, but he denied he took it home. He stated the piece was in his office safe. He stated that he made this request because the NFU was conducting an evaluation of trigger night sights for the M-4 and he wanted this piece of equipment for evaluation purposes.

Diaczenko confirmed that Runyon made this request in December 1999, and stated that Runyon would not accept an old receiver. Butterbaugh stated she gave Diaczenko an M-4 receiver from inventory in 1999.

- Allegation that Runyon failed to adhere to ethical guidelines concerning the treatment of contract employees and gave them awards, including time off with pay and requested that their employer raise their salaries and give them incentive awards.

Runyon stated he approved WANG contract employees to attend government-funded training on several occasions. He stated that during a training presentation given by the INS Office of Ethics, he announced to the trainer that he treated WANG employees the same as INS employees. He stated that both WANG and INS employees had received Employee of the Quarter awards from him. The recipient received a day off of work with pay, and had their picture taken and their names placed on a plaque in the office. Runyon also admitted that he recommended \$250 cash awards for WANG employees in 1998, which WANG ultimately gave to them. He denied that he recommended to WANG that the hourly rates for contract employees be increased.

The NFU and contract employees confirmed they received the Employee of the Quarter award, which included a day off with pay. Healy, who kept time and attendance, stated the employees would mark their timesheets as a regular day and the award day was not charged to administrative leave.

Julie Carr of the INS Ethics Office confirmed she gave the training session at NFU, and that Runyon's treatment of the contractors was problematic in that government supervisors are prohibited from giving cash awards to or recommending hourly increases for contract employees.

WANG Human Resource Specialist Kelly Shuey stated Runyon sent electronic mail messages which essentially directed WANG to increase the contract employee's hourly rate and to award them cash bonuses.

- Allegation that Runyon used a government rental vehicle to visit his mother in Austin or San Angelo, Texas, while on a business trip and that he claimed mileage and per diem to which he was not entitled while on this personal visit.

Runyon acknowledged that he traveled to Texas on business during the period April 3 to 14, 2000, and worked in Dallas and San Antonio. He stated that he drove his rental vehicle to Austin during that time, but stated he did not charge the government for the 3 days he used the vehicle to visit his mother. A review of the voucher submitted by Runyon for this trip disclosed it contained no indication that Runyon had claimed per diem or charged for the rental vehicle during the entire trip.

- Allegation that Runyon gave federally-purchased ammunition containers to a local gun shop, with which he did business.

Runyon admitted that in 1995 or 1996, Schmittle's gun shop brought a pick up truck to the NFU and ammunition containers were loaded on to it. He also admitted that he had purchased firearms from Schmittle's and had used their federal firearms license to obtain guns. Seymore advised that in March or April 2000, he loaded about 12 cans on Schmittle's truck at Runyon's direction.

- Allegation that Runyon dedicated, without approval, the NFU building to the memory of Commander Lisa N. Meunier, United States Navy Reserve, in a ceremony on March 27, 1998.

Runyon admitted he conducted the dedication ceremony and that he sought no guidance or approval to do so. Healy and others corroborated the ceremony took place, and Healy stated that when she questioned Runyon about it, he told her Headquarters did not need to know.



U.S. Department of Justice
Immigration and Naturalization Service
CENTRAL OFFICE
WASH. D.C.
U.S. OFFICE OF
SPECIAL COUNSEL

HQOIA-110-10

2001 JUN 15 PM 4:25

Office of the Commissioner

425 I Street NW
Washington, DC 20536

JUN 15 2001

The Honorable Elaine Kaplan
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

RE: OSC File Nos. DI-00-1814, DI-00-2108, DI-00-2083 and DI-00-2151

Dear Ms. Kaplan:

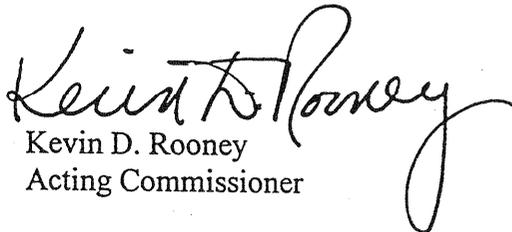
This letter supplements the letter of then Attorney General Janet Reno dated January 24, 2001, and is intended to complete our reporting responsibilities under 5 U.S.C. § 1213(d) as it pertains to the Immigration and Naturalization Service (INS) National Firearms Unit.

There are several enclosures with this letter. Enclosure A is a copy of the Office of Internal Audit report previously forwarded to your Investigations Division. Enclosure B is a listing of the material findings of the report, our evaluation of those findings for violation of law, rule, or regulation, and a description of corrective action taken. At Enclosure C, we have provided a copy of each disciplinary action proposed and served as a result of this investigation. Enclosure D is a set of Standard Operating Policies for the National Firearms Unit recently issued by the Executive Associate Commissioner for Management. Enclosures E and F contain information regarding accounting for Winchester rifle parts and ammunition at issue in the investigation.

The Honorable Elaine Kaplan
Page 2

Thank you for your patience while the INS has followed up on the Office of Internal Audit report. Please feel free to contact me at (202)-514-1900, or General Counsel Owen B. Cooper at (202)-514-2895.

Sincerely,


Kevin D. Rooney
Acting Commissioner

Enclosures (6)

A



U.S. Department of Justice
 Immigration and Naturalization Service
 Office of Internal Audit
 Internal Investigations Branch

REPORT OF INVESTIGATION

Subject: Gary S. Runyon Director, GS-1896-15 National Firearms Unit (NFU) Altoona, Pennsylvania	File Numbers: 2000X04014 2000X04453	Report Number: 1 of 1 <p style="text-align: center; font-size: 1.2em;">DEC - 1 2000</p>
Special Agent : Richard A. Winn	(Signature) (Date) 11/17/00	Office: Internal Investigations Branch
Approved By : Stephen W. Schenk Assistant Director	(Signature) (Date) 11/29/00	Office: Internal Investigations Branch

INTRODUCTION

This investigation was initiated upon receipt of a complaint on July 17, 2000 to the Immigration and Naturalization Service (INS), Office of Internal Audit (OIA) / Internal Investigations Branch (IIB), Headquarters, Washington, D.C. from the Department of Justice (DOJ), Office of the Inspector General (OIG). More specifically, in a memorandum dated July 13, 2000 (**Exhibit 1**), Assistant Director David G. Smith, National Firearms Unit (NFU), Altoona, Pennsylvania, alleged that on July 13, 2000, NFU Director Gary S. Runyon illegally searched his (Smith's) privately owned vehicle (POV) in the parking lot at the NFU. Moreover, Smith alleged he advised Runyon that a search warrant was needed to search his (Smith's) POV. Smith quoted Runyon stating, "I don't give a fuck about a search warrant." Further, Smith alleged Runyon violated his rights and also threatened him. Smith claimed he feared for his safety during the incident because Runyon was armed with a Service issued Beretta .40 caliber firearm. Smith alleged he had no choice but to comply with Runyon's demands.

Smith also attached his memorandum dated June 4, 2000 to his complaint to OIG (**Exhibit 2**). It consisted of fifteen (15) pages and contained additional allegations of misconduct against Runyon and also advised he (Smith) had filed a complaint on June 5th with the Office of Special Counsel (OSC) pursuant to the provisions of the Whistleblower Protection Act (WPA). Smith asserted allegations of waste, fraud, mismanagement, retaliation, misuse of a government vehicle,

violations/deviations from the INS firearms policy, accepting gratuities from a prohibited source, and an inappropriate supervisor/subordinate relationship concerning Runyon.

Additionally, on August 7, 2000, OIG forwarded a similar complaint (**Exhibit 3**) to OIA that was made by two NFU employees, Armorer Allan L. Cornett and Secretary/Clerk Marsha S. Healy. Moreover, in a cc mail message dated August 7, 2000, Assistant Commissioner Administration David A. Yentzer reported to OIA an allegation that Smith removed Runyon's personnel file from the NFU (**Exhibit 4**). Accordingly, the complaints were consolidated for the purpose of investigation. These matters were reviewed by the DOJ / OIG and referred to OIA for administrative resolution.

FINDINGS

- Allegation that Gary Runyon, Director, NFU regularly instructed Training Specialists/Armorers (TSA) to perform personal tasks for him during official time, using government equipment. Specifically, in February 2000, Runyon directed a TSA to cut gun sight dovetails into twelve rifles belonging to Runyon and his friends. When the employee questioned this directive, Runyon stated that if he did not do the work, his performance appraisal would be adversely affected.

The investigation disclosed evidence, to include Runyon's own admission, that NFU personnel performed work on non-government firearms at the NFU, using NFU equipment and supplies in contradiction with the terms of 5 C.F.R. Section 2635.704 and 2635.705. Runyon denied that NFU armorers made parts for non-government firearms. Runyon admitted that he had his personally owned black powder firearms serviced by NFU armorers using NFU equipment. He estimated that his personal firearms were serviced around 6 times over the past 6 years.

Former Deputy Administrator, NFU, Randy Hill, Supervisory Training Instructor Walter Diaczenko and five other subordinate TSAs provided sworn statements advising that they had worked, or been directed to work on firearms owned by local law enforcement agencies, Runyon, and Runyon's friends. Hill stated the NFU made a standing offer to local law enforcement agencies to fix their weapons, as long as they supplied the parts. Diaczenko in particular described the work on dovetail sights for rifles belonging to Runyon and his friends. Other NFU employees, such as Computer Specialist Michael Pallo, Supply Technician Jody Seymore and Secretary Marsha Healy, provided sworn statements that NFU personnel told him they worked on guns belonging to non-INS entities, or that they had witnessed this practice.

A systemic finding of the investigation is that Runyon contended it was NFU policy to maintain liaison with local law enforcement entities. According to him, his former supervisor was aware of and approved the informal policy to use NFU facilities and personnel to work on non-INS weapons. The investigation disclosed that on February 14, 1996, Runyon signed into effect a NFU Standard Operating Procedure regarding Repair of Other Than INS Owned Firearms.

- Allegation that in February 2000, Runyon removed three Winchester rifles from the NFU's historical reference vault and instructed three employees to strip the rifles of their parts, destroy

the receivers, and deliver the parts to him. Runyon allegedly requested this so he would have parts for rifles in his private collection.

Runyon admitted that he instructed subordinates to retrieve the Winchester rifles from the NFU vault, but denied that he took parts of them home and did not return them. He stated he signed for the rifles and took them home to disassemble them because he was curious about them. He maintained that he returned the parts to the NFU.

NFU Assistant Director David Smith advised that Runyon gave him a tasking that Diaczenko disassemble the rifles and that all the parts were to be returned to Runyon. Diaczenko corroborated that the assignment was given to him, and that he directed TSA Allan Cornett to take apart the weapons and give the parts to Runyon. Cornett advised he took apart the weapons and hand delivered the parts to Runyon. Seymore also advised that in around June 2000, Runyon directed him to remove lever action rifles from the vault and bring them to him. He then took them to the armory to be disassembled at Runyon's direction.

- Allegation that in March 2000, Runyon directed NFU personnel to clean and fabricate parts for an antique sewing machine owned by Karen Severn, the then Deputy Associate Commissioner for Administration and Runyon's supervisor. Severn was transferring to Dallas so the work on the machine was a going away present from Runyon. Employees used government time and equipment to do this work.

Runyon admitted that he brought Severn's sewing machine into the NFU and had NFU armorers perform maintenance work on it. He stated that Severn had no knowledge either before or after the work was done that NFU employees performed the work.

Diaczenko and TSA Stephen Nastoff corroborated that they worked on the machine and that they knew it belonged to Severn. The machine was cleaned, oiled, and milled. Diaczenko stated he also made a spindle for it at the NFU. TSA Larry Lutenecker advised that he made hinges for a sewing machine at NFU and delivered them to Runyon, but he did not know to whom the machine belonged.

Severn advised that she gave her sewing machine to Runyon for maintenance before she transferred to Dallas, Texas. She denied knowledge that Runyon allowed NFU staff to perform the work. She stated she assumed that Runyon would work on it at his home. She stated when she picked up the machine at the NFU, no one complained about having worked on it. Severn recalled that Smith told her in March or May 2000 that Runyon had forced Diaczenko to make the spindle, but she disregarded it because Diaczenko did not complain to her when she thanked him for making the spindle when she picked up the machine.

- Allegation that in January 2000, Runyon transported his wife to and from the airport in a government vehicle.

Runyon admitted that his wife rode to and from the Pittsburgh International Airport in a government-owned Chevrolet Suburban while accompanying him on a business trip to Las Vegas, Nevada in

January 2000. He acknowledged that he had received no permission for her to do this. Several employees corroborated that Runyon engaged in this practice, including Hill, who stated that Runyon would bring his wife to Washington, D.C. in a government car when he went there on business.

- Allegation that in January 2000, Runyon used a government Federal Express account to ship rifles he purchased for personal use in Las Vegas.

Runyon admitted that while in Las Vegas, Nevada on a business trip in January 2000, he purchased a lever-action rifle for personal use. He admitted he shipped it back to Pennsylvania using a government Federal Express account label. A number of employees stated they witnessed this.

- Allegation that in 1995, Runyon used a government vehicle to deliver furniture to his son in Washington, D.C.

This allegation was not specifically made to the OIA or received at the outset of the investigation. Runyon, however, admitted to use of government vehicles for personal reasons in other instances.

- Allegation that in 1995, Runyon used a government truck to move his personal firearms and black powder from his residence in Virginia to his new residence in Pennsylvania.

~~Runyon admitted that in 1995 or 1996, he used a government vehicle to move his personal property in Springfield, Virginia to Altoona, Pennsylvania. He admitted he had no approval to do this. Hill stated he helped Runyon on this occasion.~~

- Allegation that in 1995, Runyon stored his personally-owned Corvette in the NFU garage for a period of 6 months.

Runyon admitted that in 1995, he parked his personally-owned Corvette at the NFU, and that it remained there between 10 and 12 months. He admitted he had received no approval to do so. Employees interviewed corroborated that the vehicle was parked at the NFU.

- Allegation that Runyon gave NFU employees ammunition seized by the INS for their personal use. It was also alleged that Runyon advised employees that he took home and used seized ammunition. It was also alleged to the OIA that Runyon would refuse to sign receipts for government ammunition he took from NFU, and that he sold government ammunition to civilians.

Runyon denied that he had taken rounds of ammunition from the NFU without signing a receipt. He denied he sold government ammunition to civilians. The OIA reviewed NFU Ammunition Log Sheets (Form G-484) for the period March 6, 1996 through June 30, 2000, which disclosed that Runyon was issued and signed for a total of 122,890 rounds of ammunition of different types during that period. Runyon denied giving subordinates seized or government ammunition to use without accounting for it.

Diaczenko advised that Runyon would refuse to sign for ammunition he took, and noted that Runyon took the type of ammunition used in competition shooting. Secretary Marsha Healy advised that on one occasion, Runyon gave her a box of around 50 rounds, which he told her was confiscated and told her to use it any time. She stated he was mad when she gave it back and told him she did not feel right having it. The investigation did not disclose any evidence to indicate that Runyon sold ammunition to civilians.

- Allegation that Runyon required TSAs to carry firearms on and off duty, and that he issued Colt M-4 machine guns, Remington 870 shotguns, Beretta .40 caliber pistols, body armor and helmets to the TSAs.

The investigation disclosed evidence that Runyon issued weapons to NFU personnel in contradiction with the terms of Section 287(a) of the Immigration and Nationality Act (INA), 5 C.F.R. 287.5(f). Specifically, Cornett and Healy advised that Runyon issued them revolvers and required them to qualify quarterly with them in 1994 and 1995. Runyon denied this. Runyon acknowledged that he required armorers to qualify quarterly with a firearm, despite the fact that they did not meet the statutory definition of an Immigration Officer.

Runyon stated that in late December 1999, there was intelligence that federal facilities might come under attack. Runyon was asked if he required a non-Immigration Officer to take firearms and a van

~~standby in case the NFU was attacked. He stated he recalled a van was set up as a stakeout vehicle, but he could not recall if the individual in the vehicle had firearms or other equipment.~~

Runyon denied that he allowed armorers to take firearms home and maintained that only sworn law enforcement officers carried firearms on and off duty.

The investigation disclosed that Runyon signed several documents entitled Authority for Service Training Specialist/Armorer to Possess Firearms in 1994 and 1995, which authorized personnel to possess firearms during duty hours. Diaczenko, TSA Robert Masters, TSA Robert Denbleyker, TSA Stephen Nastoff and TSA Allan Cornett advised that they were or could be armed during the workday, and/or that they had carried or possessed a weapon off duty. Diaczenko stated he carried a weapon off duty on a few occasions as directed by Runyon. Several of these individuals also advised that Runyon had issued them weapons such as M-4s, sawed off shotguns and .40 caliber Beretta pistols to take home during the threat period.

- Allegation that in 1999, Runyon authorized non-INS employees to fire INS weapons at the NFU range.

Runyon advised that he authorized civilians to shoot government firearms at the NFU under a program he called either Fun Day or Fun Shoot. He stated he allowed contract employees and other civilians (who were local police department personnel) to fire handguns and automatic firearms and that the NFU staff acted as range safety officers. Runyon also stated that a 16 year old stay in school employee participated in this event. He stated he was not aware of whether parental consent had been obtained for the student's participation, and advised that he assumed Diaczenko or an

Assistant Director had handled that. Runyon stated he considered this event to be a morale builder and good public relations. Several interviewees corroborated this event, some placing it in 1998.

- Allegation that Runyon engaged in a gross waste of funds by purchasing a CNC lathe and a CNC milling machine.

Smith stated that he reported to Severn in January 2000 that Runyon was unnecessarily purchasing this equipment and that he thought Runyon had moved money in his budget to purchase it. He stated Severn in turn told him that the lathe had never been approved for purchase and that such items (valued at over \$100,000) needed special approval. Smith stated that on March 15 or 16, 2000, he had a budget meeting with Severn, Yentzer and others in Washington, D.C. He stated Severn reviewed NFU materials and discovered a projected expenditure of \$165,000 for a CNC lathe. Smith stated Severn said that this had never been approved and that purchases over \$100,000 needed special approval. Severn stated she would discuss it with Yentzer. During the meeting, he stated Severn came into Yentzer's office and handed him papers and said something about the CNC machine. He also stated this was discussed in a budget meeting in the Spring of 2000, and Yentzer stated that if anyone was buying capitalized property without approval, they would be in trouble, and that he would discuss it with her later.

Severn stated Smith told her about the lathe and that Runyon had possibly moved money to buy it. ~~denied telling Smith that it had never been approved and that it would need special approval.~~ ~~recalled she told Smith that moving money was not the original intent and she would mention it to~~ Yentzer. Severn stated she reviewed purchases and there were no improprieties involving the acquisition of equipment for NFU.

Associate Commissioner Administration David Yentzer recalled conversing with Smith about a lathe that Smith thought was improper, but did not recall Smith making specific allegations of fraud or waste. He acknowledged he said in a budget meeting in March 2000 that if anyone was purchasing capitalized property without the requisite approval they would be in trouble.

- Allegation that during a business trip to a gun show in Las Vegas, Runyon accepted show tickets and dinner for himself and other NFU employees from a representative of Remington Arms Gun Company. Runyon allegedly instructed the employees not to discuss this because they were not allowed to accept such gifts. It was also alleged to the OIA that Runyon spent the night with a female contract employee and made a comment to the group about having done so. It was also alleged to the OIA that Hill made inappropriate sexual comments to the contract employee in Spanish.

Runyon admitted that he, Hill, Danielle Link (a contract employee), and Cornett and his wife attended a National Shot Show in Las Vegas in January 1998. He denied any physical involvement with the contract employee or making a statement to the effect there was. Runyon admitted that he accepted 5 tickets to a Cirque de Soliel show from a Remington representative and that he, Hill, Link and the Cornetts attended the show. He stated he could not recall the cost of the tickets, but denied they

cluded dinner. He stated he could not recall stating to the group that they should not discuss receipt of the tickets. Runyon denied that Hill behaved in an offensive manner during the trip.

Hill, Cornett, Kaveri Cornett and Link confirmed they received the tickets to the show from Runyon and attended. The Cornetts corroborated Runyon's telling them not to mention it. The Cornetts advised they heard Runyon's comment about Link, and Hill's comments to Link. Link denied she spent the night with Runyon. Hill advised he spent the night with Link and they currently intend to marry. He advised he did make comments of a sexual nature in Spanish to Link.

- Allegation that Runyon retaliated against Smith by issuing a proposal for discipline as a result of Smith's reporting of an alleged inappropriate relationship between Runyon and Diane Johnson, Program Manager, NFU, and Runyon's alleged misuse of funds to purchase the CNC lathe and milling machine to Karen Severn, Deputy Associate Commissioner, Administration, in February 2000. It was also alleged that Runyon refused to name Smith acting director in his absence, and changed Smith's tour of duty so he could not work overtime, in retaliation for Smith's conversation with Severn. It was also alleged that in June 2000, Runyon placed Smith on a Performance Improvement Plan (PIP) in retaliation for his conversation with Severn.

This investigation disclosed evidence to indicate that Severn was made aware by Smith of allegations of misconduct on the part of Runyon and failed to report them in accordance with agency procedure.

Specifically, ~~INS Operations Instruction (OI)-287.10 (c)(1) requires that all Service employees are responsible for immediately reporting either orally or in writing any allegation of misconduct to a supervisor, the OIA, or the OIG. OI 287.10(d)(1) states that Service managers and supervisors are to ensure that allegations of misconduct reported to them in accordance with the OI are appropriately reported to the OIA or the OIG.~~ The investigation did not disclose any evidence that Severn reported the information appropriately, and confirmed that she reported it, as well as who reported it to her to the wife of the subject of the allegation, Runyon. Runyon also failed to report the allegation appropriately and proceeded to conduct his own inquiry into the matter, and then to initiate disciplinary and other actions against Smith and Diaczenko.

Smith stated he talked to Severn in January 2000, and they discussed the relationship between Runyon and Johnson, to the effect that it gave the appearance of an inappropriate relationship. Smith stated Severn told him she was well aware of it long before he reported to NFU, and that she had spoken to Runyon about the appearance of the relationship. Smith stated he had lunch with Severn in Washington on February 24 or 25, 2000 and they again discussed the relationship. He stated he told Severn he feared Runyon would retaliate against him because he complained about the CNC equipment. He stated Severn assured him she would approach the issue in a manner to protect him.

Smith stated that on March 15 or 16, 2000, he and NFU Program Specialist Maureen Huelsman attended a budget meeting with Severn and Yentzer in Washington, D.C. Smith stated that Severn inquired after Runyon and, on being told he was on travel with Johnson, made a comment to the effect their relationship was inappropriate and was interfering with the running of NFU. Smith stated that on March 16, 2000, he met with Severn on her last day in Washington, D.C., and they again discussed the relationship, the CNC machines, and NFU armorers repairing non-INS weapons.

Smith stated that on April 17, 2000, Runyon, who had been on travel, convened an immediate staff meeting, at which he berated Smith. Smith later approached Runyon and asked him what was wrong. He stated Runyon changed his tour of duty, preventing him from working overtime. Runyon said that was his problem. Runyon then told him he knew Smith had made allegations against him to Severn about his relationship with Johnson, the CNC machines, and non-INS weapon repair at NFU. Runyon told him that Severn met with his (Runyon's) wife in Dallas and told her that Smith and Huelsman made complaints about him.

Smith stated he told Runyon that he told Severn the relationship was inappropriate and very preferential, not an affair. He also confirmed to Runyon that he discussed his concerns regarding the machines with Severn. Smith stated Runyon called him a backstabber and a liar.

Smith stated he then went on travel. When he returned, Diaczkeno let him know that Runyon had been questioning staff members as to any comments Smith had made about Runyon and Johnson, and had ordered them to provide statements.

Smith stated he called Severn on May 8, 2000, and reported that Runyon was planning on initiating an adverse action against him for what he reported to her. Smith stated Severn disputed the version of events that Runyon supplied to Smith, and stated that Runyon's wife invited herself over for coffee

Severn's in Dallas, and probed her (Severn) for information concerning Runyon and Johnson. ~~Severn told Smith she told Runyon's wife that if she valued her marriage, she should talk to Runyon~~ about his relationship with Johnson, which was inappropriate and disruptive. Severn told Smith that Runyon called her two days later and was angry. She told him that there were a lot of rumors circulating about him and Johnson.

Johnson denied that she was involved in an intimate relationship with Runyon. She characterized their relationship as professional and friendly. She corroborated that Runyon requested a memorandum from her concerning a conversation she had with Seymore. Seymore reported to her that Smith said she and Runyon were having an affair. She confirmed that she and Runyon spent a lot of time together at work, they traveled together on business, and that Runyon has massaged her shoulders in the workplace.

Huelsman corroborated that she and Smith attended a budget meeting in Washington with Severn and Yentzer. She stated Severn asked her where Runyon was and she responded that he was conducting firearms accountability review with Johnson in Kansas. She stated nothing further was exchanged about the matter then, but when Runyon returned to NFU, he accused her of spreading rumors about him and Johnson having an affair. Huelsman stated she denied this to Runyon. Huelsman denied she was present when Smith discussed with Severn or Yentzer issues regarding Runyon and Johnson's relationship, CNC equipment, or NFU personnel fixing non-INS weapons.

Severn recalled Smith told her in March 2000 that Diaczkeno was convinced that Johnson and Runyon were having an affair. Severn stated Smith had no evidence of this and she dismissed it as gossip. She denied hearing information to this effect before. She denied that Smith reported to her in

January or February 2000 about the relationship. She denied that Smith reported to her that NFU members fixed non-INS weapons.

Severn stated she had a telephone discussion on May 8, 2000 with Smith regarding the fact that she told Runyon about the allegations Smith made against Runyon. She stated she confirmed to Smith that she disclosed his and Diaczenko's names to Runyon's wife during a conversation they had in Dallas. She stated she told Runyon's wife that she did not know if she was doing the right thing, but she wanted to let them know that some of the people Runyon put so much trust in had engaged in gossip to the effect that Runyon and Johnson were having an affair.

Runyon signed proposals for disciplinary action (a 1-day suspension then increased to a 30-day suspension) for Smith and (1-day suspension) Diaczenko, for unprofessional conduct, related to their discussion of Runyon and Johnson.

Runyon stated he has known Johnson a long time and stated they had a close working relationship. He denied their relationship was intimate. He denied he had ever massaged Johnson's shoulders in the workplace. He stated he traveled with her on a business trip to Puerto Rico and was in her hotel room when she colored her hair.

Runyon denied that he purposely adjusted Smith's work hours so that Smith could not work AUO. He stated he changed Smith's core hours to be from 8:00 a.m. to 4:30 p.m. to ensure Smith was at the J until it closed. He said Smith was still able to work AUO from 2:30 p.m. to 4:30 p.m.

Allegation that Runyon attempted to conduct an illegal search of David Smith's, Assistant Director, NFU personally owned vehicle parked at the NFU on July 13, 2000. It was also alleged that Runyon retaliated against Smith over this incident by limiting his access to the NFU.

Runyon stated he was involved in an incident with Smith in the NFU parking lot on July 13, 2000. He stated he was advised by a WANG contract employee that she had seen Smith take file folders from the NFU and place them in his vehicle in the NFU parking lot. Runyon got Assistant Director Carl Michaud and Chief of Security Joyce Pigza to accompany him and they went to Smith's office. Runyon stated he told Smith that he needed to look at the files in his vehicle. Smith responded that those were his personal files and Runyon was not going to look at them. Runyon admitted he responded to Smith's assertion that he needed a search warrant to look in the car with profanity and to the effect that he did not care about a warrant. Runyon stated he then had Michaud look at the files, and Michaud determined they did not belong to NFU. Runyon stated they returned to their offices and denied he stood outside Smith's door and stared at him to intimidate him. He stated he did stand outside in the hall to ensure that Smith could not speak to Seymore before Runyon did, because this was the same day Smith made a comment to Seymore that Runyon and Johnson were having an affair. Runyon also admitted that the events in the parking lot were captured on the NFU's security videotape. He stated he received the tape from Pigza at his request, but denied he viewed it. When the tape was received by OIA from Runyon and reviewed, it contained no footage of the events in the parking lot. Runyon denied he tampered with or erased the tape.

Michaud, Smith, and Pigza essentially corroborated these events, but Smith claimed that Runyon stood in his doorway and stared at him after it was over. Smith also stated he felt threatened because everyone was armed and he had no choice but to comply. All interviewees described the situation as tense. Pigza advised that she viewed the videotape before giving it to Runyon and the events in the parking lot were captured on it.

- Allegation that Smith removed Runyon's personnel file from the NFU in August 2000.

Smith admitted that on August 2, 2000, he removed Runyon's personnel file from Huelsman's office and replaced it the next day. He stated he knew the drawer would be open because that was how it was always left. He stated he took the file to review it to see if Runyon had falsified information on a leave slip. He stated he copied Runyon's time and attendance records, but later shredded them.

- Allegation that Runyon used his motor home to make a trip to Springfield, Massachusetts on May 22 through 26, 2000 on government business and that he also visited his son and claimed mileage and lodging to which he was not entitled.

Runyon admitted that he used his personally owned vehicle to make a trip to Springfield, Massachusetts from June 22 through 26, 2000. He denied that he claimed any mileage to which he was not entitled. Runyon stated his travel vouchers are prepared using a computer program that automatically calculates reimbursable mileage. A review of the voucher for this trip disclosed that Runyon claimed 792 miles, the round trip between Pennsylvania and Massachusetts.

- Allegation that Runyon abused his authority by exercising in the NFU fitness room on government time.

Runyon admitted that he and his wife exercised in the NFU room regularly in the mornings. He stated he was not aware that the INS' Health Improvement Program (HIP) prohibited officers from using the first or last hour of the workday.

- Allegation that Runyon appointed Johnson to an unauthorized position, was involved in an inappropriate relationship with her, and that he created a perception of favoritism of her over other employees.

Runyon acknowledged that he appointed Johnson the Acting Assistant Director for Administration at the NFU, but that the Eastern Regional Office of INS would not allow this to be more than a 120 day detail because it was an existing position for NFU. Runyon stated he has known Johnson a long time and stated they had a close working relationship. He denied their relationship was intimate. He denied he had ever massaged Johnson's shoulders in the workplace. He stated he traveled with her on a business trip to Puerto Rico and was in her hotel room when she colored her hair. Smith stated he had seen Runyon rubbing Johnson's back in the office. Johnson stated that Runyon had rubbed her shoulders in the office on occasion.

virtually all of the NFU employees interviewed stated that Johnson had unprecedented access to Runyon, that he favored her over any other employee, or that their relationship was inappropriate.

- Allegation that Runyon and former Assistant Director NFU Randy Hill went to a local gunsmith and threatened to take NFU business away if the shop did not sell a specific antique gun to Runyon.

Healy advised that her father left some antique weapons with his estate and that her family put them on consignment in a local gun shop. She stated she heard that Hill wanted to buy one of the weapons, and asked the owner for a lower price, which the family did not want to give. She stated she heard Hill threatened to take the NFU business if he did not get the price he wanted. She stated she later saw a logbook entry that Hill had purchased a weapon there.

Both Runyon and Hill denied ever threatening a gun shop owner that he would take away NFU business if the shop did not sell him a particular weapon. The OIA interviewed the owners of the shop and they denied that anyone from NFU had ever threatened them with loss of business regarding the purchase of an antique firearm.

- Allegation that Runyon directed the NFU purchase a safe for him to store personal firearms in at his home.

Runyon acknowledged in a sworn statement that he approved the purchase of safes that were placed in the residences of certain NFU employees. He denied instructing anyone that he was to receive a larger safe than others because he wanted to use it to store personally-owned firearms. He denied instructing a subordinate not to enter the safe for him on the inventory.

Smith stated Runyon instructed him to order a particular safe for Runyon, but Runyon's plan was foiled when Supply Management Specialist Ronald Beegle entered on duty. When interviewed, Beegle stated he had not observed any procurement irregularities at NFU.

- Allegation that Runyon took NFU tools and equipment and kept them at his home, and that he took and stored ammunition at his home.

Diaczenko stated that Runyon asked him to come to Runyon's home to work on the trigger of a competition weapon. At the house, Diaczenko stated he noticed there were NFU tools and equipment. He also stated there was a closet full of ammunition, but he could not tell if it was from NFU.

Runyon denied removing tools from the NFU and not returning them. He advised he had NFU ammunition at his residence.

Allegation that Runyon requested an M-4 upper receiver. When he was given one from the armory, he demanded a new one.

Runyon acknowledged that he instructed a subordinate to retrieve an upper receiver for an M-4 from the NFU, but he denied he took it home. He stated the piece was in his office safe. He stated that he made this request because the NFU was conducting an evaluation of trigger night sights for the M-4 and he wanted this piece of equipment for evaluation purposes.

Diaczenko confirmed that Runyon made this request in December 1999, and stated that Runyon would not accept an old receiver. Butterbaugh stated she gave Diaczenko an M-4 receiver from inventory in 1999.

- Allegation that Runyon failed to adhere to ethical guidelines concerning the treatment of contract employees and gave them awards, including time off with pay and requested that their employer raise their salaries and give them incentive awards.

Runyon stated he approved WANG contract employees to attend government-funded training on several occasions. He stated that during a training presentation given by the INS Office of Ethics, he announced to the trainer that he treated WANG employees the same as INS employees. He stated that both WANG and INS employees had received Employee of the Quarter awards from him. The recipient received a day off of work with pay, and had their picture taken and their names placed on a plaque in the office. Runyon also admitted that he recommended \$250.00 cash awards for WANG employees in 1998, which WANG ultimately gave to them. He denied that he recommended to WANG that the hourly rates for contract employees be increased.

NFU and contract employees confirmed they received the Employee of the Quarter award, which included a day off with pay. Healy, who kept time and attendance, stated the employees would mark their timesheets as a regular day and the award day was not charged to administrative leave.

Julie Carr of the INS Ethics Office confirmed she gave the training session at NFU and that Runyon's treatment of the contractors was problematic in that government supervisors are prohibited from giving cash awards to or recommending hourly increases for contract employees.

WANG Human Resource Specialist Kelly Shuey stated Runyon sent electronic mail messages which essentially directed WANG to increase the contract employee's hourly rate and to award them cash bonuses.

- Allegation that Runyon used a government rental vehicle to visit his mother in Austin or San Angelo, Texas while on a business trip and that he claimed mileage and per diem to which he was not entitled while on this personal visit.

Runyon acknowledged that he traveled to Texas on business during the period April 3 to 14, 2000, and worked in Dallas and San Antonio. He stated that he drove his rental vehicle to Austin during that time, but stated he did not charge the government for the three days he used the vehicle to visit

his mother. A review of the voucher submitted by Runyon for this trip disclosed it contained no indication that Runyon had claimed per diem or charged for the rental vehicle during the entire trip.

- Allegation that Runyon gave federally-purchased ammunition containers to a local gun shop, with which he did business.

Runyon admitted that in 1995 or 1996, Schmittle's gun shop brought a pick up truck to the NFU, and ammunition containers were loaded on to it. He also admitted that he had purchased firearms from Schmittle's and had used their federal firearms license to obtain guns. Seymore advised that in March or April 2000, he loaded about twelve cans on Schmittle's truck at Runyon's direction.

- Allegation that Runyon dedicated, without approval, the NFU building to the memory of Commander Lisa N. Meunier, United States Navy Reserve, in a ceremony on March 27, 1998.

Runyon admitted he conducted the dedication ceremony and that he sought no guidance or approval to do so. Healy and others corroborated the ceremony took place, and Healy stated that when she questioned Runyon about it, he told her Headquarters did not need to know.

DETAILS

On August 3, 2000, Deputy Chief Patrol Agent Randy Hill, Border Patrol's Special Coordination Center, El Paso, Texas, was interviewed at INS Headquarters Washington, D.C. He provided a signed sworn statement (Exhibit 5). Special Agent in Charge David M. Adams, OIA, also was present during the interview. Hill explained he began his career with INS as a border patrol agent trainee in 1978. He subsequently assumed positions of greater responsibilities in El Paso, Texas until his promotion in June 1994 to Deputy Administrator at the NFU. Hill advised he transferred from the NFU to his present duty station in April 1999.

When asked if Runyon ever instructed him to work or have work done by the NFU armorers on non-government firearms, Hill said yes. Hill explained that the NFU made a standing offer to the Altoona Police Department, the Pennsylvania State Police and other local law enforcement entities within the Altoona, Pennsylvania area to repair their officer's issued firearms. According to Hill, it was the officer's responsibility to purchase parts for a firearm and not the NFU's. When asked if this practice was within INS policy, Hill stated he thought it was or that it was not excluded by policy. Hill stated that it was a good public relations practice. Hill recalled that NFU armorers repaired personal firearms for the members of the INS National Pistol Team. When asked if repairing the firearms of local police departments interfered with INS work, Hill said yes. When asked to describe the working environment at the NFU, Hill described it as "extremely tense/stressful." Hill attributed it to Runyon's "reputation for not accepting error." According to Hill, NFU staff "was scared to death that they would make an error on something and there would be retribution in some way by the director [Runyon]."

Hill denied Runyon took retaliatory action against him while he was at the NFU. However, Hill explained Runyon blamed him for some things that went wrong at the NFU, but that it went with the responsibility of being the Deputy Administrator. Hill characterized it as "being the fall guy." When

asked why he left the NFU, Hill recounted that in the late summer of 1998, he was the coordinator of the INS National Pistol Team. Hill arranged for the team to compete in the International Indoor Championships in Germany, but subsequently was informed by Runyon that Hill had failed to obtain the requisite clearance from the Executive Associate Commissioner for Management at INS Headquarters for the team to travel to Germany. According to Hill, Runyon denied he had any knowledge of the trip when questioned by Headquarters, but Hill claimed he briefed Runyon on the trip and Runyon had authorized it. Hill recalled Runyon proposed an intent to discipline him about the matter, but Hill challenged it. Hill explained he began submitting for other positions after that incident.

When asked if Runyon had retaliated against anyone else at the NFU, Hill identified former Assistant Director John Jacobs as a recipient of retaliation by Runyon. Hill characterized it as a personality conflict between them. Hill recalled Runyon would not approve work done by Jacobs' staff, which resulted in Jacobs having to repeat the work over and over. Hill recounted another incident when Runyon and Jacobs had an argument and Runyon prohibited Jacobs from working at the NFU on weekends. Hill said it was his observation that Runyon slowly but surely shut down Jacobs' ability to perform his duties. Hill recalled Runyon placed Jacobs on a performance improvement plan and also took away his ability to work extra hours, which would have been compensated overtime. Hill opined Runyon's intention was to force Jacobs to retire because he (Runyon) did not like him (Jacobs) around.

When asked if Runyon gave preferential treatment to particular NFU employee(s), Hill identified ~~Green Huelsman and Diane Johnson~~. Hill recalled when he initially arrived at the NFU, he felt he ~~competed~~ with Huelsman to get time with Runyon. Additionally, Huelsman often would be privy to information that he (Hill) was not provided. Hill recounted that just before he left the NFU, Runyon hired Johnson, who subsequently took the place of being Runyon's favorite employee. Hill recalled Runyon and Johnson sat in his office for long periods of time discussing issues that affected the NFU. Hill stated he was in an awkward situation being neglected from management decisions because Runyon favored Johnson. Hill stated he never discussed the issue with Runyon because he did not want to be the recipient of "retribution" from Runyon. When asked if retribution was different from retaliation, Hill said no.

Hill denied he had any direct knowledge of Runyon taking parts of government firearms for his personal use. According to Hill, he only heard rumors about it. When asked to explain, Hill said Supervisory Training Instructor Walter Diaczenko told him in June 2000 that Runyon had removed lever action rifles from the NFU historical vault and took the parts for his personal use. Hill claimed he advised Diaczenko to report the matter, but he does not know if Diaczenko reported it. Hill stated he has no knowledge of Runyon selling government ammunition containers to privately owned businesses or if he sold government ammunition to them. Hill denied he has any knowledge of Runyon advising private business owners that he would take NFU business elsewhere if they did not sell him merchandise at the prices he wanted.

Hill stated Runyon had asked the NFU armorers to work on his personal black powder firearms. Hill claimed Diaczenko made sights for Runyon's personal firearms. Hill admitted he had asked NFU armorers to repair his personal black powder firearm, but he assumed that the armorer understood it was not to be done at the NFU or on government time. Hill recalled Runyon would bring a personal

learn to the NFU and expect it to be finished by close of business. Hill noticed Runyon signed out a lot of ammunition from the NFU but he did not know what Runyon did with it.

Hill confirmed he attended a National Shot Show in Las Vegas, Nevada in January 1998 with Runyon. Hill denied Runyon spent the night with a female contract employee in his/her hotel room. Hill stated Runyon and his wife used the exercise room at the NFU at least three times a week. Hill denied knowing if Runyon misused a government vehicle, but that he heard rumors that Runyon had. Hill admitted he helped Runyon move his personal property from Virginia to Altoona, Pennsylvania and they used a government truck, which was from the NFU. Hill stated Runyon allowed his wife to ride in a government vehicle when he traveled to INS Headquarters. Hill denied Runyon stated to him that Johnson would be the next assistant director at the NFU. Hill denied he had knowledge that Runyon instructed NFU armory staff to purchase a safe large enough to accommodate his personal weapons and not to place the safe on the NFU inventory.

On August 10, 2000, Smith was interviewed at his residence and he provided a taped sworn statement (**Exhibit 6**). Smith related he began his career with INS in October 1976 as a border patrol agent in Chula Vista, California. He subsequently assumed positions of greater responsibilities in Hartford, Connecticut, Burlington, Vermont, Albuquerque, New Mexico, and ultimately as Assistant Director at the NFU on August 29, 2000. He confirmed he made complaints to the OIG, OSC and OIA.

Smith explained that when he initially arrived at the NFU, he established a bond with his counterpart, Bill Michaud, and also with Runyon. Smith recalled Supervisory Training Instructor Walter Maczenko approached him and advised that Runyon's treatment of past assistant directors at the NFU was not favorable and to expect Runyon's amicable behavior toward him (Smith) to change in the near future. According to Smith, however, things at the NFU continued well for a number of months and he experienced no problems with Runyon.

Smith recalled he immediately observed that Runyon treated Program Manager Diane Johnson more "specially" than any other female at the NFU. Smith claimed he observed Runyon "rubbing her neck" as she worked on a computer in her office. He explained he went to INS Headquarters in January 2000 and met Deputy Associate Commissioner Karen Severn, who was Runyon's first line supervisor.¹ According to Smith, he and Severn discussed Runyon's relationship with Johnson. Smith claimed Severn told him that she was well aware of Runyon's relationship with Johnson long before Smith arrived at the NFU. Smith recalled Severn said she had spoken with Runyon and advised him that it was obvious Johnson received different treatment than other females at the NFU. When asked if Severn had reported Runyon's relationship with Johnson to her supervisor (Yentzer), Smith stated he did not know.

Smith claimed he also reported to Severn that Runyon had inappropriately purchased a CNC milling machine and a CNC lathe for the NFU. According to Smith, each machine cost over \$100,000. Smith stated he told Severn that Runyon had moved money from another project to purchase the machines and thought it was inappropriate.

¹ Severn transferred to the Dallas Administrative Center, Dallas, Texas, as the Director in April 2000.

Smith asserted he again traveled to INS Headquarters in February 2000, but he could not recall if the date was the 24th or 25th. Smith stated he attended a Shooting Incident Review Committee meeting because Runyon did not want to attend. Smith recalled he stopped at the Administration Office and went to lunch with Severn. They had a conversation about the topics previously discussed in January. Smith claimed he told Severn that he was concerned about Runyon learning who reported the information concerning the CNC machines and the movement of money to purchase them. Further, Smith advised Severn that Runyon would retaliate against him. According to Smith, Severn assured that she would approach the subject in a manner that would protect him.

Smith stated that on March 15th or 16th, 2000; he and Program Specialist Maureen Huelsman traveled to INS Headquarters and attended a budget meeting for fiscal year 2002 with Severn and Yentzer. Smith estimated they arrived in Washington, D.C. between 9:30 a.m. and 10:00 a.m. They proceeded to Severn's office and engaged in conversation. According to Smith, Severn asked where Runyon was. They advised Severn that Runyon was conducting a firearms accountability review in Kansas City, Missouri. Smith recalled Severn asked with whom and they responded he was with Johnson. Smith claimed Severn made a comment to the effect that Runyon's relationship with Johnson was inappropriate and it was affecting the NFU because of Runyon's obvious preference for Johnson over other employees. Smith asserted Huelsman was present when Severn made the comment about Runyon's relationship with Johnson.

Smith recalled Severn reviewed budget material and discovered a projected expenditure of \$165,000 for a CNC lathe. According to Smith, Severn said that the lathe had never been approved or funded and that capitalized property over \$100,000 needed special approval. Severn also noted that \$40,000 that was approved to purchase a magazine loading machine was moved to fund the CNC machine. Severn said she would discuss the matter with Yentzer.

Smith recounted Yentzer appeared and said he was ready to discuss the budget. Smith, Huelsman, and Yentzer went into his office and sat at a conference table. Smith estimated that about a half an hour later, Severn entered Yentzer's office with papers in hand and said something to Yentzer about the CNC machine. Smith claimed Yentzer said that if anyone was buying capitalized property without the proper approvals, everyone would be in trouble. Smith recalled Yentzer appeared to realize what he had just said and abruptly stopped. Smith quoted Yentzer stating to Severn, "I'll discuss it with you later."

Smith recounted that on the next day, March 16th, he and Huelsman reported to INS Headquarters and used Severn's office. According to Smith, this was Severn's last day in Washington, D.C. before reporting to her new assignment in Dallas, Texas. Smith recalled Huelsman experienced a problem with Severn's computer and went to another office. Smith estimated that at about 11:00 a.m., Severn arrived at her office to attend a going away luncheon in her honor. Smith claimed they again engaged in conversation about Runyon and Johnson, the CNC machines, and NFU armorers repairing firearms that belonged to local police officers and firearms that were used for hunting (rifles and shotguns). According to Smith, Severn responded that the NFU should not be repairing anything for the police. Smith recalled they briefly debated the matter. Smith recounted he and Huelsman returned to the NFU shortly after his conversation with Severn.

Smith recalled that on April 3-7, 2000, Runyon was on detail in Dallas, Texas and on April 10-14, 2000, he was on detail in San Antonio, Texas. Smith stated he was the Acting Director at the NFU when Runyon was away on detail. Smith alleged Runyon used a government leased vehicle to visit his mother either in San Antonio, San Angelo or Austin, Texas.

Smith recounted that on April 17, 2000, Runyon returned to the office and convened an immediate staff meeting. Smith explained that "immediate staff" consisted of himself, Runyon, Diaczenko, Huelsman, and Supply Management Specialist Ronald J. Beegle. Smith claimed Runyon abruptly directed a barrage of questions at him concerning various issues at the NFU and wanted to know their status. According to Smith, it was obvious to everyone in attendance that Runyon was upset and he (Smith) was the target of Runyon's wrath. Smith recalled Runyon also accused him of failing to properly address an incident that occurred at the NFU on April 10th and directed him (Smith) to prepare a memorandum about the matter.

Smith recalled he went to Runyon's office after the meeting and asked him what was wrong. According to Smith, Runyon said he was changing his (Smith's) duty hours from 6:00 a.m. - 2:30 p.m. to 8:00 a.m. - 4:30 p.m. Smith advised Runyon that he would have to work his administratively uncontrolled overtime (AUO) hours from 4:30 p.m. to 6:30 p.m. because it was illegal to work AUO before the beginning of a shift. Smith quoted Runyon stating, "No, the facility will close at 4:30 [p.m.] and you'll just have to do whatever you, you know, you can do." Smith informed Runyon that he was preventing him (Smith) from working AUO. Smith claimed Runyon said that it was not his problem.

Smith stated he asked Runyon, "If there's something else bothering you, tell me what it is." According to Smith, Runyon sarcastically stated, "Okay, I'll tell you." Smith closed Runyon's office door and Runyon disclosed he knew that Smith had made allegations against him to Severn about an inappropriate relationship with Johnson, purchasing the CNC machines, and NFU repairing police department firearms. According to Smith, Runyon further disclosed that Severn was in Dallas when he was there on detail. Smith claimed Runyon said that Severn called his wife and invited her out to lunch. Smith recalled Runyon said that Severn told his wife that both Huelsman and he (Smith) made complaints that Runyon was having an affair with Johnson. Runyon's wife then called Johnson at the NFU and confronted her with the allegation. When Runyon learned of the allegation from his wife, he called Severn, who confirmed that Huelsman and Smith reported allegations against him.

Smith recalled he told Runyon that he (Smith) did not allege he (Runyon) was having an affair with Johnson, but reported that his (Runyon's) relationship with Johnson was "inappropriate and very preferential." Smith also told Runyon that he had concerns about the CNC machines and discussed it with Severn. Smith recalled Runyon was very upset, but "he wasn't screaming and hollering." Smith claimed Runyon called him a liar, a back-stabber and very disloyal. Smith stated Runyon said he would never trust him (Smith) again and that Johnson was the only person in the entire NFU he trusted. According to Smith, Runyon said he would make some inquiries and then take disciplinary action against both him (Smith) and Heulsman. Smith quoted Runyon stating, "I can get rid of you just like I got rid of everybody else in this facility." Smith stated he heard from other NFU staff that

Runyon had forced three prior Assistant Directors to leave the NFU or retire.² According to Smith, Runyon assigned them more work than could be done until they either retired or transferred. Smith stated Runyon campaigned against former Assistant Director Randy Hill when he learned Hill and WANG contract employee Danielle Link dated. Smith claimed Runyon had amorous feelings for Link and did not like her dating Hill. Runyon began assigning Hill more work than he could accomplish and lied to Hill. When asked to explain, Smith related Runyon directed Hill to send the INS National Pistol Team to compete in Germany in either October or November 1997-98. Smith stated Headquarters informed Runyon that no funding was available to send the team to Germany. Smith claimed Runyon denied any knowledge of the matter, which placed Hill in an uncomfortable position. Smith stated Runyon and Hill had a confrontation about the matter. According to Smith, Runyon ultimately conceded he had to deny knowledge of the trip for the good of the NFU. Smith stated that incident was "the last straw for Randy." Hill was too young to retire so he transferred from the NFU. When asked how he knew this information since it was before his arrival at the NFU, Smith claimed Diaczenko and Cornett told him.

Smith recounted he left for a detail in Dallas, Texas on April 28, 2000 and returned to the office on May 4, 2000. Smith recalled Diaczenko came to his office and stated, "There's something that you need to know." Diaczenko related that immediately after Smith departed on April 28th, Runyon questioned him (Diaczenko) about any comments Smith made about him (Runyon) and Johnson. According to Smith, Diaczenko advised Runyon that he was uncomfortable being questioned, but Runyon ordered him to provide a statement. Diaczenko's statement essentially related that he and Smith had conversations about Runyon's relationship with Johnson. Diaczenko also told Smith that he was present when Runyon questioned Armorers Robert Masters and Steve Nastoff about the same issue.³

Smith recalled he contacted Severn on May 8, 2000 in Dallas, Texas and informed her that Runyon was planning on initiating an adverse action against him for the information he (Smith) reported to her about him. According to Smith, Severn disputed Runyon's rendition of the events as related to him during their meeting on April 17th. Smith claimed Severn said Runyon's wife's sister lived in a house next to Severn's house. Runyon and his wife stayed there when he was on detail in Dallas. Runyon's wife invited herself over to Severn's house and they had coffee. Smith claimed Severn said that Runyon's wife probed her (Severn) for information concerning Runyon and Johnson. Smith asserted Severn told him that she advised Runyon's wife that if she valued her relationship with her husband, that she should have a chat with him about his relationship with Johnson. According to Smith, Severn also told Runyon's wife that Runyon's relationship with Johnson was inappropriate and disruptive. Severn stated Runyon contacted her about a day or two days later and inquired as to what was discussed between Severn and his wife. Severn said Runyon was very angry when he contacted her. Smith claimed Severn also told him that she advised Runyon there were a lot of rumors concerning his relationship with Johnson, but nobody really believed they were having an affair.

² The Assistant Directors who preceded Smith at the NFU were Kent Williams (retired), John Jacobs (retired), and Randy Hill (transferred).

³ Nastoff was present at a local bar when Smith made statements about Runyon being involved in an inappropriate relationship with Johnson. Masters hosted a dinner at his house and heard Smith make a statement about Runyon's inappropriate relationship with Johnson.

Smith stated he spoke with Runyon about the matter immediately after his conversation with Severn, but he did not disclose to Runyon that he had spoken with Severn. Smith recounted Runyon told him that he had forwarded the material to labor management relations (LMR) and proposed disciplinary action against him for conduct unbecoming an officer and making false statements.⁴ Smith advised Runyon that he welcomed the opportunity to address the issues.

Smith alleged Runyon used his motor home to make a trip to Springfield, Massachusetts, on May 22-26, 2000, on government business to visit his son in Massachusetts and also claimed mileage and lodging he was not entitled to claim for reimbursement. Smith recalled that on May 31, 2000, he asked Runyon's secretary, Lisa Jacobs, to let him know the mileage Runyon claimed for his trip to Springfield, Massachusetts. Smith recounted that on June 1, 2000, Runyon confronted him about asking his secretary for the mileage he claimed. Smith quoted Runyon stating, "What does that have to do with the armory?" Smith responded that it had nothing to do with the armory, but he wanted to know the mileage he claimed.

According to Smith, Runyon then proceeded with an invective about how everything wrong at the NFU was his fault and that he (Runyon) had ordered all employees not to talk to him unless it related to the armory. Smith told Runyon that he simply voiced an opinion in a protected conversation with Severn that his (Runyon's) relationship with Johnson was disruptive and it was Severn's choice to disclose the contents of their conversation. Smith claimed Runyon leaned toward him and stated, "If I want to play, I'll play with you." Smith stated he perceived that statement as a threat because Runyon leaned toward him when he said it. Smith recalled Runyon then asked if he (Smith) was filing any charges against him. Smith stated he told Runyon that based on the advice of his attorney, he could not answer that question. Smith claimed Runyon got angry and threatened to detail him (Smith) away from the NFU or he (Runyon) would just terminate him. Smith advised Runyon that he was creating a "hostile environment" and what he was doing was wrong. Smith stated Runyon said that Johnson would be the next assistant director at the NFU and he would not retire until it happened.

Smith claimed Runyon abused his authority by exercising on government time. According to Smith, Runyon and his wife exercise at the NFU every Monday, Wednesday and Friday from 5:30 a.m. until about 6:30 a.m. Smith stated Runyon allows his wife to be unescorted in the facility, which is contrary to a Standard Operating Procedure (SOP) Runyon implemented (**Exhibit 7**). Smith explained that any visitor to the NFU is to be issued a badge that reads "ER", which means escort required. Only INS visitors are exempt from the escort requirement. Smith asserted Runyon's wife wanders freely about the NFU and then walks into his office. Smith claimed Runyon's wife reviews government documents and makes notations and/or corrections on them. According to Smith, Runyon's wife was once a schoolteacher. Smith alleged Runyon exercised on government time before the INS Health Improvement Plan (HIP) was implemented.⁵

⁴ On July 14, 2000, Runyon issued Smith a memorandum that proposed a one (1) day suspension for conduct unbecoming an officer. On July 27, 2000, Runyon increased the proposal from one (1) day to thirty (30) days suspension for conduct unbecoming an officer and insubordination.

⁵ The HIP authorizes law enforcement officers (LEOS) three (3) hours per week to participate in an exercise program. The first or last of the shift cannot be used.

Smith advised that prior to April 17, 2000, he was usually the acting director in Runyon's absence. According to Smith, Runyon has not designated him in that capacity since April 17th. Smith claimed Runyon has appointed Smith's subordinates as acting director instead of him in Runyon's absence. Smith maintained this was a retaliatory action because of his conversation with Severn.

Smith recounted that in January 2000, Runyon transported his wife in a government vehicle (Chevrolet Suburban) from Altoona to the Pittsburgh International Airport when he went to Las Vegas, Nevada, on a government business trip to attend a gun show. Smith identified Michaud, Armorer Robert C. Masters and Diaczenko as also making the trip. Smith claimed Runyon purchased a personal firearm while in Las Vegas and used a government funded Federal Express (FED-EX) label to ship it to the NFU. According to Smith, he was in Runyon's office when he (Runyon) received it and he (Smith) saw the FED-EX label affixed to the box it was shipped in to the NFU. Smith also claimed Diaczenko told him that he, Michaud and Masters witnessed Runyon place the gun in the box and affix the government funded FED-EX label on it when they attended a gun show in Las Vegas.

Smith recalled that on June 19, 2000, he found a memorandum (**Exhibit 8**) in his mailbox entitled "A detail position for acting assistant director." According to Smith, the memorandum was generated from Runyon and designated Johnson as an acting assistant director for the Administrative Branch of the NFU. It was effective June 18th for one hundred twenty (120) days. Smith recounted that also appended to the memorandum was an organizational chart (**Exhibit 9**) that reflected Johnson's new position. Smith contended Runyon designated Johnson to an unauthorized position.

Smith recounted that on June 23, 2000, Runyon issued his (Smith's) annual performance appraisal and also issued him a Performance Improvement Plan (PIP) letter (**Exhibit 10**). According to Smith, the letter stated he (Smith) was being given forty-five (45) days to improve his performance, and if he did not, he would face demotion or separation from government service. Runyon additionally issued a letter (**Exhibit 11**) which denied Smith's within grade increase that was not due until September 2001. Smith contended Runyon again was retaliating against him because of his conversation with Severn. Smith perceived Runyon was attempting to put pressure on him and force retirement as he (Runyon) reportedly had done with the two previous assistant directors.

Smith recalled that in February 2000, Runyon had an antique sewing machine in his office and instructed Diaczenko to take it apart and clean it in the NFU armory. Runyon also instructed Diaczenko to make parts for the machine that were not available on the market. Smith recalled Diaczenko told him that he subsequently gave the machine to Armorer Steve Nastoff, who took it apart and cleaned it. Smith claimed Nastoff spent half a day working on the machine and Diaczenko spent several hours making parts for it. Smith alleged that the sewing machine belonged to Severn and Runyon's intent was to refurbish it as a going away gift for Severn before she departed for Dallas.

Regarding the sewing machine, Smith stated Cornett came to him and said he did not feel comfortable being placed in a position that abused government time. Smith recalled he went to Runyon and related what Cornett had expressed to him about the sewing machine. Smith quoted Runyon stating, "Well, I'll take care of this, I'm going to go talk to Wally [Diaczenko]." Smith stated he was present when Runyon spoke with Diaczenko about the sewing machine. Smith quoted Runyon

ating, "So what the fuck are you up to?" Smith claimed Diaczenko responded that he did not know what Runyon was talking about. Smith quoted Runyon stating, "I want to know what these comments are that you're making about this sewing machine. Are you filing a complaint? Are you making some allegations against me? If you play with me, I'll make sure that you're.....I'll get rid of you like I did Jacobs and Randy." Smith claimed that it bothered him to hear Runyon threaten Diaczenko. According to Smith, Diaczenko approached him (Smith) after the confrontation with Runyon and asked him (Smith) how to file a complaint.

Smith estimated that weeks after the sewing machine incident, he entered Runyon's office and observed three (3) rifles lying against a safe. Smith described the rifles as 30/30-lever action. Smith quoted Runyon stating, "I want you to give these rifles to Wally and I want them dismantled and I want all the parts." Smith recalled he asked Runyon where he got the rifles and he stated, "I took them out of the reference vault. I want Wally to take these apart. That will really piss him off." Smith recalled Diaczenko came to Runyon's office shortly thereafter and received instructions from Runyon to dismantle the rifles and return the parts to him. Smith recalled Diaczenko took the rifles to the armory and gave them to Cornett, who disassembled them and hand delivered the parts to Runyon. When asked what Runyon did with the parts, Smith stated he did not know, but that Runyon is a "major collector of guns."

Smith claimed Diaczenko and Jacobs told him that Runyon often took NFU ammunition, but refused to sign receipt for it. When asked how much ammunition Runyon took, Smith estimated it was between 25,000 and 100,000 rounds. According to Smith, Diaczenko claimed Runyon has ammunition at his residence stacked from the floor to the ceiling in his basement. Smith also claimed Diaczenko saw armorer's tools from the NFU at Runyon's home.

Smith recalled Cornett said that Runyon and Hill went to a local gunsmithing company (Neilson/Popish) and threatened to take the NFU business elsewhere if they did not sell a specific antique gun to him (Runyon). Smith claimed he did not know any details or specifics about the matter. Smith stated Jacobs told him that Runyon allowed the owner of Schmittle's Gun Shop to bring his privately owned pick-up truck to the NFU and load a large number of military ammunition cans on it. When asked when this happened, Smith said he did not know.

Smith related that sometime in January 2000, Runyon instructed him to purchase ten (10) safes to store firearms at the residences of NFU employees who were required to take firearms home. Smith recalled Runyon instructed that a bigger safe be purchased for him (Runyon) because he wanted to store his personal firearms in it. Smith estimated Runyon's safe cost four hundred dollars (\$400) more than the other safes purchased. Smith asserted he heard Runyon instruct Supply Technician Jody Seymore not to document his safe on the NFU inventory because he wanted to claim it as expendable property. Smith quoted Seymore stating, "Well, you know, I could arrange that." Smith claimed Seymore would corroborate his assertion that Runyon instructed him not to place the safe on the NFU inventory because he wanted to appropriate it for his personal use. Smith stated Runyon's scheme was foiled when Beegle arrived at the NFU in March 2000 and entered the safe on the NFU inventory.

Smith advised that on July 13, 2000, Runyon attempted to illegally search his (Smith's) POV in the NFU parking lot. Smith explained that in the morning, he brought material to the office to make Xerox copies pertaining to his complaints to OIG and OSC. Smith recalled that after making the copies at about 7:30 a.m., he decided to take them to his car rather than risk Runyon seeing them on his (Smith's) desk. Smith estimated that at about ten (10) to fifteen (15) minutes later, Runyon said he wanted to speak with him. As they walked toward Runyon's office, Smith quoted Runyon stating, "I want to see what you put in your car." Smith advised Runyon that he placed personal papers in his car. Smith quoted Runyon stating, "Well, I'm going to look at them." Smith again advised Runyon that they were personal papers and he did not have authorization to enter his POV. Smith claimed Runyon then instructed Chief of Security Joyce Pigza to give him the keys to Smith's POV.⁶ Smith recalled Runyon instructed both Pigza and Michaud to accompany him to the parking lot. Smith again advised Runyon that he placed personal papers in his POV. Smith quoted Runyon stating, "I'm going to look at them." When they arrived at his POV, Smith recalled he stood at the passenger door and estimated Runyon was four (4) or five (5) feet away from him. Smith claimed he told Runyon that he was not giving authorization for him to enter his POV and that he (Runyon) needed a search warrant. According to Smith, Runyon moved toward him until he (Runyon) was a foot away from his (Smith's) face and stated, "I don't give a fuck about any search warrant. I'm going to look at those files." Smith recalled he stepped back away from Runyon and stated, "No, you're not going to look at those files." Smith recounted Runyon then looked at Michaud and stated, "You look at them." Smith advised Michaud that he was not authorized to look at them either.

According to Smith, he conceded only to defuse the situation and allowed Michaud to examine the papers, who then advised Runyon that they were not NFU information or files. Smith explained that everyone was armed and he felt threatened especially when Runyon advanced toward him. Smith claimed that after the incident, Runyon stood in the doorway of his (Smith's) office and stared at him for thirty (30) seconds or more. According to Smith, he reported the incident to Yentzer and also advised that he (Smith) feared for his safety. Smith requested administrative leave, but Yentzer declined to approve it. Instead, Yentzer said he would speak with Runyon. Smith estimated that at about 10:25 a.m., Runyon approved administrative leave for him to leave the NFU and go home.

Smith stated that on July 14, 2000, he reported to the NFU to receive a proposal for disciplinary action for a one (1) day suspension (**Exhibit 12**) from Yentzer. When asked to explain, Smith stated that on July 12th, Runyon instructed Seymore to ask an armorer who the manufacturer was of the night sights for the Beretta handguns. Seymore went directly to an armorer instead of seeing him (Smith). Smith brought this to the attention of Runyon and explained to him that it disrupted armory activity by circumventing him (Smith). According to Smith, Runyon denied he instructed Seymore to approach an armorer and obtain that information. Smith recalled that on July 13th, he had a conversation with Seymore and stated, "I just want to let you know that Gary [Runyon] has hung you out to dry because he denied saying that he sent you to the armory." Seymore responded he did not want to get involved between Runyon and Smith.

⁶Runyon implemented a local policy that all NFU employees who parked their POVs in the NFU parking lot were required to leave keys with the NFU security office in the event their POV had to be moved. The parking lot is narrow and trucks making turns encounter problems entering and leaving the facility.

Smith stated he told Seymore that "all of this stuff has got to end because it was too disruptive with Lane and everything being [sic] in his office." Smith recalled Seymore stated he did not know anything about Runyon and Johnson. Smith stated, "If it walks like a duck, quacks like a duck, and looks like a duck, it must be a duck." Smith explained he subsequently learned that Seymore went to Johnson and told her about their conversation. Johnson went to Runyon, who ordered Seymore to submit a memorandum (**Exhibit 13**) about his conversation with Smith. Smith recalled he also learned that Johnson had submitted a memorandum (**Exhibit 14**) when Runyon proposed a thirty-(30) day suspension based upon his conversation with Seymore. Smith contended Runyon coerced Seymore to submit a memorandum and manipulated the wording in it. According to Smith, Seymore would corroborate this when asked.

Smith recalled Yentzer and Runyon served the disciplinary proposal and then Runyon left the office. According to Smith, Yentzer said it was obvious that he (Smith) and Runyon could not remain together at the NFU and asked Smith what it would take to resolve the dilemma. Smith suggested Runyon be detailed away from the NFU, but Yentzer refused. Smith claimed Yentzer said he was authorized to offer Smith a transfer from the NFU and also asked where he would like to go. Smith advised Yentzer that he would consider his transfer offer. Smith informed Yentzer that he filed an Equal Employment Opportunity (EEO) complaint against Runyon for age discrimination. Smith further advised Yentzer that Runyon was trying to force him to retire or remove him from the Service so he could put Johnson in an assistant director position.

Smith quoted Yentzer stating, "Well, think about the transfer." Smith claimed Yentzer conditioned the transfer on him (Smith) withdrawing his EEO complaint against Runyon and agreeing not to file future complaints. Smith advised Yentzer that his proffer was unacceptable and disclosed he also filed complaints to the OSC and OIG. Smith quoted Yentzer stating, "Well, if you filed criminal complaints, there [sic] certainly wouldn't be asked to withdraw those." Smith maintained his refusal to withdraw any of his complaints. Smith recalled he thought about Yentzer's offer over the weekend. Smith stated that on the following Monday, he sent Yentzer a cc mail (e-mail) message (**Exhibit 15**) and advised he would agree to retire under certain conditions. Smith recalled Yentzer returned the message (**Exhibit 16**) and indicated he had no authority to approve a transfer and his (Smith's) proposed retirement conditions were beyond his authority to approve.

Smith asserted that on July 14, 2000, Runyon again retaliated against him by reducing his (Smith's) access level to the NFU. According to Smith, Runyon deactivated his (Smith's) access card to the NFU. Smith generated correspondence (**Exhibit 17**) to both Runyon and Yentzer about the matter. Smith claimed that when he inquired why his access was reduced, Runyon stated it was done so he (Smith) could not enter the NFU after hours on weekends and steal government files. Smith attributed Runyon's retaliation to the parking lot incident.

Smith stated that the armorers are not authorized to carry firearms per the INS Firearms Policy, but Runyon authorized them to carry firearms in separate memoranda (**Exhibit 18**) he signed years ago (1994-1995) along with former Associate Commissioner (Office of Enforcement) G. H. Kleinknecht. According to Smith, the armorers "are very uncomfortable with the fact that they are not authorized legally to carry a gun, and they are very concerned about that." Smith further claimed he discussed

exploring "proper avenues" to obtain legal authorization for the armorers to carry firearms with Runyon, who refused to pursue them.

Smith was interviewed concerning an allegation that he had removed Runyon's personnel file from the NFU in August 2000. Prior to the interview, Smith was administered a "Warning and Assurances to Employee Required to Provide Information (**Exhibit 19**)," which he signed acknowledging his rights and responsibilities during the interview. Smith provided a taped sworn statement (**Exhibit 20**). Smith admitted he took Runyon's Time and Attendance (T&A) file on August 2, 2000 from a safe drawer located in Maureen Huelsman's office and returned it to the safe drawer on August 3, 2000. Smith explained he initially went to Huelsman's office to retrieve Cornett's file because he (Cornett) had asked him (Smith) to review it and then tell him how his absence from work (stress related) was reflected on his T&A record (sick leave, absent without leave, or leave without pay).

Smith recalled Huelsman was not at work that day. He entered her office to retrieve the file because he knew the safe drawers would be open. According to Smith, Huelsman closes the safe drawers, but she never locks them by turning the dial on the safe. Smith reviewed Cornett's file and noted that he was carried on sick leave. When Smith returned the file, he noticed Runyon's file and removed it from the safe drawer to review it. Smith claimed he wanted to determine if Runyon had falsified information on a Form SF-71 (Request for Leave or Approved Absence) that he submitted in July 2000 when he was away in Burlington, Vermont. Smith explained he removed Runyon's file from the safe drawer because he wanted to peruse it further in private. Smith took the file and returned to his office and reviewed it for about half an hour. According to Smith, when he went to Huelsman's office to return the file, the safe was locked. When Smith was told that someone had seen him exiting Huelsman's office on August 3rd, he conceded he probably returned the file on August 3rd and it was not on the same day that he removed it from Huelsman's office. Smith claimed he returned the file and placed it in the safe drawer and that it was not locked. Smith admitted he made a copy of Runyon's T&A record, but stated he later shredded it.

On August 15, 2000, Diaczenko was served a Notice to Appear (NTA) (**Exhibit 21**), instructing him to appear at the NFU for an interview. He was interviewed and he provided a taped sworn statement (**Exhibit 22**). He stated he entered on duty at the NFU in November 1994. He subsequently attended the Firearms Instructor Training Program (FITP) at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, and returned to the NFU in March or April 1994.

Diaczenko recalled Runyon inquired about his (Diaczenko's) machining abilities and he told Runyon that he could make anything. According to Diaczenko, he is a certified (federal and state) tool and die maker. He stated Runyon then asked him to make a sight for his (Runyon's) rifle, because Runyon was not able to purchase it on the open market. He recalled he modified the sight to be taller than the original sight. He recounted he made six (6) of the sights per Runyon's instructions and quoted Runyon stating, "We can justify this as a training exercise. You can show me your abilities on the machine and you can show me how to operate the machine." He stated he showed Runyon how to use the milling machine and various methods of cutting items on it. He recalled Runyon was satisfied with the results and he (Runyon) began bringing guns to the NFU for repair or service work on a regular basis. He stated Runyon also brought his wife's gun to the NFU to be serviced. He explained Runyon is a "black powder competitor" and competes in "cowboy action shooting." He recalled that

The majority of firearms Runyon brought to the NFU were black powder, Colt and Winchester. He counted that in January or February 2000, Runyon brought twelve (12) guns (lever action Henrys) to the NFU to be serviced. He stated Runyon owned some of the guns and the others belonged to Runyon's friends. When asked how he knew that information, Diaczenko stated Runyon told him.

Diaczenko related that Cornett got concerned about Runyon bringing his personal firearms to the NFU and having them serviced on government time. According to Diaczenko, Runyon somehow learned of the armorer's concern and threatened him (Diaczenko) about it. When asked to explain, Diaczenko quoted Runyon stating, "What the fuck are you up to? You want to play hardball? If you want to play hardball I can play fucking hardball. You saw what I did to Jake [John Jacobs] and Randy [Randy Hill] and I'll do the same thing to you." Diaczenko explained Runyon forced Hill to transfer away from the NFU and made Jacobs retire. He claimed Runyon assigned a multitude of tasks to them that he knew could not be accomplished in the time frame he set for completion. According to Diaczenko, when they failed to meet Runyon's deadline, he initiated disciplinary action against them until they gave up by either transfer or retirement. Diaczenko claimed Runyon often uses that tactic to intimidate NFU staff.

Diaczenko recalled Runyon approving Hill to send the National Pistol Team to Europe to compete in the nationals and the world cup competition. According to Diaczenko, INS Headquarters advised Runyon that the proper authorization had not been obtained to allow the team to travel to Europe. Diaczenko claimed Runyon denied any knowledge of the trip when asked by Headquarters and then proposed disciplinary action against Hill. Diaczenko quoted Hill stating, "That's it. I can't take it anymore. When he [Runyon] lies and he writes me up for disciplinary action for something that he approved, I can't take it anymore. I've got to go."

Diaczenko recounted Runyon conducted morning staff meetings at the NFU. He recalled a particular staff meeting wherein Jacobs disagreed with Runyon about something he (Runyon) wanted Jacobs to do. According to Diaczenko, Runyon lost his temper with Jacobs and started screaming at him. Diaczenko quoted Runyon stating, "If I tell you to fucking do something I mean to fucking do it. You're the assistant director. I'm the director. I'm the boss and you'll do as I say." Diaczenko described Runyon as "red in the face" and that he "hovered over John" when he screamed at him. When asked who else was at the meeting, Diaczenko identified Hill and Huelsman as the others in attendance along with himself and Runyon. When asked the date this happened, Diaczenko stated he did not know. Diaczenko stated "that was the beginning of the end for John." Diaczenko claimed Runyon took supervisory responsibilities away from Jacobs. Diaczenko recalled Runyon also treated Williams badly until he retired. According to Diaczenko, Runyon badgered Williams and assigned him a multitude of assignments that were impossible to complete. Diaczenko claimed Williams told him that he "could not take the badgering and the incessant taskings [sic]" and attributed it to Runyon. Diaczenko recalled he had numerous conversations with Williams and he would hang his head and state, "I just can't take this any more. I can't do it. He's [Runyon] just relentless and he won't let up."

"There's no way of making that man happy." Diaczenko claimed that four (4) GS-14 employees have left the NFU because of Runyon's management style.⁷

When asked to describe the working environment at the NFU, Diaczenko characterized it as "hostile." He elaborated that he experiences an "adrenaline dump" each time he drives to work, because he never knows what type of disciplinary action Runyon will try to take against him. He speculated that Healy, Smith, Michaud, Cornett, and Masters feel the same as he does about reporting to work at the NFU. According to Diaczenko, he felt helpless until he learned of OSC. Diaczenko opined Runyon would become "violent to the point of actually going postal," if he were to find out he was under investigation. Diaczenko described an occasion when Runyon stood in the doorway at his (Diaczenko's) office and "glared at me, not said a word, and just glared at me."

Diaczenko recalled Runyon instructed him not to speak to Jacobs, Hill and Smith, except if it related to NFU business matters. He also claimed Runyon removed armorers' tools (cleaning rods, screwdriver sets) from the NFU and took them to his residence. Diaczenko recalled Runyon asked him to come to his house to help lighten the trigger on a competitive firearm. According to Diaczenko, Runyon escorted him to the garage and he (Diaczenko) noticed NFU tools and equipment lying on a workbench. Diaczenko recounted that this happened in 1995 or 1996. Diaczenko claimed he mentioned the incident to Hill. Diaczenko quoted Hill stating, "I can't believe he's [Runyon] doing that. I just can't believe he's that bold." Diaczenko also claimed Runyon showed him ammunition in a closet that was stacked from the floor to the ceiling in his residence. When asked if the ammunition from the NFU, Diaczenko said he did not know because the ammunition was in steel cans.

Diaczenko claimed Runyon refused to sign receipt for ammunition he received. According to Diaczenko, when Runyon was asked to sign for the ammunition, he stated, "You sign for it." Diaczenko estimated Runyon took between 30,000 to 50,000 rounds of ammunition from the NFU without signing for it. Diaczenko recalled Runyon mostly took ammunition for .38 caliber, .22 caliber and .357 caliber firearms, because they were used for competition shooting. Diaczenko stated he helped put the ammunition in Runyon's POV. Diaczenko claimed that on May 29, 1997, Runyon refused to sign receiving an "action plus range bag."⁸ Diaczenko explained he ordered the bags for the armorers and Runyon also wanted one for himself. Diaczenko recounted that the armorers signed for their bags.

Diaczenko recalled that on December 9, 1999, Runyon requested a complete M-4 upper receiver with bolt and bolt carrier.⁹ He thought it was a strange request, but he complied and retrieved an older one from the armory, cleaned it, and gave it to Runyon. Diaczenko quoted Runyon stating, "What's this? I want a new one. I don't like this shit. I want a new one." Diaczenko recalled he went to the armory and got a new receiver from WANG contract worker Angel Butterbaugh, who is the parts room specialist. According to Diaczenko, he instructed Butterbaugh to document that the M-4 upper

⁷ The four (4) General Schedule (GS)-14 employees Diaczenko referenced are: Kent Williams, John Jacobs, Randy Hill and Doug Calvert, who was a GS-14 Supervisory Special Agent at Headquarters in Washington, D.C. until he retired and subsequently was hired at the NFU by Runyon.

⁸ The "action plus range bag" is black ballistic nylon and approximately 24 inches long, 12 inches wide, and 8-10 inches high. It is used to carry equipment associated with firearms (i.e. eye protection, ear protection, ammunition, firearm etc.).

⁹ The M-4 upper receiver is a barrel (14 inches) for the M-4 automatic firearm.

Receiver was being given to Runyon. Diaczenko claimed Butterbaugh would corroborate it when asked. Diaczenko recalled Runyon also did not sign for it either.

Diaczenko recalled that in December 1995, Runyon stored his red Chevrolet Corvette in a garage at the NFU and estimated it was six (6) months or longer. According to Diaczenko, it was common knowledge at the NFU. Diaczenko recounted that everybody at the NFU was careful not to scratch it. When asked if he had any knowledge of Runyon selling government ammunition to civilian gun owners, Diaczenko said no.

Diaczenko corroborated that Runyon instructed him to perform maintenance work on an antique sewing machine that belonged to Severn sometime in February 2000. He also corroborated Smith was present when Runyon issued the instructions to do the maintenance work on it. He recounted he took the sewing machine to the armory and stated, "Regardless if you guys take note or whether you like it or not I'm instructed to bring it back to you. You're witnesses. Take note of this." He estimated that after five (5) or ten (10) minutes, Runyon and Smith appeared at his office. He quoted Runyon stating, "What the fuck are you doing? I thought this shit was over. The sewing machine is owned by Karen. She's leaving. This is a going-away gift. Do you want to continue fucking around?" Diaczenko stated, "No, I'll take care of it." He recalled he gave the sewing machine to Armorer Steve Nastoff, who worked on it for three (3) or four (4) hours. Diaczenko estimated he worked on the sewing machine three (3) hours. According to Diaczenko, he measured it, put it on the milling machine, milled the sides off and contoured it. He then polished it, wiped off the excess oil and gave it back to Runyon.

Diaczenko corroborated that in February or March 2000, Runyon instructed that three (3) lever action rifles be removed from the NFU historical/reference vault and dismantled for parts. Further, the parts from the rifles were to be given directly to him. He recounted Runyon instructed Seymore to remove the rifles from the vault and then bring them to him (Runyon.) He recalled Runyon then gave the rifles to him (Diaczenko) and he gave them to Cornett with specific instructions to dismantle them and to give the parts to Runyon. Diaczenko stated Runyon is a Winchester collector and assumed he took the parts to build a gun or for spare parts for other guns in his collection.

Diaczenko corroborated that on April 17, 2000, Runyon questioned him about whether or not he made statements that he (Runyon) and Johnson were having an affair. According to Diaczenko, Runyon questioned him in the presence of Smith, Huelsman and Johnson. Diaczenko recalled that on April 28th, Runyon later placed him under oath and took a statement from him. The others were not present when Runyon took the sworn statement from him. Diaczenko claimed he stated he only repeated statements that other employees and detail personnel made about them being involved in an affair. He recalled Runyon assured him that nothing would happen to him for giving the statement. He claimed Runyon said he needed the statement because "Dave was the problem." Diaczenko recounted Runyon then questioned Masters and Nastoff about the same subject. Diaczenko claimed he was present when Runyon questioned them. According to Diaczenko, Runyon coerced both Masters and Nastoff to write memorandums concerning statements Smith made about them (Runyon and Johnson) being involved in an affair. Diaczenko corroborated he told Smith that Runyon had questioned him, Masters and Nastoff. When asked why, Diaczenko said because Smith was his supervisor. Diaczenko subsequently received a memorandum that proposed an official reprimand for

Disrespectful conduct for engaging in conversations with a co-worker speculating that Runyon was having an affair with a female subordinate at the NFU.

Diaczenko corroborated Runyon and his wife regularly use the exercise room at the NFU. According to Diaczenko, Runyon and his wife exercise in the early morning (5:30 a.m. - 6:00 a.m.). Diaczenko recalled he used the exercise room when they were exercising, but they made him feel uncomfortable and unwelcome. Consequently, he stopped using the exercise room.

Diaczenko corroborated Runyon stated that Smith would never again be the acting director at the NFU and he (Smith) would be removed as an assistant director at the NFU. He recalled Runyon made the statements in April 2000, just after Smith reported to Severn that Runyon and Johnson were involved in a relationship. Diaczenko stated he was alone with Runyon when he made those statements about Smith.

Diaczenko corroborated that in January 2000, Runyon transported his wife in a government vehicle from Altoona to the Pittsburgh International Airport for a business trip to attend a "Shot Show" in Las Vegas, Nevada. Diaczenko corroborated Runyon purchased a Winchester rifle in Las Vegas and used a government funded FED-EX label to mail it back to the NFU. He corroborated Michaud and Masters also were present when Runyon used the FED-EX label to mail it back to the NFU.

When asked if he had any knowledge of Runyon threatening a local gunsmith shop that he would take the NFU business elsewhere unless they sold him an antique firearm he wanted, Diaczenko claimed he only heard second hand information about it. Diaczenko recalled Healy inherited antique firearms from her uncle and subsequently put them in Nielsen's and Popish's gun shop on consignment. Diaczenko claimed he had no knowledge of Runyon actually visiting the shop and threatening to take the NFU business elsewhere if they did not sell him an antique firearm he wanted.

When asked if he had any knowledge of Runyon instructing Seymore not to log a safe on the NFU inventory because he wanted to keep it for himself, Diaczenko stated he only heard second hand information about it. Diaczenko explained he found it strange that Runyon ordered a bigger safe than the other safes ordered.

Diaczenko corroborated that he cautioned Smith about Runyon's treatment of past assistant directors when Smith initially arrived at the NFU. He further advised Smith that Runyon took things personally and to be careful about how he conducted business at the NFU. Diaczenko stated, "Believe me, I've been here for quite sometime. Don't aggravate him [Runyon] or his wrath will come down on top." Diaczenko recalled Smith later came to him and said he "agreed."

When asked if Runyon had ever taken action against him (Diaczenko) that was retaliatory, Diaczenko responded yes. When asked to explain, Diaczenko recalled Masters lost his INS credentials when he was horseback riding, but he reported it to Diaczenko on the following morning when he came to work. Diaczenko recounted he instructed Masters to report it to Johnson and to Huelsman so they could initiate whatever action they needed to do. He then instructed Masters to write a memorandum about the matter and it would be submitted to Runyon.

Diaczenko recalled that at about 2:00 p.m., Runyon approached him and stated, "How come you don't tell me about his (Masters') lost credentials?" Diaczenko explained to Runyon that Masters was preparing a memorandum and he was going to submit it to him. According to Diaczenko, Runyon was not satisfied with a memorandum and was upset that Diaczenko had not reported it personally to him. Diaczenko stated Runyon subsequently gave him an oral reprimand for not informing him in a timely manner. Diaczenko claimed Runyon has treated him in a disrespectful manner ever since that incident and also because he repeated comments made by others about Runyon and Johnson being involved in a relationship. Diaczenko claimed Runyon retaliates against him by denying training for his armory staff. Diaczenko characterized Runyon as a micro-manager.

Diaczenko denied he had knowledge of Runyon selling government ammunition to privately owned businesses. When asked if he ever carried a Service firearm on duty or off duty, Diaczenko said yes. He explained he is always armed on duty with a Beretta .40 caliber handgun. He also claimed he was armed off duty on a few occasions, as directed by Runyon. According to Diaczenko, he has taken a shotgun, an M-4 (automatic), and a Beretta .40 caliber handgun home with him over the Christmas holidays and New Year's eve. Diaczenko explained that the NFU had received threats on the facility and he received instructions from Runyon to carry the firearms home in the event it became necessary to respond to the facility to defend it against hostile attack. Diaczenko claimed he and the other armorers have voiced concerns to Runyon about carrying firearms because the INS firearms policy only authorizes them to possess and not to carry them. Diaczenko recalled asking Runyon what would happen if they were to get involved in a deadly force confrontation and he responded, "I'll protect you. You're covered because I told you." He recounted Runyon also referenced the memorandum he generated with Kleinknecht in 1994-1995 that authorized the armorers to carry firearms.

Diaczenko corroborated Runyon used his motor home to make a trip on May 22-26, 2000, to Springfield, Massachusetts, on government business and also visited his son. Diaczenko stated Runyon exceeded the amount of time it would have taken to complete the government business. According to Diaczenko, Runyon only needed two (2) to three (3) hours to do everything, but he was gone from a Thursday to the following Wednesday. Diaczenko recalled Runyon went to Germany on a trip (August 2000) that he initially said that no one from the NFU would make. He explained that the Heckler and Koch (H&K) compact pistol was selected for Service use. H&K invited a representative from the NFU to view the factory and to see the production line. Diaczenko quoted Runyon stating, "No, there's not [sic] need to go up there. That couldn't be justified." Diaczenko stated he later learned that Runyon made the trip to Germany to witness H&K conduct a "first-article test" on the firearm. According to Diaczenko, the NFU has never accepted a "first-article test" from a vendor. Diaczenko stated, "That's like the fox guarding the chicken house."

Diaczenko corroborated that Runyon generated a memorandum dated June 13, 2000 that designated Johnson as an acting assistant director effective June 18th at the NFU. Diaczenko contended Runyon pre-selected Johnson for that position. He claimed Runyon has known Johnson for over five (5) years. He related Johnson first came to the NFU as a EDS contract employee to develop a firearms inventory program. He also claimed Johnson was an INS employee (GS-14) prior to her employment with EDS. According to Diaczenko, Runyon's wife was not with him then and he socialized with Johnson in the evenings. He recalled Runyon stated that Johnson would be perfect for a new

position that he was trying to create at the NFU. Diaczenko advised he discovered a memorandum (**Exhibit 23**) on the shared drive in the computer that Runyon prepared for Yentzer to Director of Human Resources Robert Sherman. He explained that the memorandum requested approval of appointment above the minimum rate based on superior qualifications and prior salary for Johnson.

Diaczenko recalled Runyon sent a memorandum (**Exhibit 24**) and requested medical documentation from him (Diaczenko) concerning his medical stress leave. Diaczenko stated he contacted Employee Assistance Manager David Mastin in California and inquired about Runyon's request. According to Diaczenko, Mastin advised him that he only was required to provide Runyon a statement from a physician, but no personal specific medical history. Diaczenko stated he advised Runyon of what Mastin had told him. Diaczenko recounted Runyon generated a second memorandum (**Exhibit 25**) dated July 18th and requested the same medical information. Diaczenko further recalled the memorandum read, "[A]nd if you fail to provide me the requested documentation sick leave used during that period will be changed to absent without leave."

Diaczenko contacted Labor Relations Specialist Lawrence Powers, Eastern Regional Office, Burlington, Vermont, and explained the matter to him. According to Diaczenko, he requested Powers intercede and advise Runyon that he would not authorize the release of his medical information to him. Diaczenko recalled Powers advised that INS has the power to request that information if there is reason to believe abuse of leave was occurring. Diaczenko advised Powers that there was no reason to suspect abuse of leave. Moreover, he also gave Runyon a physician's note that indicated he was under his (physician's) care, but he (Diaczenko) could return to work with no limitations. He advised Powers that Runyon still continued to harass him for additional medical information. Diaczenko claimed Powers agreed to intercede on his behalf. Diaczenko estimated that within an hour after his conversation with Powers, Runyon summoned him to his office and told him to disregard the memorandum. Diaczenko requested written confirmation from Runyon that he was to disregard the memorandum and quoted Runyon retorting, "My verbal is fine."

On August 15, 2000, Supply Management Specialist Ronald J. Beegle was served a NTA (**Exhibit 26**), instructing him to appear at the NFU for an interview. He was interviewed and he provided a taped sworn statement (**Exhibit 27**). Beegle explained he started with INS in the last week of March 2000 and the NFU is his first duty assignment. Beegle stated he was a contracting officer for fifteen (15) years with the Department of Defense (DOD) prior to INS.

When asked if he had any knowledge of retaliation, fraud, misuse or abuse of government property and/or personnel, or the misuse of a government vehicle, Beegle recalled Runyon sent him a "nasty" cc mail message because a task had not been accomplished on time. Beegle quoted the offensive language as, "How did you let this happen? I demand that you and I direct you to tell me about this situation." According to Beegle, he had never received those types of commands in his entire working career. Beegle claimed Runyon retaliated against him by assigning a new employee that he had previously promised to give Beegle, to Johnson. Beegle characterized Runyon as irrational and that he makes decisions before he has all the facts. Beegle stated he welcomed the conflict between Runyon and Smith because it deflected attention away from him. Beegle advised Runyon has since hired him four (4) additional employees.

Beegle recalled he wrote new standard operating procedures pertaining to the operation in the shipping / receiving department and the inventory department. Beegle advised he questioned some of the existing procedures, which made Runyon nervous. Beegle recounted he took an assertive approach, which resulted in complaints about him from the WANG contract employees. Beegle claimed Runyon admonished him about upsetting NFU employees. Beegle quoted Runyon stating, "I did not hire you to do this. You are not doing as instructed and we may have to look for another employee. If you want to keep working here you don't do that any more. I dictate what goes on here. You may offer up something, but I have the final say. Don't ever forget that." Beegle stated he "bent over backward to be very cautious and nice to his [Runyon's] contract people." Beegle recalled Runyon subsequently commended him for doing a good job. When asked if he noted any egregious Federal Acquisition Regulations (FAR) violations at the NFU, Beegle said no. However, Beegle stated he observed that contract employees at the NFU are used as personal services contractors,¹⁰ which is rarely used in government. Beegle stated he identified eleven- (11) summary of facts concerning the WANG contract and forwarded them to Regional Contracting Officer Paul Shannon, who concurred with Beegle's concerns about the WANG contract. He enumerated seven (7) through ten (10) that he felt were problems with the contract (**Exhibit 28**). Beegle stated it was his observation that Runyon is too friendly with the WANG contract personnel. According to Beegle, Runyon considers the contract personnel as the true work force at the NFU and not the INS employees. Beegle claimed he has heard Runyon state that the NFU would close without the contractor personnel. Beegle stated Runyon uses the WANG contract personnel to gather information about the INS employees and then report it to him. Beegle characterized the WANG contract employees as "informants" for Runyon. Beegle stated Runyon and Johnson appear to be very close." According to Beegle, they go out to lunch often and she spends an inordinate amount of time in Runyon's office. Beegle stated that no other NFU employee (INS or contract) is afforded the same amount of time or access to Runyon as Johnson. Beegle stated it was his observation that Johnson is probably the only NFU employee who can disagree with Runyon and not fear retaliation from him.

Beegle corroborated Runyon and his wife use the NFU exercise room every morning between 5:30 a.m. - 6:30 a.m. Beegle recalled various NFU staff told him that the exercise room was not for employees, but for Runyon and his wife. Beegle stated he is unable to use it after his duty hours (4:30 p.m.) because Runyon closes the NFU facility at 4:30 p.m. and he (Beegle) prefers not to report to work early to use it either. Beegle advised he has no knowledge of Runyon instructing NFU staff to work on non-government firearms during government duty hours. Beegle stated he has only heard rumors about it from Diaczenko. When asked to describe the working environment at the NFU, Beegle described it as "the worst place I've ever worked in my life, all right?" However, Beegle amended his assertion and stated things were better at the NFU since this investigation started. According to Beegle, Runyon is "playing a role" since the investigation started and characterized his personality as "Jekyll and Hyde." Beegle concluded by stating that the NFU is not a good place to work for INS employees, but it is a wonderful place to work for contract employees.

¹⁰ Beegle defined a personal services contract as when an individual works essentially in the capacity of a personal assistant to his supervisor. Beegle explained these contracts are usually found in the State Department and the White House. More specifically, the employee's every task is assigned to them by the immediate supervisor. In contrast, the WANG employees should be under a service contract wherein a specific task(s) are described in a Statement of Work (SOW). Beegle cited 5 U.S.C. 3109 as the regulating authority for a personal services contract.

On August 16, 2000, Supply Technician (Inventory) Jody F. Seymore was served a NTA (**Exhibit 29**), instructing him to appear at the NFU for an interview. He was interviewed and he provided a taped sworn statement (**Exhibit 30**). Seymore explained he began with INS as a WANG contract employee in January 1999 and converted to a full time INS employee in March 2000. Seymore denied Runyon has ever instructed him to work on non-government firearms, but he has seen firearms from the Altoona Police Department in the NFU armory. When asked how he knew the firearms were from the Altoona Police Department, Seymore said Cornett told him and that INS does not use Cougar Beretta handguns. Seymore estimated that it was about six (6) months ago when this happened.

When asked if Runyon ever instructed him to retrieve lever action rifles from the reference vault, Seymore said yes. Seymore was unable to recall the date when he retrieved the rifles from the vault, but it was as recent as two (2) months ago. Seymore recalled Runyon summoned him to his office and instructed him to get the rifles from the vault and then bring them to him, which he did. Runyon then instructed him to take the rifles to the armory and have them disassembled. Seymore claimed he does not know what happened with the parts. When asked if anyone else was present when Runyon gave him those instructions, Seymore said no. Seymore denied Runyon has ever instructed him not to speak to any NFU assistant director. Seymore denied he has any knowledge of Runyon selling government ammunition to civilian gun owners. Seymore denied he has any knowledge of Runyon parking his personally owned Corvette in an NFU garage. ~~Seymore denied Runyon refused to sign for ammunition.~~

When asked to describe the NFU working environment, Seymore described it as "very good, very friendly" until Runyon and Smith began experiencing problems with each other. According to Seymore, Runyon and Smith do not talk to each other. Seymore denied Runyon has ever retaliated against him. Seymore denied he has any knowledge of Runyon taking parts from NFU firearms for his personal use. Seymore claimed he does not use the NFU exercise room because the time frame it is available is not convenient for him. Seymore denied he heard Runyon make a statement that Johnson would be the next assistant director at the NFU. Seymore denied Runyon instructed him to not enter a safe on the NFU inventory because he wanted to take it home for his personal use. Seymore then recanted this statement and admitted Runyon asked if it were possible to not enter the safe on the inventory and Seymore advised him no. According to Seymore, Runyon never pursued the matter again. Seymore denied he has knowledge of any NFU employee misusing a government vehicle. Seymore denied Runyon coerced him to write a memorandum dated July 13, 2000 concerning a conversation he had with Smith about Runyon and Johnson (**Exhibit 31**). Seymore further denied Runyon manipulated the wording or coached him on what to write in the memorandum. Seymore acknowledged he loaded ammunition containers onto Schmittel's pick-up truck in either March or April 2000 per Runyon's instruction. Seymore estimated he loaded about twelve (12) containers onto the pick-up truck. Seymore claimed that no one else assisted him in the loading of the ammunition containers. Seymore denied he has ever carried a firearm or been issued one since he has been employed at the NFU.

On August 15, 2000, Computer Specialist Michael S. Pallo was served a NTA (**Exhibit 32**), instructing him to appear at the NFU on August 16th for an interview. He was interviewed and he provided a taped sworn statement (**Exhibit 33**). Pallo explained he began his career with INS at the

NFU when it activated in July 1995. Pallo stated he has never been instructed to work on non-government firearms, but he has seen NFU armorers repairing local police department's firearms. When asked how he had occasion to observe this, Pallo explained that the armorers all have computer terminals at their workstations. Periodically, the armorers experience problems with them and call him to correct their problems. According to Pallo, he once asked an armorer whose firearm he was working on and was told it was from a local police department. Pallo estimated he observed this many times (20). Pallo claimed that some of the armorers expressed concern about repairing or working on police department firearms because of possible liability issues.

Pallo stated Armorers Bob Denbleyker and Bob Masters said they had worked on Runyon's personally owned firearms. Pallo further stated that an armorer told him that he worked on a sewing machine in the NFU armory and he was upset about it. Pallo was unable to recall the name of the armorer who told him that information. Pallo corroborated Runyon instructed him not to speak to former Assistant Director John Jacobs and he did not question Runyon as to why. When asked to describe the NFU working environment, Pallo described it as "stressful." When asked why, Pallo said it was because everyone is afraid that whatever they say will be reported back to Runyon and then will face retaliation from him. According to Pallo, Runyon once ordered that NFU staff were not to discuss NFU business with each other. Pallo claimed Runyon gave a speech to NFU staff sometime between 1996-1998 in the lunchroom and told everyone that he brought them from nowhere and gave them all jobs. Runyon further said that they should be grateful to him and he did not appreciate NFU staff talking about NFU business with each other and there would be no more such conversations or face disciplinary action. Pallo identified Marsha Healy, Alan Cornett, Bob Masters, Andy Hill and Bob Denbleyker being present at the meeting. Pallo recounted another occasion in 1998 when he stepped out to get some fresh air and a contract employee (Carol Galluccio) asked him what was wrong. Pallo responded, "I'm just having a bad day. I think Gary's [Runyon] is trying to fire me." Pallo recalled Runyon called him to his office and threatened to fire him if he ever made that type of statement again. When asked if he ever confronted Galluccio why she told Runyon what he had said, Pallo said no, but he never trusted her again. When asked how he knew Galluccio was the person who informed Runyon, Pallo explained she was the only person who he said it to or that heard his statement.

Pallo asserted Runyon issued a letter (**Exhibit 34**) to him that required working twelve (12) hours a day, seven days a week, until a firearms inventory was completed. Runyon also required Pallo sign it. Pallo claimed that the letter was a result of a mistake he made recording firearms serial numbers. Pallo explained he has double vision from multiple sclerosis and Runyon was aware of his condition when he hired him. When asked if he received compensation for working twelve (12) hour days, Pallo said yes. Pallo disclosed he filed an EEO complaint against Runyon that has since been settled but he was prohibited from disclosing specifics about it.

Pallo denied he has any knowledge of Runyon selling government ammunition to civilian gun owners. Pallo corroborated that Runyon parked his personally owned red Corvette in a NFU garage and estimated it was there a year. Pallo stated he was issued a firearm at the NFU and he carried it at work for about two (2) years. Pallo claimed he never took it home and locked it in a safe before he left work. Pallo stated Runyon projects the attitude that the exercise room is exclusively for him and it not for NFU employees to use. When asked if Runyon explicitly instructed NFU staff to stay out of

the exercise room, Pallo said no, but NFU staff perceives they must stay out because it is Runyon's exercise room.

Pallo stated it is his observation that Runyon gives contract employees preferential treatment because he is more friendly with them than with INS employees. According to Pallo, contract workers often administer orders to INS employees because they are "tight" with Runyon. Pallo recalled that contract employees had no authority over DOD employees when he was employed there.

Pallo stated Runyon and Johnson are friendly with each other and she spends a lot of time in his office and they are "chummy-chummy." When asked to explain, Pallo described Runyon and Johnson "joking around" and "carrying on" like good friends instead of professionals. Pallo claimed Johnson received preferential treatment because she was hired at a GS-13, step 10 and assigned seven (7) people under her supervision. According to Pallo, he was doing the same job alone before Johnson arrived at the NFU and he is not a GS-13.

On August 15, 2000, Training Specialist (Armorer) Larry A. Leutenegger was served a NTA (Exhibit 35), instructing him to appear at the NFU on August 16th for an interview. He was interviewed and he provided a taped sworn statement (Exhibit 36). Leutenegger stated he entered on duty with INS on January 18, 2000 and has worked only at the NFU. Leutenegger explained his duties at the NFU included ballistics, ammunition tests and various armory work on firearms. When asked if Runyon ever instructed him to work on non-government firearms during official duty hours, Leutenegger said no. He further explained he made parts (hinges) for a sewing machine in January or February 2000. The sewing machine was brought into the NFU armory, per Runyon's instructions. Leutenegger estimated he worked on the sewing machine an hour and personally delivered the hinges to Runyon. When asked if he knew who the owner of the sewing machine was, Leutenegger said no. Leutenegger denied he has worked on personally owned firearms such as hunting shotguns or rifles. When asked to describe the working environment at the NFU, Leutenegger described it as "stressful." Leutenegger denied Runyon or anyone else instructed him not to speak to a particular assistant director at the NFU. Leutenegger denied he has any knowledge of anyone at the NFU selling government ammunition to civilian gun owners. Leutenegger denied he has heard Runyon state that Smith would never be an acting director at the NFU.

On August 15, 2000, Training Specialist (Armorer) Robert C. Masters was served a NTA (Exhibit 37), instructing him to appear at the NFU on August 16th for an interview. He was interviewed and he provided a taped sworn statement (Exhibit 38). Masters stated he began with the INS on January 10, 1993. He attended FLETC and returned to the NFU in May 1994. According to Masters, he has been at the NFU for six (6) years. Masters asserted he has performed work on both non-government firearms and people's personally owned firearms at the NFU on official government time. Masters claimed that the firearms came from the Altoona Police Department, the local township, Pennsylvania Game Commission and personally owned hunting rifles and handguns from various people. Masters recalled he received instructions to work on these firearms from either Diaczenko or Runyon. Masters recalled he has performed work on Runyon's personally owned firearms. When asked how he knew the firearms were Runyon's personally owned firearms, Masters quoted Runyon stating, "This is, you know, this is mine. Could you please put this [sight] on or do this for me?" When asked

How much time he spent working on non-government firearms, Masters stated that it varied from five to ten minutes to several hours, depending on the complexity of the task.

Masters corroborated that Runyon instructed Armorer Steve Nastoff to perform maintenance work on a sewing machine at the NFU on official government time. When asked how he knew it was Nastoff, Masters stated he asked Nastoff where the sewing machine had come from and he quoted Nastoff stating, "Gary [Runyon] brought it in to get it cleaned and to give to Karen [Severn]." Masters estimated Nastoff spent several hours working on the sewing machine. Masters denied he has ever disassembled lever action rifles and then given the parts to Runyon. However, Masters claimed he has observed other armorers disassembling them, but he was unable to recall the specific armorer.

When asked to describe the working environment at the NFU, Masters described it as "a very bad place to work." Masters claimed that it was not a violent work environment, but "you feel like you're walking on eggshells." According to Masters, NFU staff are hesitant to express opinions because of fear of retaliation from management. Masters stated that former Assistant Directors John Jacobs and Kent Williams retired because of the working environment at the NFU. When asked how he knew that information, Masters stated they told him so. Masters further stated Hill left the NFU because "he could not handle being scrutinized and lied to or forced to take the fall for another individual [Runyon]."¹¹ Masters stated he did not fear for his personal safety at the NFU, but he feared for his job security. Masters denied Runyon has taken any type of retaliatory action against him.

When asked if he recalled a meeting at the NFU in 1995 or 1996 wherein Runyon directed staff that they were not to talk about NFU business with other NFU staff or outside entities, Masters said he could not recall. But Masters recounted a time when Diaczenko instructed him not to contact FLETC and communicate with Tim Fisher. Masters stated he never asked Diaczenko for a reason, but he complied. Masters stated Runyon once instructed NFU staff not to communicate with Jacobs because he wanted Jacobs out of the NFU. Masters corroborated Runyon parked his personally owned red Corvette in a garage at the NFU for several months sometime in 1995. Masters claimed Hill also could corroborate it. Masters denied he has any knowledge of Runyon or any NFU staff selling government ammunition to civilian gun owners. Masters corroborated that Seymore loaded ammunition containers onto Schmittle's pick-up truck at the NFU.

Masters stated he has taken firearms home per Runyon's instructions. When asked what types, Masters described a Beretta .40 caliber handgun and a M-4 A-1 Colt rifle. When asked if he was authorized to carry a firearm, Masters claimed Runyon authorized the NFU armorers to carry firearms in a memorandum.¹² Masters explained he was still concerned about the legal liability of carrying a firearm because he is not a law enforcement officer. Masters recalled on the eve of the 2000 New Year, Runyon appointed Diaczenko to take various NFU firearms home in a government vehicle in the event it became necessary to respond to the NFU against hostile attack. According to Masters, Runyon had devised a plan wherein NFU armorers would respond to the NFU and detain any intruder(s) until appropriate law enforcement personnel arrived and assumed control.

¹¹ Masters corroborated Hill's rendition of the matter with the INS National Pistol Team going to Germany. See "Exhibit 18."

Masters corroborated Runyon questioned him on April 28, 2000 concerning comments made by Smith about him (Runyon) and Johnson. Masters corroborated Diaczenko also was present. According to Masters, Runyon asked him if Smith made a statement that he and Johnson were having an affair. Masters explained Smith was at his (Masters') house when he made the statement. Masters recounted Runyon asked him to submit a memorandum about the matter to him, which he did. When asked if Runyon ordered him to write the memorandum, Masters said no, but he did because he did not want "a miserable life at work." When asked what he thought about Smith's statement, Masters stated Runyon and Johnson have known each other for a long time and were good friends before Johnson was hired to work at the NFU. According to Masters, Runyon and Johnson have lunch together and she spends a lot of time in his office, but he does not know if they are having an affair. When asked if he has observed behavior between them that was inappropriate, Masters said no. Masters corroborated Runyon and his wife regularly uses the NFU exercise room. Masters denied he heard Runyon state that Smith would never be that acting director at the NFU. However, Masters claimed Runyon designated Diaczenko (who is subordinate to Smith) as the acting NFU director instead of Smith in August 2000. Masters acknowledged he attended a shot show in Las Vegas with Runyon in January 2000. When asked if Runyon purchased a rifle while in Las Vegas, Masters said yes. When asked how Runyon got the rifle back to the NFU, Masters recalled Runyon sent it via FED EX, but he did not know if Runyon used a government funded FED EX label when he sent the rifle to the NFU. Masters corroborated Runyon's wife rode in a government vehicle with them from Altoona, Pennsylvania to the Pittsburgh International Airport when they went to Las Vegas in January 2000.

Masters recalled an incident wherein Runyon invited him to "Chi-Chi's" restaurant for happy hour along with other NFU employees. Masters declined the invitation and quoted Runyon stating, "Yeah, you're just pussy-whipped." Masters stated he was offended by Runyon's statement. According to Masters, he told Runyon, "No, I have a life other than the National Firearms Unit." Masters stated that no one else heard Runyon make the offensive statement to him.

On August 15, 2000, Training Specialist (Armorer) Jeffrey T. Browder was served a NTA (Exhibit 39), instructing him to appear at the NFU on August 16th for an interview. He was interviewed and he provided a taped sworn statement (Exhibit 40). Browder stated he began with the INS on February 1, 2000 and he has been at the NFU for about six (6) months. Browder explained his duties at the NFU include gunsmithing and machinist work. Browder stated he performed work on a Pennsylvania State Policeman's Service handgun, but nothing else since he has been at the NFU. When asked to describe the working environment at the NFU, Browder stated he has heard other NFU staff complain, but he has no complaint.

When asked if he feared for his safety at the NFU, Browder said no. Browder denied Runyon prohibited him from speaking with any assistant director at the NFU. Browder denied knowledge of NFU staff selling government ammunition to civilian gun owners. Browder denied Runyon instructed him to take firearms home in the event it was necessary to respond to the NFU to defend it against hostile attack. Browder denied he carries a firearm at work or takes one home. When asked if anyone at the NFU has taken retaliatory action against him, Browder said no. However, Browder stated Smith advised in a staff meeting that he was the recipient of retaliation from Runyon because of comments he (Smith) made about Runyon and Johnson.

Browder denied knowledge that Runyon took government firearms or parts from firearms home. Browder recalled Cornett once dismantled Winchester rifles for Runyon, but he does not know what was done with the parts after Cornett completed the task. Browder stated he does not use the NFU exercise room because he comes to work and not to exercise. Browder further stated that no one advised him that he could use the exercise room either. When asked if he had any other information he thought was relevant to the investigation, Browder stated that the conflict between Runyon and Smith is not good for staff morale and it should have never filtered down to line staff.

On August 15, 2000, Training Specialist (Armorer) Robert P. Denbleyker Jr., was served a NTA (Exhibit 41), instructing him to appear at the NFU on August 17th for an interview. He was interviewed and he provided a taped sworn statement (Exhibit 42). Denbleyker explained he began with INS in 1995 and his entire career with INS has been at the NFU. Denbleyker described his duties as an armorer and a machinist. According to Denbleyker, he is a certified machinist. Denbleyker acknowledged he has worked on local police department's firearms on official government time and he also has worked on Runyon's personally owned black powder firearms. According to Denbleyker, he also has performed work on Diaczenko's, Carl Michaud's, Hill's and Jacobs' firearms that they use in competition. Denbleyker explained he had no problem with that because they were sharpening their skills as shooters and he felt it was INS related. Denbleyker corroborated Nastoff performed maintenance work on a sewing machine that was brought in to the NFU armory. Denbleyker recalled he saw the sewing machine in Nastoff's cleaning tank and thought Nastoff went above and beyond what Runyon wanted Nastoff to do. Denbleyker denied he ever dismantled lever action rifles and then gave the parts to Runyon.

When asked to describe the working environment at the NFU, Denbleyker described it as "stressful." Denbleyker attributed some of the stress to Diaczenko. Denbleyker explained Diaczenko often uses Runyon's name to get things done he wants rather than Runyon. According to Denbleyker, the armorers don't trust Diaczenko. Denbleyker advised that the stressful conditions are a result of both management and the NFU's mission. Denbleyker recalled Runyon ordered (through Diaczenko) that he (Denbleyker) was to use physical force to remove Jacobs from the NFU if he returned to the NFU from annual leave. According to Denbleyker, Jacobs and Runyon experienced problems at the NFU before Jacobs retired. Denbleyker stated he never had to confront Jacobs because he never attempted to enter the NFU while he was on annual leave.

Denbleyker stated he does not fear for his safety at the NFU. Denbleyker stated he carries a firearm at work and it makes him feel secure. Denbleyker denied Runyon instructed him from communicating with an assistant director at the NFU. Denbleyker denied knowledge of any NFU staff selling government ammunition to civilian gun owners. Denbleyker corroborated Runyon parked his personally owned red Corvette in a garage at the NFU for at least two (2) months. Denbleyker corroborated Priel and Hale loaded ammunition containers onto Schmittle's pick-up truck at the NFU. Denbleyker estimated they loaded between thirty (30) to forty (40) containers.

Denbleyker corroborated he has taken firearms home per Runyon's instructions. Denbleyker corroborated that he expressed concern about carrying firearms despite Runyon's memorandum that authorized the armorers to carry them. Denbleyker corroborated Runyon told NFU staff in a meeting 1995 or 1996 that they should all be grateful to him because he hired them to work at the NFU.

Denbleyker recalled it was apparent that Runyon had lost his temper, but he did not use profanity. Denbleyker characterized Runyon's behavior as "raged." Denbleyker corroborated Runyon and his wife use the NFU exercise room in the early morning hours. Denbleyker denied he heard Runyon state that Smith would never be the acting director at the NFU. When asked if he had any knowledge of Runyon allowing civilians to shoot automatic firearms at the NFU firearm ranges, Denbleyker said yes. According to Denbleyker, Runyon authorized contractors to shoot those firearms at the outdoor range. Denbleyker stated that it was called a "fun shoot" and it was in 1998.

On August 15, 2000, Training Specialist (Armorer) Stephen A. Nastoff was served a NTA (Exhibit 43), instructing him to appear at the NFU on August 17th for an interview. He was interviewed and he provided a taped sworn statement (Exhibit 44). Nastoff explained he started with INS on January 18, 2000 and the NFU has been his only duty assignment with INS. Nastoff stated Diaczenko gave him a retired FBI agent's firearm and told him to retrofit a barrel and then clean it. Nastoff recalled that the FBI agent's name is Robert Talbert. Nastoff estimated he worked on the firearm for about eight (8) hours. Nastoff confirmed he performed maintenance work on a sewing machine that was given to him by Diaczenko in February 2000. When asked what instructions he received from Diaczenko, Nastoff quoted Diaczenko stating, "clean it up." Nastoff described cleaning it in a washer tank. Nastoff claimed he did not disassemble the sewing machine. Nastoff estimated he spent an hour cleaning it. According to Nastoff, he never learned the identity of the owner of the sewing machine, but he saw it in Runyon's office after he cleaned it.

Nastoff denied he has ever disassembled lever action rifles and then given the parts to Runyon. When asked to describe the working environment at the NFU, Nastoff described it as "tense" because of ongoing political battles with staff in the front offices." Nastoff denied he feared for his safety at the NFU. Nastoff denied Runyon prohibited him from communicating with an assistant director at the NFU. Nastoff denied knowledge of NFU staff selling government ammunition to civilian gun owners. Nastoff denied Runyon has required him to take firearms home in the event response was necessary to defend the NFU against hostile attack. Nastoff acknowledged he was issued a Beretta .40 caliber handgun, but he does not carry it because he has not completed the firearm instructor's training program.

Nastoff corroborated that Runyon questioned him on April 28, 2000 concerning a comment Smith made about Runyon and Johnson. Nastoff stated Diaczenko also was present when Runyon questioned him. Nastoff stated he submitted a memorandum (Exhibit 45) dated April 28, 2000 about the matter to Runyon, and denied he was coerced by Runyon to submit it. Nastoff stated he does not use the NFU exercise facility because he simply does not have the time. Nastoff stated that he has seen Runyon and his wife exercising in the NFU facility during the early morning hours.

Nastoff denied knowledge of Runyon taking parts of government firearms home or that he was selling government ammunition to civilian gun owners. Nastoff acknowledged he attends staff meetings at the NFU, but denied Runyon or the assistant directors have lost their tempers during the meetings. Nastoff denied knowledge of Runyon misusing a government vehicle or his wife riding in a government vehicle. Nastoff denied knowledge of Runyon being involved in an inappropriate relationship with a female subordinate.

August 15, 2000, Management and Program Analyst Diane R. Johnson was served a NTA (Exhibit 46), instructing her to appear at the NFU on August 17th for an interview. She was interviewed and provided a taped sworn statement (Exhibit 47). Johnson stated she was an INS employee at INS Headquarters from 1983 to 1993 in the Office of Information Resources Management. From 1993 to April 3, 1998, she was a contract employee. On April 3, 1998, INS hired her to work at the NFU in her current position.

Johnson corroborated she submitted a memorandum dated July 13, 2000 (Exhibit 48) to Runyon concerning a conversation she had with Seymore. According to Johnson, Seymore reported to her that Smith stated she and Runyon were having an affair. Further, Seymore told her that Runyon was out to let Seymore hang because he had asked an armorer a question. When asked if she understood the differences between professional, personal and an intimate relationship, Johnson said yes. When asked how she would categorize her relationship with Runyon, Johnson said they had a personal and professional relationship. Johnson denied Runyon allows her to read or make corrections to memoranda that NFU staff have submitted to him. When asked if Runyon allows her to make management decisions that affect the NFU, Johnson said yes. According to Johnson, her position description requires her to review policies and procedures at the NFU and to make recommendations to improve them, if required. Johnson acknowledged Runyon confides and trusts her more than the assistant directors at the NFU. Johnson acknowledged she spends an inordinate amount of time in Runyon's office. Johnson admitted they have personal conversations, but most of the time spent in his office is official government business. Johnson acknowledged Runyon has accompanied her on business trips. Johnson admitted Runyon has massaged her shoulders in the workplace, but contended he normally doesn't do it often and she does not consider it offensive. According to Johnson, Runyon has no romantic or sexual inclinations toward her.

Johnson corroborated she submitted a memorandum (Exhibit 49) (not dated) to the file concerning an incident that happened on August 2, 2000. According to Johnson, WANG contract employee Lisa Jacobs reported to her that Smith had exited Heulsman's office with a green file under his arm. Johnson explained that a green file is indicative of an employee's official personnel/payroll file. Johnson explained she proceeded to Heulsman's office and noticed that the safe drawer was not locked. Johnson stated that the safe drawers are supposed to be locked. Johnson recalled she then realized that Runyon's payroll file was missing from the safe drawer when she scanned the drawer alphabetically. Johnson called Heulsman at home and informed her that the safe drawers were unlocked and Runyon's payroll file was missing. According to Johnson, Heulsman thanked her for locking the safe drawers and said she would look for Runyon's file when she returned to work in the morning.

Johnson recalled that the following morning, Heulsman was unsuccessful in locating Runyon's file and she reported it to Acting Director Michaud. Johnson recounted she took a coffee break in the lunchroom during the morning along with Heulsman and contract employee Betty Kozak. Johnson recalled L. Jacobs advising her that she had heard Heulsman's safe drawers closing and then saw Smith exiting her office. Johnson said she immediately went into Heulsman's office and Runyon's file was back in the safe drawer.

son denied she carries a firearm at the NFU. When asked to describe the working environment at the NFU, Johnson described it as "very tense." She attributed it to a "feud between David Smith and Gary Runyon." When asked if she feared for her safety at the NFU, Johnson said no. Johnson denied Runyon prohibited her from communicating with any particular assistant director at the NFU. Johnson denied knowledge of Runyon allowing civilians to shoot automatic firearms at the NFU. When asked if Runyon ever stated that Smith would never be the acting director at the NFU, Johnson said yes, but she did not ask Runyon why. Johnson corroborated Runyon and his wife use the NFU exercise facility. Johnson denied knowledge that Runyon allows his wife to view/read or make corrections to official government paperwork in his office.

On August 15, 2000, Assistant Director Carl Michaud was served a NTA (Exhibit 50), instructing him to appear at the NFU on August 17th for an interview. He was interviewed and he provided a taped sworn statement (Exhibit 51). Michaud explained he began his career with INS in 1977 or 1978 (INS records reflect an EOD of 3-15-79) in Van Buren, Maine. He subsequently assumed positions of greater responsibilities within INS until his promotion to an assistant director at the NFU. Michaud denied he directed NFU armorers to work on firearms that were not authorized to be serviced. Michaud explained that the firearms of the INS National Pistol Team have been serviced at the NFU, but they are used in INS firearms competition. Michaud acknowledged he has brought his personally owned firearms he uses as a member of the INS National Pistol Team to the NFU to be serviced. Michaud claimed Runyon was aware of the practice.¹³ Michaud denied knowledge of civilians being allowed to bring personally owned hunting firearms to the NFU and serviced. Michaud referenced a Standard Operating Procedure which authorizes NFU armorers to perform maintenance work on a local police department's Service firearms (Exhibit 52).

When asked to describe the working environment at the NFU, Michaud described it as "tense." According to Michaud, NFU staff do not trust each other because of the conflict between Runyon and Smith. Michaud stated he felt the morale was much higher at the NFU when he initially arrived. Michaud explained he and Smith replaced Hill and Jacobs. Michaud claimed he was told by various NFU staff that Runyon had "gotten rid of" them. Michaud recalled Jacobs alleged Runyon forced him to retire. When asked how he knew this information, Michaud said Jacobs told him this in a conversation. Michaud recalled Jacobs related Runyon was "untouchable", but he filed an EEO complaint against him anyway. Michaud explained Hill was more "politically astute" and used his contacts in the Border Patrol to obtain a transfer and a new position in El Paso, Texas. Michaud denied Runyon has ever retaliated against him, but described Runyon's management style as "very authoritarian." Michaud stated Runyon has had three (3) different secretaries since he (Michaud) has been at the NFU and opined it was because they failed to meet his expectations.

Michaud stated Runyon has allowed civilians to ride in government vehicles. According to Michaud, Ron Bush told him that Runyon had a waiver to allow civilians to ride in government vehicles. Michaud stated he never challenged the practice because Runyon is a GS-15 and he (Michaud) assumed Runyon would not violate law or policy. Michaud stated he never saw the waiver. When asked to identify the civilian he referenced, Michaud identified the civilian as Runyon's wife. Michaud

¹³ Michaud identified a Smith and Wesson model 14, two semi-automatic 9mm and a .45 caliber handgun as the firearms he has brought to the NFU to be serviced by NFU armorers.

explained he transported Runyon and his wife in a government vehicle from Altoona, Pennsylvania to the Pittsburgh International Airport in January 2000. Michaud recalled Smith told him that he thought it was illegal for Runyon to allow his wife to ride in a government vehicle (**Exhibit 53**).¹⁴

Michaud denied knowledge that Runyon instructed NFU armorers to disassemble firearms and then give the parts to him. Michaud denied knowledge that Runyon sells government ammunition or containers to privately owned businesses. Michaud denied knowledge that Runyon threatens local gun owners that he would ensure no government business gets referred to them if they do not sell him merchandise at his quoted prices. Michaud stated Diaczenko told him that Runyon gave him a sewing machine to refurbish for Severn. Michaud recalled that there was a standing joke at the NFU after the sewing machine incident that the NFU had the best armorers and gunsmiths in the country working on sewing machines. Michaud claimed Diaczenko told him that he (Diaczenko) instructed the armorers to "pay attention to what's happening here because I believe this is illegal and this should not be done." According to Michaud, Diaczenko said Runyon learned about his comment and threatened to fire him.

When asked if Runyon ever instructed him not to communicate with Smith, Michaud quoted Runyon stating, "I can't tell you not to socialize with David. I can't tell you not to talk to David. But it would be a good idea if you didn't because David is not healthy for the situation." According to Michaud, he told Runyon that he would deal with Smith on a business basis and whatever he did with Smith on a personal basis did not affect the NFU.

Michaud stated Runyon told him that Smith would never be acting director of the NFU. Michaud claimed he engaged in a dialogue about the subject with Runyon. Michaud recalled he stated, "You [Runyon] seem to be trying to build a case against David [Smith]. It would seem to me that the best way to build a case against him would be to allow him to be in charge while you're gone. You can't make mistakes if you're not in charge." Michaud quoted Runyon responding, "There's no way. I will never allow David to be in charge again." Michaud recalled Runyon designated subordinates to Smith as the acting director of the NFU in his absence (**Exhibit 54**). When asked if Runyon ever made the statement that he would not retire until Johnson was the next assistant director at the NFU, Michaud said no.

Michaud corroborated Runyon purchased a rifle when he was in Las Vegas in January 2000. When asked how Runyon got the rifle back to the NFU or Altoona, Pennsylvania, Michaud corroborated Runyon shipped the rifle via FED EX and used a government funded FED EX label.

Michaud confirmed he generated a memorandum (**Exhibit 55**) dated July 14, 2000 to Runyon concerning a subject entitled, "Search of Assistant Director Smith's Vehicle." Michaud recalled that on July 13, 2000, Runyon entered his office and stated, "I'd like you to come with me. I'm going to order David [Smith] to show me what he just placed in his car. I believe David is stealing records that belong to the National Firearms Unit."

¹⁴ The "Standard Schedule of Disciplinary Offenses and Penalties for Employees of the U.S. Department of Justice," item #10, dictates that commingling of personal or official business is unauthorized use of a government vehicle.

aud recounted they proceeded to Smith's office and Runyon told Smith that he wanted to see what he had put in his vehicle. Michaud recalled Runyon also accused Smith of removing NFU records from the facility, but Smith denied it. Michaud quoted Runyon stating, "I'm going to search your vehicle." Smith responded, "That's illegal. You can't search my vehicle." Runyon repeated he was going to search Smith's car and proceeded to the security office. Michaud recalled Runyon asked Chief of Security Joyce Pigza for the keys to Smith's vehicle. Michaud recounted Smith objecting to Runyon's behavior the entire time. Runyon exited with the keys and proceeded outside to Smith's privately owned vehicle.

Michaud explained that he, Runyon, Pigza and Smith were all in the parking lot next to Smith's car. However, Smith stood between Runyon and the car. Michaud recalled Runyon then inexplicably gave the keys to Smith and stated, "You open the vehicle, take the files and show Carl [Michaud] the files. I don't want to see them. Just show Carl the files so that he can determine whether they're stolen from the National Firearms Unit or they're your own personal files." Michaud recounted Smith again told Runyon that what he was doing was illegal. According to Michaud, Smith ultimately opened the car door and showed the files to him (Michaud). Michaud then informed Runyon that the files were of a personal nature and not related to the NFU.

Michaud asserted that the entire situation was very confrontational and he feared for Smith's personal safety and characterized Runyon as the aggressor during the incident. Michaud acknowledged that everyone was armed, which added to his concern. Michaud estimated Runyon and Smith were about eighteen (18) inches from each other and he was afraid that the situation might escalate into a physical confrontation, but it never did. When asked if Smith told Runyon that he needed a search warrant to search his car, Michaud said he could not recall, but Smith might have stated it.

Michaud recalled Smith repeatedly advised Runyon that what he was doing was illegal. When asked if he heard Runyon state, "I don't give a fuck about a search warrant," Michaud claimed Runyon made a statement close to that effect, but he could not recall Runyon's exact verbiage. When asked if anyone present palmed their handgun, Michaud claimed he and Smith did not, but he was not certain about Runyon or Pigza. When asked if he felt Runyon issued a lawful order, Michaud stated, "I really don't know." Michaud explained that during the incident he wasn't concerned about the legality of the order. Rather, he was concerned about preventing the situation from escalating into a physical confrontation. When asked if the incident was captured on security videotape, Michaud said yes. Michaud explained Pigza gave the tape to Runyon.

Michaud denied knowledge that Runyon takes government property without signing for it. Michaud denied knowledge of Runyon instructing NFU armorers to take firearms home in the event it was necessary to respond to the NFU to defend it against hostile attack. Michaud denied knowledge that Runyon falsified travel vouchers or took personal trips under the guise of government business to gain compensation from the government. Michaud denied knowledge that Runyon allows civilians to shoot automatic firearms at the NFU indoor range(s). Michaud denied knowledge that Runyon takes government ammunition and refuses to sign for it. When asked if he had any knowledge of Runyon being involved in an inappropriate supervisor/subordinate relationship, Michaud stated Runyon's relationship with Johnson borders on it, but he has no evidence to support an inappropriate supervisor/subordinate relationship between them. According to Michaud, Johnson is accorded

ss (physical and informational) to Runyon that is not availed to the assistant directors.

On August 18, 2000, Chief of Security Joyce Pigza was interviewed and she provided a taped sworn statement (**Exhibit 56**). Pigza acknowledged she submitted an e-mail message (**Exhibit 57**) dated July 13, 2000 to Runyon concerning an incident that happened in the NFU parking lot. Pigza recounted that on July 13, 2000, Runyon instructed her to follow him to the NFU parking lot along with Michaud and Smith. According to Pigza, the purpose was to have Smith retrieve papers that he had taken from the NFU and put in his car.

Pigza recalled Runyon directed Smith to open his vehicle and to remove the papers he had taken from the NFU and to show them to Michaud. Pigza described Smith reluctantly opening his car door and allowing Michaud to examine them. Pigza recalled that after Michaud determined none of the papers were NFU related, Smith put them back in his car. Pigza stated she returned to her workstation and generated the e-mail about the incident to Runyon.

When asked how long the incident lasted, Pigza estimated it was no longer than ten (10) minutes. When asked if Smith advised Runyon that he needed a search warrant to search his car, Pigza stated Smith advised Runyon that he did not have a right to search his car. When asked if Runyon stated, "I don't give a fuck about a search warrant," Pigza denied she heard Runyon make that statement.

When asked to describe incident, Pigza stated that everyone was "agitated," but no one screamed or exhibited violent behavior. Pigza characterized it as "professional." When asked if she feared for her safety during the incident, Pigza said no. Pigza confirmed that the incident was captured on security videotape and that she gave the tape to Runyon, per his request. When asked if she viewed the tape before she gave it to him, Pigza said yes. Pigza denied that profanity was used or that anyone drew their firearm during the incident.

On August 18, 2000, Cornett was interviewed at his residence and he provided a taped sworn statement (**Exhibit 58**). He explained he began his career with INS on February 14, 1995 at the NFU. He recalled that sometime in February 1995, he attended training at FLETC on the Beretta firearm. He recounted that prior to leaving for FLETC, Runyon instructed him to ignore Tim Fisher, who is an armorer at FLETC. According to Cornett, Runyon admitted he has a "grudge" against Fisher because he transferred from the NFU to FLETC. Cornett recalled he thought Fisher was "an okay guy" and he did not ignore him while he was at FLETC.

Cornett corroborated Runyon ordered all of the armorers to work on his personally owned firearms at the NFU. He quoted Runyon stating, "Well, you know, we need to get this done. So go ahead and work on this and get this done." Cornett claimed he also worked on Runyon's brother's personal firearm. He described it was an antique (break-top revolver), but was unable to identify the make or model. Cornett stated he spent days trying to recreate a spring for it because the original spring had broken. Cornett estimated he has spent months working on weapons owned by Runyon and Runyon's relatives and friends over the last five- (5) years at the NFU.

Cornett corroborated that when he initially started employment at the NFU, he, Mike Pallo, Healy, and Bill Koren all carried a firearm at the NFU. He characterized training he has attended being comparable to law enforcement training. He stated he is not a sworn law enforcement officer and

he was forced to attend training specifically designed for law enforcement officers. He stated he was concerned about the legal liability of carrying a firearm that he was not authorized to carry. He also claimed Runyon ordered him to take firearms home when the local police department intercepted a communiqué that the Ku Klux Klan threatened to attack various federal agencies. When asked what type of firearms he took home, Cornett described an M-4 machine gun, a sawed-off shotgun and a Beretta .40 caliber handgun. When asked how long he had these firearms at home, Cornett estimated it was a week. Cornett stated he qualifies with the Beretta quarterly.

Cornett recalled an incident when Hill berated him because a round hit the top of the backstop on the firearms range. According to Cornett, in the spring of 1996, he conducted a test fire of a .223 caliber firearm. The rounds accidentally hit the backstop and penetrated it, causing damage. Reportedly, the backstop was rated to stop .50 caliber rounds, but it failed to stop the less powerful .223 caliber rounds. Cornett recounted he reported the incident to Diaczenko, who then reported it to Hill. Cornett recalled when they arrived, Hill got up in his face and used profanity at him.

Cornett recalled that in January 1998, he, his wife, Kaveri, Runyon, Hill, and WANG contract employee Danielle Link went to a shot show in Las Vegas. He recounted Runyon invited them to see a show that was on a Wednesday night. Cornett asked Runyon, "How much is this show going to be because we're limited on our funds?" Cornett quoted Runyon stating, "Don't worry about it. I've got it taken care of." Cornett recalled he was surprised at Runyon's response because it was out of his character to be generous. Cornett asserted he later discovered in Las Vegas that Runyon accepted tickets to the show from Remington Arms Company. Cornett stated he witnessed the tickets being given to Runyon by the Remington Arms representative. Cornett recalled Runyon then distributed the tickets to them (Cornett, Kaveri, Hill and Link). Cornett stated the name of the show was "Mystere."

Cornett recalled that after the show they agreed to go to a restaurant to eat. Cornett recounted they entered an elevator and Runyon made a comment that Link complained about the temperature in her room, so he turned down the thermostat. Cornett quoted Runyon stating, "And then she snored all night long." Cornett stated everybody in the elevator was in disbelief because of what Runyon just stated. According to Cornett, Link just giggled, but she did not dispute Runyon's statement nor did she appear to be upset by it.

Cornett recalled another incident in Las Vegas wherein Hill attempted to teach Link Spanish while they were all in a vehicle going to old Las Vegas. According to Cornett, Hill repeated Spanish words or phrases to Link and then instructed her to repeat what he had said in Spanish. Cornett quoted Hill stating, "She would be willing to suck me off." Cornett stated Hill intimated Link repeated in Spanish that she would perform fellatio on him. Cornett recounted Runyon said nothing to Hill. Cornett stated he and Kaveri were offended. He recalled Hill asked Kaveri if what he said bothered her and she advised that he would not have said it if he really cared about her feelings. Cornett recounted another incident wherein Hill and Runyon took them to a wedding chapel and insisted they (Cornett's) renew their marriage vows. Cornett asserted he and Kaveri again were offended. Cornett cited another incident that offended them while in Las Vegas. According to Cornett, Runyon told Hill to take Kaveri to the "Palomino Club," which is a house of prostitution.

ett claimed Healy told him that Hill went to Neilson/Popish Gunsmithing in 1998 to buy an antique gun, but he (Hill) threatened to take the NFU business elsewhere when he was refused a sale on the antique gun. According to Cornett, the antique gun belonged to Healy's father.¹⁵ Cornett acknowledged he did not know the exact story and deferred the details of it to Healy.

Cornett stated that Runyon treated Johnson differently than the other female workers at the NFU. Cornett recalled Johnson was always in Runyon's office and they laughed, giggled and touched each other. Cornett claimed he observed Runyon and Johnson touching each other on at least one occasion. When asked to be more specific, Cornett recounted Johnson sitting on Runyon's desk with her legs spread apart as she rubbed her legs against him. Cornett recalled another occasion wherein Johnson massaged Runyon's back while he was seated. Cornett estimated Johnson and Runyon have spent a half-day in his (Runyon's) office "petting." According to Cornett, Runyon ordered him (Cornett) not to speak about him (Runyon) and Johnson being involved in an inappropriate relationship. Cornett opined that if Runyon and Johnson are not involved in an inappropriate relationship, their (Runyon's and Johnson's) behavior demonstrates otherwise and is "blatant."

Cornett recalled that in March 2000, Diaczenko advised him that Runyon instructed Seymore, who works in shipping and receiving at the NFU, to retrieve guns (Winchester Model 94) from the historical vault. Cornett characterized the guns as a commemorative model with a gold medallion in the stock, gold bands on the barrel and a gold receiver and trigger. Cornett recounted Diaczenko gave him three guns with instructions to dismantle them and then personally deliver the parts to Runyon per his (Runyon's) instructions. Cornett confirmed he personally delivered the internal parts of each gun to Runyon in a plastic bag.¹⁶ According to Cornett, the only parts not given to Runyon were the gold-plated receivers (barrels) and stocks, which subsequently were designated for destruction.

When asked to describe the working environment at the NFU, Cornett characterized it as "total hostile." Cornett stated he feared for his personal safety at the NFU. According to Cornett, Diaczenko telephoned him on August 17, 2000 and revealed that Nastoff related what Masters had told an OIA investigator during an interview. Cornett recalled Diaczenko was upset because Masters "snitched" him to the investigator as the person who instructed NFU armorers to work on unauthorized firearms. Cornett claimed Diaczenko threatened to retaliate against Masters when the investigation was completed. Cornett characterized Diaczenko as "a very sadistic son-of-a-bitch." Cornett explained he felt no sympathy for Diaczenko because he did not stop supporting Runyon until Runyon recently proposed disciplinary action against him for making statements about Runyon and Johnson being involved in a relationship.

Cornett corroborated that Runyon parked his Chevrolet Corvette in a garage at the NFU for at least a month or longer. When asked if he had any knowledge of ammunition cans being loaded onto a civilian gun owner's pick-up truck, Cornett claimed he observed two contract workers place at least two pallets on a truck that belonged to Schmittle's Gun Shop. Cornett was unable to recall the exact names of the individuals who loaded the pallets onto the truck. Cornett recalled they were elderly people who worked on the "Green Thumb" project that was specifically designed for the elderly.

¹⁵ Healy's father died in 1983 and the antique guns he owned were included in his estate.

¹⁶ The internal parts included the hammers, triggers, bolts, gold bands from the barrels, firing pins, loading gates, and levers.

Cornett advised Runyon instructed him (Cornett) not to speak to former Assistant Director John Jacobs because he (Jacobs) was dangerous. When asked if Runyon had ever taken retaliatory action against him, Cornett responded yes. Cornett explained Runyon ordered NFU staff to move his (Cornett's) privately owned vehicle without his permission. When he (Cornett) complained, Runyon implemented a policy at the NFU that all employees were to surrender their vehicle keys to NFU security (Exhibit 59). Cornett claimed Runyon purposely implemented the policy in retaliation so NFU staff would blame him (Cornett) for the new policy because he complained about his vehicle being moved.

Cornett also claimed Runyon retaliated against him because he used sick leave. According to Cornett, Runyon generated memoranda to him about the issue (Exhibit 60). Cornett recalled that a psychologist diagnosed him as experiencing "Post Traumatic Stress Disorder (Exhibit 61)." Cornett recounted he then went to the Veterans' Administration and was issued a letter that excused him from work for thirty (30) days (Exhibit 62). Cornett explained Runyon then demanded specifics pertaining to the history and conditions of the clinical findings. Cornett contacted the Employee Assistance Program (EAP) and was advised that he was not required to provide specifics to Runyon, only documentation to certify he was under a physician's care. Cornett denied he had any knowledge of Runyon selling government ammunition or containers to civilian gun shop owners.

Cornett's wife, Kaveri Cornett, also was interviewed at her residence and she provided a taped sworn statement (Exhibit 63). K. Cornett claimed Runyon has retaliated against her husband because he (an Cornett) refused to side with him (Runyon) on a personal vendetta he has with Jim Fisher, who is an armorer employed at FLETC. K. Cornett stated that it has affected their home life and her husband's health. K. Cornett explained she is a masseuse and does not have the stamina to do more than three massages a week because of the problems her husband has with Runyon at the NFU. K. Cornett confirmed she accompanied her husband to Las Vegas, Nevada in January 1998 and attended a National Shot Show. K. Cornett identified Hill, Runyon, and WANG contract employee Danielle Link as also present. According to K. Cornett, she was suspicious why Link went to Las Vegas because she was essentially a clerk. K. Cornett stated it was apparent to her that inappropriate sexual activity was happening between Runyon and Link or with both Hill and Runyon. K. Cornett attributed her statement to an occasion when they (Cornetts, Runyon, Hill and Link) were together at a casino and Runyon, Hill and Link exchanged sexual innuendoes.

K. Cornett recalled another evening in Las Vegas when they all went to see a show called "Mystere" by Cirque du Soleil. K. Cornett stated that while they were enroute in a car, she heard Runyon state that the show had been paid for by Remington gun company. K. Cornett recalled that the ticket stubs reflected a cost of \$69 per ticket. According to K. Cornett, she didn't know it was not allowed until Runyon told everyone not to say anything about it after the show during the ride back to the hotel. K. Cornett recalled Runyon stated that there was a certain amount government employees were allowed to accept from a gun company, but she could not recall the amount. K. Cornett claimed Runyon stated he slept with Link and that she snored all night and complained about the temperature in the room. K. Cornett identified her husband, Link, and Hill being present when Runyon made the statement. K. Cornett recounted Runyon made the statement just before they entered the elevator.

Cornett recalled another incident in Las Vegas when they all were riding in a car and Hill was

... speaking Spanish to Link. According to K. Cornett, Hill's comments were about oral sex and she found it offensive. K. Cornett claimed Runyon told Hill to take her to the Palomino club, which is a house of prostitution. K. Cornett recalled Runyon and Hill took them (Cornetts) by a wedding chapel and attempted to persuade them to renew their marriage vows, which she found offensive and humiliating.

On August 21, 2000, WANG contract employee Danielle Link was interviewed and she provided a taped sworn statement (**Exhibit 64**). WANG Human Resources Specialist Kelly Shuey also was present during the interview in the capacity as Link's representative. Link explained she began working at the NFU in April 1997. Link corroborated she attended a National Shot Show in Las Vegas, Nevada in January 1998. She corroborated Runyon, Hill and the Cornetts also went on the trip to Las Vegas. She corroborated that everyone went to a show called "Mystere." She recalled Greg Foster, a representative of Remington Gun Company, also went to the show. When asked if she paid for a ticket to see the show, Link said no and that the tickets were provided by Runyon. Link denied Runyon instructed them not to mention they went to see the show because he was not supposed to accept them from a vendor. Link denied she spent the night with Runyon or that she made any comment about the temperature in his room. Link maintained she has a professional relationship with Runyon and nothing else. Link corroborated Hill spoke Spanish to her in a car, but denied he said anything she found offensive or salacious. Link described the working environment at the NFU as "tense" because of the workload at the NFU and being understaffed.

On August 21, 2000, WANG contract employee Angel Butterbaugh was interviewed and she provided a taped sworn statement (**Exhibit 65**). Shuey was her representative and she was present during the interview. Butterbaugh stated she began working at the NFU in April 1995. She explained her duties are to ensure accountability of the inventory for the firearms and their parts. She corroborated that in 1999, Diaczenko requested an upper receiver for an M-4 firearm with a bolt carrier, but she could not recall if he said to whom or where the firearm was going. She could not recall if Diaczenko called her attention to him exchanging it for Runyon and to make a note of it. When asked to describe the working environment at the NFU, Butterbaugh stated, "It's...it's...it's...sometimes it's not the greatest." When asked why, Butterbaugh stated, "I don't know. People just don't get along. I mean sometimes it feels like other people are at each other's throats, like the higher-ups, and it just makes it rougher for us people on the bottom." Butterbaugh denied she has ever released a part to a firearm without accounting for it. Butterbaugh denied that anyone at the NFU has taken retaliatory action against her.

On August 18, 2000, Program Administrative Specialist Maureen Huelsman was served a NTA (**Exhibit 66**), instructing her to appear at the NFU for an interview on August 21, 2000. She was interviewed and provided a taped sworn statement (**Exhibit 67**). Huelsman explained she has worked for INS twenty-five (25) years and she arrived at the NFU in July 1994. Huelsman stated she was instrumental in activating the NFU.

Huelsman corroborated she and Smith traveled to INS Headquarters in March or April 2000 and attended a budget meeting with Severn and Yentzer for FY-2002. Huelsman corroborated Severn asked where Runyon was when they initially arrived. Huelsman recounted she responded that Runyon was conducting a firearms accountability review with Johnson in Kansas. Huelsman stated that nothing further was exchanged about the matter, but when Runyon returned from his trip, he

d her into his office and accused her of spreading rumors about him and Johnson having an affair. When Huelsman denied it, Runyon told her that Severn told his wife that she (Huelsman) and Smith made the statement to her (Severn) when in Washington, D.C. Huelsman claimed she later was exonerated of the allegation, but Runyon did not apologize to her. Huelsman denied Severn ever stated that Runyon and Johnson were involved in an inappropriate relationship. Huelsman denied Severn stated that Runyon gave Johnson preferential treatment over the other employees at the NFU. Huelsman corroborated she and Smith met with Yentzer in his office. She could not recall if Severn also went in with them. Huelsman could not recall if Severn later entered Yentzer's office and discussed the purchasing of a lathe at the NFU. Huelsman denied she heard Smith report an allegation to Severn that Runyon was involved in an inappropriate relationship with Johnson. Huelsman denied she heard Smith report allegations to Severn that Runyon was involved in waste, fraud and mismanagement at the NFU. Huelsman denied she heard Smith report to Severn that Runyon allowed NFU armorers to perform maintenance work on personally owned firearms in the NFU armory.

Huelsman denied she has ever carried a firearm since she has been at the NFU. According to Huelsman, she made it clear to Runyon before she was hired that she did not like guns and would not carry one. Huelsman denied knowledge that personally owned firearms are serviced by NFU armorers. Huelsman corroborated Runyon and his wife use the NFU exercise facility three (3) times a week in the morning. Huelsman corroborated Runyon allows his wife to read/review government information in his office. According to Huelsman, Runyon has stated, "I have Mary [his wife] read this more for grammatical things because she was an English teacher." Huelsman was unable to provide specific examples of the types of documents/information that Runyon allowed his wife to review. Huelsman corroborated Runyon loses his temper during staff meetings, but he does not use profanity.

Huelsman denied knowledge that Runyon was involved in an inappropriate relationship with a female subordinate at the NFU. However, Huelsman stated Runyon and Johnson are too close and feels their relationship is personal rather than professional. According to Huelsman, Runyon and Johnson create the appearance of being involved in an inappropriate relationship. Huelsman stated Runyon and Johnson have lunch together three (3) times a week. Huelsman claimed she has worked for Runyon nine (9) years and she has never gone out for lunch with him. Huelsman further stated Johnson spends a lot of time in Runyon's office and estimated it to be at least two (2) to three (3) hours daily.

Huelsman corroborated Runyon parked his personally owned red Corvette in a garage at the NFU and estimated it to be at one (1) year. Huelsman denied knowledge that Runyon was selling government ammunition or containers to civilian gun owners. Huelsman denied Runyon has ever retaliated against her. Huelsman stated she heard rumors that Runyon retaliated against Jacobs until he finally retired. Huelsman denied Runyon prohibited her from communicating with any assistant director at the NFU. Huelsman described the working environment at the NFU as "very very very tense." When asked if she feared for her personal safety, Huelsman said no.

When asked if Runyon violated any personnel related issues at the NFU, Huelsman said yes. She explained Runyon held Jacobs' promotion to a GS-14 until she finally convinced Runyon to send it to the Regional Office for implementation. She recalled it was an awkward situation because Jacobs often asked her when his promotion was to take effect, and she did not know what to tell him. She estimated Runyon held Jacobs' promotion for three (3) weeks, which denied Jacobs of receiving GS-14 pay for two (2) pay periods. Huelsman recalled a similar situation wherein Runyon denied Smith's within grade increase before it was due. According to Huelsman, Smith's increase was not due until August 2001 and Runyon denied it fifteen (15) months before its due date. Huelsman claimed she advised Runyon that he could not deny a within grade increase that isn't yet due.

Huelsman was interviewed about Runyon's payroll file being removed from a safe drawer in her office on August 2, 2000. Huelsman was administered a "Warning and Assurances to Employee Required to Provide Information (Exhibit 68)," which she signed acknowledging she understood her rights and responsibilities during the interview.

Huelsman corroborated Johnson called her at home and advised that the safe drawers in her office were discovered unlocked and that Runyon's payroll file also was missing. Huelsman recalled she returned to work on the following morning and confirmed Runyon's file was missing. She recounted she went on a coffee break and when she returned Runyon's file was in the safe drawer. When asked if she always locks the safe before leaving work, Huelsman admitted she does not. When asked if she was aware that the Privacy Act requires that the safe be locked, Huelsman said no, but that she knew it was supposed to be locked. Huelsman acknowledged she has learned a lesson from her experience. Huelsman, WANG contract employees Bettie Kozak and Lisa Jacobs generated memoranda (Exhibit 69) to the file about the matter. When asked if she had any other information she thought was relevant to the investigation, Huelsman claimed Runyon used a government truck in 1995 to move his own furniture.

On August 22, 2000, Healy was interviewed at her residence and she provided a taped sworn statement (Exhibit 70). Healy recounted she began with INS in November 1994 as an office automation clerk and is presently a secretary at the NFU. Healy explained she has worked at the NFU her entire career with INS. Healy confirmed she filed a complaint with the OIG against Hill and Runyon. When asked to explain how Hill sexually and verbally harassed her, Healy recalled that on July 8, 1997, Hill had a photograph of her and Armorer Bob Denbleyker that was taken at the firearm range on "fun day." According to Healy, the photograph showed Denbleyker reaching forward toward her, but it appeared that he was touching her rear end. Healy quoted Hill stating, "Well, I thought you would appreciate this. Isn't this funny? Isn't this funny?" Healy claimed she advised Hill that she did not think the photograph was funny and that she was embarrassed. Healy recounted Hill then showed the photograph to another employee. Healy recalled she again told Hill she did not appreciate him embarrassing her, but he continued to show the photograph to other employees. Healy recalled Hill eventually apologized to her about showing the photograph to employees.

Healy recalled that on July 10, 1997, she experienced another problem with Hill. According to Healy, Hill berated her because she sent a Form G-109 (Quarterly Qualification Score) to the El Paso Sector requesting information about a border patrol agent who had killed his wife. Healy quoted Hill stating, "Why would you send that? Why would you request this? You know, this border patrol agent he

ad her. He killed her." Healy described Hill pointing his finger like a gun at her face and then standing over her stating, "You know, he [border patrol agent] killed her. He killed her. Why would we care about this? Why do we care? Why would you even say this, you know? They're going to think that we're idiots up here. That we don't know what we're doing. Why would we even care about this?" Healy stated she explained to Hill that it was standard operating procedure to request that information. Healy recalled that the incident with Hill made her nervous and upset. Healy described another incident that occurred with Hill on July 11th when he berated her about the chain of command.

Healy recounted that on September 1, 1998, she received information about a union meeting. Healy recalled Hill found out about the meeting and threatened her not to join the union. According to Healy, Hill stated that things would change at the NFU if a union were formed. Healy quoted Hill stating, "You know, you'd better think about this if there's going to be a union here. You just better consider this." Healy stated Hill's tone of voice was threatening and his persistent questioning about the union bothered her.

Healy asserted Hill and Runyon abused their procurement authority. When asked to provide specifics, Healy recounted that in 1997, Hill authorized the repair of a flat tire on a GOV. Healy estimated that about two weeks later, the tire company advised the NFU that they did not accept credit cards. Healy recalled in December 1999, Huelsman summoned her into her office and stated, "You know, we have this bill from 1997 that Randy [Hill] authorized these folks to come and fix a flat tire." According to Healy, Huelsman suggested she (Healy) use her government credit card (Mastercard) to pay the transaction that transpired in 1997. When Healy suggested they call a secretary Goldberg in Headquarters for advice, Huelsman stated, "No. Wait a minute. No. Don't get her upset. No, don't call. You don't need to call." Healy recalled that in the spring of 2000, she attended a meeting in Runyon's office along with Huelsman and Beegle. Healy claimed Runyon instructed her to give her credit card number to contract employees to facilitate purchasing items for the NFU. Healy recalled she attended training on the government credit card and that it was prohibited to give your credit card number to anyone to use. Healy stated she advised Runyon of the prohibition, but Runyon stated it was not a problem. Healy claimed she never allowed anyone to use her credit card number.

Healy claimed in 1995 or 1996, Runyon inappropriately purchased one hundred (100) to three hundred (300) ball caps. According to Healy, the hats have an official NFU emblem and are issued with the NFU uniform. Healy advised Runyon often distributed the hats to visitors and INS employees who were on detail to the NFU as memorabilia. Healy contended that the hats were intended to be a part of the NFU uniform and should not have been used in that manner.

Healy asserted Runyon abused the disposal of government property. When asked to explain, Healy claimed Runyon gave her a box [50 rounds] of .357 caliber ammunition that was seized and told her to use it at her leisure. Healy recalled she initially accepted the ammunition, but eventually returned it to Runyon and stated, "Gary, I don't feel right keeping this." Healy described Runyon's reaction as mad and resentful. Healy corroborated Cornett that contract employees [George Priel and Ross

e] with the "Green Thumb" project loaded pallets of ammunition cans onto a truck that belonged to Schmittle's Gun Shop.¹⁷ Healy had no other examples.

Healy advised Runyon required her to maintain an INS firearm and qualify although she is not a law enforcement officer. According to Healy, Runyon issued her a Smith and Wesson .357 caliber handgun on December 1, 1994. Healy recalled she signed for the handgun and it also was annotated on her property card (**Exhibit 71**). Healy further claimed Computer Specialist Mike Pallo and Administration Support Assistant William E. Koren were also issued a handgun (**Exhibit 72**). According to Healy, Runyon required them to qualify quarterly with the handguns. Healy estimated that they turned in the handguns to Runyon approximately a year later in December 1995. Healy claimed she never carried the handgun at work nor did she ever take it home with her. Healy recalled she kept it in a file cabinet at work until the required quarterly qualification. Healy claimed Runyon allowed non-INS personnel and INS personnel who were not law enforcement officers to shoot government weapons at the NFU firearm ranges, including automatic weapons.

Healy recounted an occasion sometime in 1999 when Runyon allowed Altoona Police Officers to shoot government firearms at the NFU indoor range. According to Healy, the NFU conducted a smoke tolerance test on the filters in the indoor range. Healy further recalled another occasion when Runyon allowed a sixteen (16) year old male to shoot government firearms during a "fun day" shooting at the NFU. When asked if she had first hand knowledge of Runyon ordering NFU armorers to work on various individual's personally owned firearms, Healy said no. Healy stated she observed individuals from the Altoona and State Police Force bringing firearms to the NFU that she knew were Service issued firearms, but she did not know where the firearms were taken within the NFU or what was done to them. When asked if she had any knowledge of a sewing machine being brought in to the NFU and worked on by NFU armorers, Healy said no but she heard about it.

When asked to describe the working environment at the NFU, Healy characterized it as "stressful and hostile." When asked why, Healy claimed that no one could be trusted at the NFU. Healy recalled an instance in 1997 when Runyon and Jacobs experienced a falling out. According to Healy, Runyon convened a staff meeting and directed staff that they were not to speak with Jacobs. Healy quoted Runyon stating, "Don't talk to Jake [Jacobs]. I don't want anybody here to talk with him." Healy recalled another occasion when Runyon mandated a prohibition about limiting conversation with co-workers to trucks, cars, hunting or fishing. Healy claimed Runyon prohibited conversation with co-workers about their work or assignment(s). Healy recounted an incident in September 1996 during a staff meeting Runyon conducted. Healy quoted Runyon stating, "I heard that some of you aren't happy here. People told me there's a lot of complaining going on. If you look at your position description the last thing there is other duties as assigned. That means I can pull you off your job and make you do anything else. Everyone, just like when we had to mail the Firearms Policy. Some people don't like our work ethics and that's too bad. We know how it is in other offices, Right, Bob? Do you remember Glynco? Tim Fisher was pumping gas in Iowa. I knew his skills. So I hired him but then he got to Glynco and they brainwashed him and he stayed there. Some of the offices out there got it really bad. Do you think this place is bad? Yeah, I remember well, just remember, I know where each of you came from. I know what you had. You had nothing until you came here. You

George Priel and Ross Hale are no longer employed at the NFU as contract employees under "Green Thumb."

...know nothing. I'm the reason you have everything. The lowest grade here is a 6. Do you know how hard it is to get a 12? There aren't that many 12s in the Service. You don't have it so bad. I'm not going to get even but I remember everything." Healy claimed Hill stated he concurred with Runyon and admonished everyone who was present that they owed everything to Runyon and he deserved respect from them. Healy recalled Runyon concluded by stating, "If you don't like it here and you don't like our way then you can look for a job somewhere else. Just remember, I know where you came from." Healy recounted Runyon never used profanity, but his tone was harsh.

Healy denied she had any knowledge of Runyon selling government ammunition to civilian gun shop owners. Healy corroborated Runyon parked his personally owned vehicle in a NFU garage sometime in 1995. Healy described Runyon's vehicle as a "red Corvette." When asked how long Runyon parked his vehicle in the NFU garage, Healy stated it was "months" and was unable to commit to a numerical estimation.

When asked if Runyon has taken retaliatory action against her, Healy said yes. Healy explained she is currently on leave without pay due to work related stress. According to Healy, Runyon has retaliated against her by generating memoranda to her about providing additional medical information about her condition (**Exhibit 73**). When asked how this was retaliatory, Healy claimed Runyon purposely crafted misleading information in his memoranda pertaining to her duties at the NFU. According to Healy, Runyon depicted her duties as "a very basic clerical job," and that she was the cause for negatively impacting NFU operations that affected eighteen thousand (18,000) federal law enforcement officers nationwide. Healy contended Runyon only placed additional stress on her by authoring those memoranda. Healy related Cornett told her that Runyon said that he did not care if she ever came back to the NFU. Healy corroborated that Cornett's vehicle was moved without his permission and he complained about it. Runyon subsequently implemented a local policy, which required staff to surrender their vehicle keys to security. Healy perceived Runyon's policy as retaliatory against Cornett for complaining.

Healy explained her father died in 1983 and left some guns to the family. According to Healy, she had no idea what type of guns they were or their market value. Healy mentioned it to Hill, who suggested she bring them to the NFU for examination, which she did. Healy recounted Hill and Diaczenko were interested in purchasing some of the guns, but Runyon was not. Healy advised Hill and Diaczenko that she could not sell the guns because her mother intended on taking them to a gun shop to sell on consignment. Healy recalled her mother took the guns to Neilson-Popish Gunsmithing & Machine Incorporated, which is located in Portage, Pennsylvania. Healy advised Hill and Diaczenko that the guns were there if they were still interested in purchasing them. Healy explained her mother took the guns to Neilson-Popish because her nephew, Patrick Neilson, is a co-owner and felt comfortable with him.

Healy recounted she later learned that the NFU was conducting business with Neilson-Popish. Healy advised Runyon that Patrick Neilson was her cousin. Healy quoted Runyon responding, "Well, why didn't you tell us that before?" Healy responded, "Well, I wanted you to hire whoever you wanted to hire." Healy recalled that in May 2000, Cornett told her that Hill had purchased her father's guns and if that made her mad. According to Healy, Cornett said he had heard Hill went to Neilson-Popish and threatened to take the NFU business elsewhere unless they sold him the guns at his quoted price.

Healy recalled Cornett said that the incident happened in 1997. Healy recounted her mother received a check from Neilson-Popish and that she was satisfied with the amount. Healy advised she asked Patrick Neilson in August 2000 if Hill had purchased the guns and Neilson showed her a log book entry wherein Hill purchased a gun on May 15, 1997.

Healy related to Neilson what Cornett had told her about Hill threatening to take NFU business elsewhere unless he got the gun at the price he quoted. According to Healy, Neilson said Hill was really mad and he wanted to pay a lower price than was posted. Healy advised Neilson never disclosed the final price of the gun. Healy claimed Neilson said that the gun Hill purchased was not one of her father's guns. When Healy asked Neilson if Hill made a statement about taking NFU business elsewhere if he did not get the gun, Neilson said another employee heard Hill jokingly state, "You know, if I don't get this gun you don't get any more work from us [NFU]." Healy claimed Neilson said Hill's personality changed after that incident and he was not as friendly as he had been previously.

Healy corroborated Runyon and his wife regularly use the exercise room at the NFU. According to Healy, Runyon often exercised on government time. Healy explained she processed Runyon's travel authorizations and vouchers from December 1994 until February 2000 and she never noticed any improprieties. Healy claimed Hill forced DenBleyker to drive to a National Pistol Team function in Jackson, Mississippi. According to Healy, DenBleyker exceeded the three hundred (300) miles in an eight (8) hour period because of Hill's orders. Healy recalled she advised Hill of the regulation, but Hill stated, "You just do the orders this way. Bob can drive that far, yeah. He can do it." Healy advised DenBleyker complained to her about Hill's orders. Healy advised DenBleyker to discuss it with his supervisor (Diaczenko), but Diaczenko went along with Hill's orders.

Healy claimed Runyon approves too much training for contract workers and that the training has no connection with their jobs or contractual obligations. Healy recalled that in 1999 she attended a training session pertaining to ethics and contract workers. Healy recounted it was stressed during the training that there were parameters pertaining to socializing with contract employees. According to Healy, Runyon openly disagreed with the instructor and stated, "It's not like that here. Everyone's the same here. We all wear the NFU uniform and everyone is the same." Healy quoted the instructor stating, "No, That isn't true. There are contractors and there are federal employees. There should be a separation." Healy recalled the instructor was a female from INS Headquarters in Washington, D.C. Healy described a program Runyon initiated at the NFU called the "Employee of the Quarter." According to Healy, Runyon awarded WANG contract employees this accolade. Healy asserted that the person's name is placed on a plaque that hangs in the hallway at the NFU (Exhibit 74). Healy claimed Runyon told the instructor that the employee of the quarter got their picture taken, name on a plaque, a reserved parking space and a day off with pay. When asked what the instructor's response was, Healy recounted she said nothing and just looked at Runyon. Healy stated she maintained the time and attendance records and no employee charged their day off to administrative leave. According to Healy, they took the day off but annotated on their time and attendance sheet as a day worked. Healy claimed Runyon authorized the practice.

ally stated that sometime in 1996 or 1997, Runyon used a government vehicle to move his personal things (black powder firearms and equipment) from Virginia to Altoona, Pennsylvania. Healy described the vehicle as a two and a half ton truck that is referred to as the "box truck" at the NFU. Healy claimed Huelsman would corroborate it when asked. Healy asserted she has requested that feminine hygiene machines be installed in the female restrooms at the NFU, but Runyon and Hill denied it. Healy challenged them and suggested the machines could be included in the janitorial contract, but again it was denied. Healy stated in December 1994, Hill required everyone to eat lunch at the same time, but expected staff to answer the telephones during the lunch break. According to Healy, Hill announced over the public address system when lunch time was and then everyone would assemble in the lunch room. Healy claimed that staggered lunch breaks were not allowed.

Healy recalled she went on a business trip to Puerto Rico with Runyon and Johnson to conduct inventory. Healy recounted Runyon and Johnson made her feel uncomfortable because they excluded her from participating in activities with them. Healy claimed she observed Runyon exiting Johnson's room on one occasion. Healy further claimed Runyon was in Johnson's room when she colored her hair from blond to black. When asked how she knew this information, Healy said Johnson told her that Runyon was in the room while she colored her hair. Healy characterized Runyon's and Johnson's relationship as "very unprofessional."

Healy asserted that on March 27, 1998, Runyon conducted a dedication ceremony at the NFU and she provided a copy of the dedication program (Exhibit 75). According to Healy, Runyon had no approval from INS Headquarters to conduct the ceremony. Healy recalled Runyon dedicated the NFU facility to Commander Lisa N. Meunier, U.S. Navy Reserve (Exhibit 76). Healy recalled asking Runyon if anyone from INS Headquarters was invited to attend the ceremony and him responding, "No, no, they don't need to know." Healy explained that a federal building couldn't be dedicated without approval and following a specific protocol.

On August 24, 2000, Hill again was interviewed and he provided a taped sworn statement (Exhibit 77). Prior to the interview, Hill was administered a "Warning and Assurances to Employee Required to Provide Information," which he signed acknowledging he understood his rights and responsibilities during the interview (Exhibit 78). When asked if Runyon contacted him after his interview on August 3rd and inquired about the investigation, Hill denied it. Hill acknowledged he spent the night with WANG contract worker Danielle Link when he was in Las Vegas in January 1998. Hill contended he got involved with Link in 1997 and intends to marry her after his divorce is final. When asked why he did not disclose this information in his August 3rd interview, Hill characterized his relationship with Link as personal business and he did not think it was INS related. When asked if he approved awards for Link, Hill said yes, but explained she was among other recipients.

Hill corroborated he attended a show (Mystique) in Las Vegas in January 1998 with tickets provided by Runyon. Hill corroborated Runyon obtained the tickets from Remington and each ticket was valued between sixty (60) to sixty-five (65) dollars. Hill could not recall if dinner also was included. Hill denied Runyon instructed him not to mention the show because the tickets were provided by a vendor and exceeded the allowable monetary value as proscribed by law. Hill corroborated Runyon purchased a rifle while in Las Vegas, but he could not recall if Runyon used a government funded FED EX label to ship it back to Altoona, Pennsylvania. Hill acknowledged Link repeated a Spanish

ase to him that she had learned from other INS staff who were on detail at the NFU and that it was sexually explicit. However, Hill claimed Link had no idea what she had said in Spanish and he simply told her what she had said, but he could not recall exactly what it was. According to Hill, neither Allan nor Kaveri Cornett ever advised him that he behaved in an offensive manner in Las Vegas. When asked if Runyon ever made a statement that would have given the listener the impression he had spent the night with Link in a hotel in Las Vegas, Hill said no.

Hill denied he repeatedly harassed a subordinate verbally or sexually under his charge when he was at the NFU. Hill denied he misused a government issued credit card or his procurement authority when at the NFU. Hill denied he allowed civilians to use NFU firearm ranges for the purpose of shooting automatic firearms unrelated to INS matters of interest. Hill acknowledged he authorized the repair of a flat tire on a forklift at the NFU sometime in 1997, but denied he violated policy or law when he generated the authorization. Hill recalled he spoke with someone from the facility who claimed they had not received payment for their services. Hill claimed he advised the person that the matter should have been paid with a government credit card. Hill recalled the person responded that they did not accept credit cards. According to Hill, he suggested that the person find a neighboring business who accepted credit cards and then collect the fee from them after the NFU paid them for the bill. Hill stated he never followed up on the matter and does not know if the vendor ever received compensation. Hill acknowledged he should have followed up on the matter before he left the NFU.

Hill denied he instructed subordinates under his charge at the NFU to provide WANG contract workers with their government credit card numbers. Hill denied he conducted a test in an indoor firearm range to determine how much smoke the filters could tolerate. However, Hill recalled an incident wherein he and Jacobs lit a cigar in the indoor range to see if the air channels were operable.

Hill denied he threatened the owners of the Neilson and Popish Gunsmithing Company to take away government business from them if they did not sell him a firearm he wanted in May or June 1997. Hill recalled he purchased a firearm from them in 1997, but denied he ever threatened to divert government business away from them if they did not sell him a firearm he wanted.

Hill corroborated Runyon parked his Corvette in a garage at the NFU and estimated it was for about a year. When asked if he thought it was appropriate, Hill said no, but acknowledged he never disclosed his feelings about the matter to Runyon. Hill denied he ordered a subordinate under his charge at the NFU to drive more than three hundred (300) miles in an eight-hour period.

Hill corroborated he attended a meeting with Runyon at the NFU in 1995-1996, but he could not recall Runyon instructing NFU staff not to speak with Tom Fisher, demeaning NFU staff or him (Hill) verbally concurring with Runyon's remarks during the meeting. Hill recalled Runyon initially considered hiring Fisher as an armorer for the NFU, but Fisher declined and selected the FLETC instead. According to Hill, Runyon was "livid," and he (Runyon) subsequently developed "bad feelings" about it with Fisher. Hill characterized Runyon's attitude as a "them-against-us," regarding FLETC and the NFU.

corroborated Runyon implemented an "Employee of the Quarter" program at the NFU. When asked what the employee received as a result of being selected as the employee of the quarter, Hill said the recipient received an administrative day off, a parking space and their picture and name on a plaque. When asked if the administrative day off was reflected on the employee's time and attendance record, Hill said he did not know. Hill recalled that the program created problems between INS employees and the WANG contract employees because of competition for the accolade of employee of the quarter.

Hill denied he rejected to procure feminine hygiene products for the female restrooms at the NFU when it was proposed in a janitorial contract. Hill denied he mandated that all NFU staff eat lunch at the same time in the NFU lunchroom and also perform work related duties during lunch. According to Hill, eating lunch in the NFU lunchroom was voluntary and not mandatory. Hill denied he verbally abused a subordinate about completing a Form G504 in 1996. Hill acknowledged he showed a picture to a female subordinate (Healy) of herself and a male co-worker that depicted them in what appeared to be a compromising position in July 1997. Hill acknowledged Healy advised him that she found the photograph to be offensive and she did not like it. According to Hill, he apologized to Healy and stopped showing the picture to her. Hill denied he berated a subordinate at the NFU about completing a Form G-109 and then forming his hand in the shape of a gun and simulating shooting the subordinate. Hill denied he berated a subordinate under his charge in a hallway at the NFU about a shooting incident in July 1997.

Hill denied he threatened NFU staff not to join or formulate a union at the NFU in September 1998. Hill recalled that a "couple of guys" asked him for advice about the union and he gave them the pros and cons of having union stewardship. According to Hill, he has always been supportive of the union. Hill denied knowledge of NFU staff or anyone loading ammunition cans onto a civilian's pick-up truck at the NFU. Hill denied he lost his temper with a subordinate at the NFU about an incident that involved the test fire of a 223-caliber firearm. Hill recalled the incident involved Cornett, who had placed a target at twenty-five (25) yards and then fired rounds at it. According to Hill, Cornett's rounds struck the backstop of the range. Hill recalled he stated, "Allan, you've got to be more careful. You are a professional armorer. This is expensive equipment. You have to make sure you backstop any time you shoot." Hill claimed Cornett responded that he thought the backstop was bullet proof, which he discovered was not. When asked if he used profanity when speaking to Cornett, Hill said he did not know, but stated, "I chewed his ass for it, because he should have known better and I pointed that out to him."

On August 25, 2000, Director Karen Severn was interviewed at the INS Administrative Center in Dallas, Texas, and she provided a taped sworn statement (**Exhibit 79**). Prior to the interview, Severn was administered a "Warning and Assurances to Employee Required to Provide Information," which she signed acknowledging she understood her rights and responsibilities during the interview (**Exhibit 80**). Severn explained she began her INS career in March 1993 at INS Headquarters in Washington, D.C. In 1995, she accepted the position of Deputy Assistant Commissioner for Administration and served in that capacity until January 16, 2000. She advised she commuted back and forth from Washington, D.C. to Dallas, Texas, during the period of January 16th until April 7, 2000, whereupon she permanently assumed her current position and also established residency in

as, Texas. Severn acknowledged she was Runyon's supervisor beginning in April 1998 until January 16, 2000.

Severn corroborated Smith and Huelsman traveled to Washington, D.C. in March 2000 to attend a budget meeting with Yentzer. She recalled Smith relating Diaczenko was convinced that Runyon and Johnson were involved in an extra-marital affair. When asked if she asked Smith if he had evidence to corroborate Diaczenko's assertion, Severn stated no and she dismissed it because she considered it "gossip." When asked if she told Smith that she had heard the allegation before about Runyon and Johnson, Severn stated, "absolutely not." Severn maintained Smith never stated he believed that Runyon and Johnson were involved in an extra-marital affair, but that only Diaczenko believed it.

Severn corroborated that Smith told her that Runyon had purchased a lathe and also moved money to effect the purchase. However, Severn denied she told Smith that the lathe had never been approved for purchase or that capitalized property valued over one hundred thousand (\$100,000) dollars needed special approval. According to Severn, capitalized property over \$100,000 does not require special approval and no money was specifically allocated for a lathe machine at the NFU. Severn recalled she told Smith that moving money was not the original intent and she would mention it to Yentzer. Severn claimed that there were no improprieties involving the acquisition of equipment for the NFU. Severn denied Smith reported an allegation to her that Runyon and Johnson were involved in an inappropriate supervisor-subordinate relationship in January or February 2000 and maintained Smith only intimated it to her in discussing Diaczenko's belief in March 2000. When asked if she advised Runyon that Smith made allegations against him during the period of April 3 through April 5, 2000, Severn said no because she was not in the office and she was packing to leave to Dallas, Texas.

Severn denied Smith reported to her that Runyon approved NFU staff to perform maintenance work on privately owned firearms. Severn denied Smith reported to her that Runyon was involved in waste, fraud and mismanagement, and Smith did not disclose to her any type of information that led her to believe Runyon was involved in those types of activities. Severn denied she asked Smith or Huelsman where Runyon was or who he was with when they came to Washington, D.C. in March 2000. According to Severn, she already knew Runyon's whereabouts before they came to Washington, D.C. Therefore, she had no reason to inquire about Runyon with either of them.

Severn denied knowledge that Runyon directed or ordered NFU staff not to speak to Smith unless it was specifically related to the NFU armory. Severn denied knowledge Runyon issued a memorandum that designated Johnson as an assistant director at the NFU. When asked if she had knowledge that Runyon allowed his wife to ride in a government vehicle, Severn said no. Severn explained she knew Runyon's wife accompanied him on trips to Washington, D.C., but she (Severn) maintained she had no knowledge Runyon's wife rode in a government vehicle to get there.

When asked if she informed Smith in a telephone conversation on May 8, 2000 that she told Runyon about the allegations he (Smith) made against him (Runyon), Severn acknowledged the telephone conversation took place and also acknowledged she told Smith that she disclosed his and Diaczenko's names to Runyon's wife about the matter during a conversation between them in Dallas, Texas, in April 2000. When asked if she stated to Runyon's wife, "If she valued her relationship with

husband she'd better have a discussion with him about his relationship with Diane," Severn explained she stated, "I don't know whether I'm doing the right thing or not, but I want to let you know that these people who—some of these people who Gary [Runyon] has put so much faith in, in fact, have a little gossip nonsense going around that Gary and Diane [Johnson] are having an affair."

Severn related that on April 8, 2000, Runyon's wife, Mary, stopped at her house at about 8:00 a.m. for coffee. They exchanged conversation wherein Mary eventually revealed that Runyon was considering retiring because he trusted Diaczenko with running the NFU. According to Severn, she felt obligated to disclose the information Smith reported to her about Diaczenko's belief that Runyon and Johnson were having an extra-marital affair because Mary had been there for her when Severn's husband died. Severn opined Mary most probably related the information to Runyon, who later confronted Smith about it.

Severn stated that she gave a sewing machine to Runyon to perform maintenance on it before she left for Dallas, Texas. Severn denied knowledge that Runyon allowed NFU staff to perform the maintenance work on her sewing machine. According to Severn, she assumed Runyon would perform the work himself at home. Severn recalled that when she picked up the sewing machine at the NFU, no one disclosed or complained that her sewing machine had maintenance performed on it by NFU staff at the NFU. Severn recalled Smith told her in March or May 2000 that Runyon had forced Diaczenko to make a spindle for her sewing machine, but she disregarded it because Diaczenko made no complaint to her after she thanked him for making the spindle when she picked it up from the NFU. According to Severn, Diaczenko smiled at her when he returned the sewing machine to her.

Severn denied knowledge of a dedication ceremony that Runyon performed on March 27, 1998 at the NFU wherein he dedicated the NFU building to Meuniur. According to Severn, she was not Runyon's supervisor during that time. When asked if anyone from INS ethics ever reported concerns about Runyon's relationships with contract workers at the NFU, Severn said no.

On August 29, 2000, Assistant Commissioner Administration David Allen Yentzer was interviewed and he provided a taped sworn statement (**Exhibit 81**). Yentzer denied Smith or Severn ever reported allegations to him that Runyon directed NFU staff to repair personally owned firearms at the NFU. Yentzer denied Smith or Severn reported an allegation that Runyon was involved in an inappropriate relationship with a female subordinate. According to Yentzer, he learned of the allegation "after it became evident at the NFU." Yentzer was asked when he became aware of the allegation and he claimed he was not sure, but speculated it might have been in May 2000. Yentzer recalled he talked with Severn, who related she had spoken with Runyon's wife and also told her about the allegations that Runyon and Johnson were involved in an affair.

When asked if Smith or Severn ever reported to him allegations that Runyon was involved in waste, fraud or mismanagement, Yentzer recalled having a conversation with Smith and Huelsman about Runyon purchasing a lathe that he (Smith) thought was improper, but he did not recall Smith making specific allegations of waste, fraud or mismanagement. Yentzer acknowledged he stated in a budget meeting in March 2000 that if anyone was purchasing capitalized property without the requisite

approval they would be in trouble. However, Yentzer maintained there was no misuse of appropriations by NFU staff.

Yentzer acknowledged it was reported to him that Runyon allowed NFU employees who are not Immigration Officers as defined by law or statute(s) to carry firearms at the NFU and also allowed them to take firearms home. According to Yentzer, he and Runyon had conversations about the issue a year and a half ago after Hill left the NFU. Yentzer stated Runyon felt the armorers could carry firearms in the performance of official duties, but they are still awaiting a legal opinion.

Yentzer stated Smith telephoned him and sent an e-mail message in July 2000 and reported an incident he experienced with Runyon in the NFU parking lot. According to Yentzer, Smith claimed Runyon ordered him to open his vehicle to allow Runyon to search it for NFU files. Yentzer corroborated Michaud determined that the files in Smith's vehicle were not related to NFU business. Yentzer provided a series of e-mail correspondence exchanged with Smith about various issues at the NFU, including the parking lot incident (**Exhibit 82**).

Yentzer stated he traveled to the NFU in July 2000 for the purpose of issuing a proposal of disciplinary action against Smith. Yentzer also stated he and Smith engaged in a private conversation after the proposal was issued to Smith. When asked if Smith reported to him that Runyon had threatened him, Yentzer said he could not recall, but acknowledged Smith reported it in a subsequent e-mail message. When asked if he ever indicated to Smith that he was authorized to offer him a transfer from the NFU in exchange for Smith withdrawing his complaint, Yentzer recounted he stated, "What do you want out of this? Look, this is getting to be essentially an unpleasant situation." Yentzer recalled he indicated to Smith that if he accepted another position, the one-day suspension would be withdrawn. Yentzer recounted Smith advised he had also filed complaints with the FBI, OIA and EEO. Yentzer denied he encouraged or requested Smith withdraw any of his allegations. Yentzer recalled Smith later responded in writing and declined a transfer, but outlined conditions for his retirement. Yentzer characterized Smith's retirement conditions as "extreme" and beyond his authority to approve.

Yentzer acknowledged he was aware of and concurred with Runyon's memorandum that designated Johnson as an acting assistant director at the NFU. Yentzer further explained it was only for a period of one hundred twenty (120) days because it was not an approved position. Yentzer stated "I've got an extreme amount of confidence in her" and he thought it was a rational decision considering the long-term goals of the organization. When asked if he had ever approved Runyon to transport his wife in a government vehicle, Yentzer said no. But Yentzer also stated "I just don't know what the rules are on that."

On August 29, 2000, Ethics Trainer and Advisor Julie Carr was interviewed and she provided a taped sworn statement (**Exhibit 83**). Carr stated she has been with INS for five (5) years and was at Main Justice, Justice Management Division, prior to INS. Carr explained she provides counseling to employees on conflict of interest laws and on the standards of ethical conduct. She also conducts training on the same subject matters to various INS installations throughout the country.

r recalled she conducted a training session (**Exhibit 84**) on ethics at the NFU on or about June 1, 1999, which included contract employees and their relationship with INS employees relative to conduct at the workplace on a government site. Carr recounted Runyon attended the training and he disagreed with her parameters about INS employees' relationships with contract employees. According to Carr, she explained during the training that INS employees should keep contract employees at arms length because they're considered prohibited sources under the standards of ethical conduct and it was important to avoid creating any appearance of impropriety or conflict of interest with them. When asked to define a prohibited source, Carr stated, "It's a company or a person that the government does business with, they're' a non-government entity." She also explained that a government employee may not accept a gift from a prohibited source that is more than ten (10) dollars in value on any one occasion and it couldn't be more than fifty (50) dollars annually.

Carr quoted Runyon stating "How can he [sic] prohibited from fraternizing with contract employees when they're on the site and everybody is one big happy family?" Carr stated she emphasized to Runyon that he needed to be unbiased and impartial relative to appraisals, awards and promotions when dealing with contract employees. When asked if Runyon discussed the NFU employee of the quarter program with her during the training, Carr could not recall if Runyon had. But Carr said she spoke with the INS ethics officer, who said that giving a contract employee the employee of the quarter award would definitely be a problem because Runyon is not their supervisor. Rather, the more appropriate avenue to recognize them would be to generate a letter of commendation and have it placed in their personnel file. Carr stated that government supervisors are not permitted to give cash awards to contract employees. When asked if a day off from work was the same as a cash award, Carr said yes. Carr explained that government supervisors are prohibited from recommending hourly increases to a contract employee's salary because they are not a contract employee's supervisor.

In an e-mail message (**Exhibit 85**) dated August 30, 2000, Carr reported that "[giving cash awards to contract employees violates appropriations law which states that appropriated funds must be spent only to further the mission of the agency." She also reported that recognizing contract employees as the employee of the quarter violates the Employee Incentive Awards Act that states that awards shall be given to government employees only. She also provided a copy (**Exhibit 86**) of the "Standards of Ethical Conduct for Employees of the Executive Branch."

Runyon was served a NTA (**Exhibit 87**) on August 28, 2000, instructing him to appear at INS Headquarters on August 30, 2000 for an interview. He was interviewed and he provided a taped sworn statement (**Exhibit 88**). Prior to the interview, Runyon signed a "Warning and Assurances to Employee Required to Provide Information," acknowledging he understood his rights and responsibilities during the interview (**Exhibit 89**). Runyon stated he began with INS as a Border Patrol Agent in El Paso Texas (EOD-10-4-76) and subsequently received a promotion to Headquarters in 1987. He ultimately was selected as the Director at the NFU in December 1993.

Runyon denied he contacted anyone from August 3, 2000 to August 30, 2000 and inquired about an investigation at the NFU. Runyon denied he manages through intimidation and fear at the NFU. Runyon acknowledged he initiated a procurement action for a milling machine and lathe because

szenko stated the NFU needed them to keep up with current technology. Runyon stated he allowed all appropriate acquisition/procurement avenues to acquire the machines (**Exhibit 90**). Runyon acknowledged that NFU armorers performed maintenance work on non-government firearms at the NFU, but contended it was NFU policy to maintain liaison with local law enforcement entities. According to Runyon, his former supervisor, G. H. Kleinknecht, was aware and approved of the policy to conduct maintenance on local law enforcement firearms. Kleinknecht left INS in 1997. Runyon denied knowledge that NFU armorers made parts for non-government firearms.

Runyon acknowledged he approved a procurement action to purchase safes for firearms that were placed in residences of specific NFU personnel. Runyon denied he instructed an NFU employee that he was to get a bigger safe because he wanted to store his personally owned firearms in it. Runyon denied he instructed a subordinate to not enter his safe onto the NFU inventory because he wanted it for his personal use. Runyon denied he stated to a subordinate, "If you want to play, I will play with you." Runyon acknowledged he brought Severn's sewing machine into the NFU and had NFU armorers perform maintenance work on it. Runyon corroborated Severn had no knowledge either before or after that the sewing machine was brought into the NFU and maintenance work was done on it by NFU armorers.

Runyon acknowledged he instructed subordinates to retrieve lever-action Winchester rifles from the NFU reference vault, but he denied he took the parts of those rifles home and never returned them. According to Runyon, he signed for the rifles and took them home to disassemble them because he was curious about the firearms. However, Runyon maintained he returned the parts to the NFU. Runyon denied he stated that Johnson would be the next assistant director at the NFU and he would retire until it happened. Runyon denied he purposely adjusted a subordinate's work schedule that prevented the subordinate from working administratively uncontrolled overtime (AUO) hours. Runyon recalled he changed Smith's core hours to 8:00 a.m. to 4:30 p.m. to ensure he was at the NFU until it closed. Runyon maintained Smith still was able to work AUO if he reported to work at 6:00 a.m., which would have allowed him to work AUO hours from 2:30 p.m. to 4:30 p.m.

Runyon denied he has ever told a subordinate that he could get rid of them. Runyon acknowledged he traveled to Springfield, Massachusetts, via his personally owned vehicle during the period of June 22 through June 25, 2000, but denied he claimed mileage he was not entitled to claim for reimbursement. According to Runyon, his secretary does his travel vouchers by using Travel Manager. The computer automatically calculates the mileage and he never submits a numerical mileage value when he gives his paperwork to the secretary. Runyon's Standard Form (SF) 1012 (Travel Voucher) for that trip reflected he claimed round trip mileage of seven hundred ninety two (792) miles and was authorized lodging, but Runyon submitted no costs for lodging reimbursement on his travel voucher. Runyon was reimbursed for M&IE in the amount of eighty-five (\$85) dollars and for miscellaneous (MISC) expenses in the amount of two hundred eighty five (\$285) dollars, totaling three hundred seventy dollars and forty-five cents (\$370.45). Runyon's travel authorization (G-250) estimated his costs to be at five hundred fourteen dollars and ninety cents (\$514.90) (**Exhibit 91**).

Runyon acknowledged he exercises regularly each morning at the NFU and also allows his wife to exercise with him. Runyon claimed he did not know it was prohibited from using the first or last hour in the workday to exercise in connection with the INS HIP. Runyon also claimed his wife is issued a "escort required" badge when she is at the NFU and also signs a logbook. According to Runyon, he does not prohibit other NFU employees from bringing their wives to the NFU to exercise.

Runyon stated he attended a National Shot Show in Las Vegas, Nevada, in January 1998. Hill, Link, and the Cornetts also went on the trip to Las Vegas. Runyon denied he made a statement that he did not sleep well because a female who was in the room with him complained about the temperature and snored all night. Runyon acknowledged he accepted five (5) tickets from a representative of Remington and attended a show called "Mystique." Runyon claimed he could not recall the price of each ticket and denied dinner also was included. When asked if he instructed Hill, Link and the Cornetts after the show to not mention attending the show because it was a violation of procurement or ethics policies, Runyon said he could not recall making such a statement. Runyon denied he or Hill behaved in an offensive manner during the trip.

Runyon acknowledged that his wife rode in a government vehicle (Chevrolet Suburban) in January 2000 from Altoona, Pennsylvania, to the Pittsburgh International Airport. Runyon explained that his wife accompanied him to Las Vegas on another detail. When asked if he had obtained permission for his wife to ride in a government vehicle, Runyon said no. Runyon acknowledged he purchased a lever-action rifle while in Las Vegas and then used a government-funded FED EX label to ship it back to Altoona, Pennsylvania.

Runyon denied he has taken twenty-five (25) thousand rounds of ammunition without signing receipt for it or that he sold government ammunition to civilians. A review of the NFU's Forms G-484 (Ammunition Log Sheet) during the periods beginning March 6, 1996 until June 30, 2000 revealed Runyon was issued and signed receipt for a total of one hundred twenty two thousand and eight hundred ninety (122,890) rounds of ammunition (**Exhibit 92**).¹⁸ Runyon denied he threatened an owner of a gun shop that he would ensure no government business was awarded to him if he did not sell firearms at his quoted prices. Runyon stated he attended training in Dallas and San Antonio, Texas during the period of April 3 through April 14, 2000. Runyon also acknowledged he used a vehicle rented by the U. S. government to visit his mother in Austin, Texas during that time frame. However, Runyon claimed he did not charge the government for the days (3) he used the vehicle to visit his mother. A review of Runyon's SF-1012 he signed and submitted for reimbursement reflected no indication or explanation to verify that he had not charged the government for the 3 days he used the rental vehicle to visit his mother (**Exhibit 93**).

Runyon acknowledged he parked his Chevrolet Corvette in 1995 at the NFU and estimated it was between ten (10) to twelve (12) months that he parked it there. When asked if he had approval from his supervisor to park his car at the NFU, Runyon said no.

¹⁸ A itemization of the ammunition Runyon was issued is as follows: .38 caliber-18,500; .22 caliber-10,000; 12 gauge-290; .308 caliber-1,000; 9mm-0; .357 caliber-52,550-(50,000 went to the U.S. Marshals' Service); .223 caliber-400; and the .40 caliber-150.

Runyon acknowledged that in 1995 or 1996, he knew ammunition containers were loaded onto a pick-up truck owned by Schmittle's Gun Shop. Runyon also acknowledged he has purchased firearms from Schmittle's Gun Shop and has used Schmittle's Federal Firearm License to obtain firearms for his personal use. When asked if he had signed for a black ballistic nylon range bag from the NFU, Runyon said yes and that it should be reflected on his property card. A review of Runyon's Form G-570 (Record-Receipt-Property Issued to Employee) disclosed he had not signed for a black ballistic nylon range bag (**Exhibit 94**).

Runyon acknowledged he instructed a subordinate to retrieve an upper receiver to a M4 firearm complete with bolt and carrier, but denied he took it home. According to Runyon, it is in a safe in his office.¹⁹ When asked why he wanted the upper receiver, Runyon explained the NFU was conducting an evaluation on trigger night sights for the M4 firearm and he wanted the receiver for experimentation purposes.

Runyon acknowledged he generated a memorandum that designated Johnson as an acting assistant director at the NFU, but explained that the Regional Office has not approved it beyond 120 days. Runyon acknowledged he conducted a building dedication ceremony on March 27, 1998 without authorization from anyone.

Runyon characterized his relationship with Johnson as a "close working relationship." Runyon explained he has known Johnson for a "long time." Runyon denied he had an intimate relationship with Johnson and maintained it was professional. When asked if he had ever massaged Johnson's shoulders in the workplace, Runyon said no. Runyon corroborated he traveled to Puerto Rico with Johnson and also was in her hotel room when she colored her hair from a blonde to a brunette.

Runyon acknowledged he authorized civilians to shoot government firearms at the NFU under a program he called "Fun Day or Fun Shoot." Runyon explained he allowed the contract workers and other civilians (local police department personnel) to shoot handguns and automatic firearms and the INS employees were the safety officers. Runyon considered the event to be a morale builder and it promoted good public relations with the local community. Runyon corroborated that a sixteen (16) year old (stay in school employee) also fired a firearm, but he was not certain if the NFU had obtained minor's parents consent for the minor to participate in the shooting of firearms at the NFU. Runyon stated he assumed it had been taken care of by either Diaczenko or an assistant director. Runyon stated he did not obtain authorization from anyone.

Runyon denied that in 1995 or anytime, he gave subordinates at the NFU government ammunition or confiscated ammunition to use without accounting for it. Runyon denied he instructed subordinates at the NFU to furnish the WANG contract employees with their government credit card numbers. Runyon acknowledged he authorized a smoke tolerance test to be performed at an indoor firearm range at the NFU, but claimed he did not know any specifics about it because Smith was in charge of coordinating the test.

¹⁹ It was discovered during the investigation that only Runyon had the combination to the safe in his office. Consequently, it could not be determined if the upper receiver was in the safe during the conduct of the investigation.

Runyon acknowledged he approved WANG contract employees to attend various types of training that was funded by the government. Runyon acknowledged he stated during a training session on ethics that he treated WANG contract employees the same as INS employees. According to Runyon, he feels that the WANG contract employees are government employees and he treats them like he treats other government employees. Runyon acknowledged he has selected INS employees and WANG contract employees as the employee of the quarter at the NFU. When asked what privileges the employee of the quarter received, Runyon stated the recipient got a day off from work with pay, a picture taken and their name on a plaque. Runyon further stated he recommended cash awards for the WANG contract employees in the amount of \$250 in 1998, which WANG paid to them. Runyon denied he recommended hourly wage increases for the WANG contract employees.

Runyon acknowledged he used a government vehicle to move his personal property from Springfield, Virginia, to Altoona, Pennsylvania sometime in 1995-96. When asked if he had approval to use the government vehicle, Runyon said no.

Runyon stated he was involved in an incident with Smith in the parking lot at the NFU on July 13, 2000. Runyon recounted WANG contract employee Lisa Jacobs advised him that she had seen Smith take file folders from the NFU and then place them in his vehicle at 7:30 a.m. Runyon recalled he went to Michaud's office and stated, "Carl, we've got a, we've got a, a, we've got a situation." Runyon then proceeded to Pigza's workstation and requested she also accompany them when they went outside to the parking lot.

Runyon recounted they proceeded to Smith's office and he stated to Smith, "David, I need to look at those files in your vehicle." He recalled Smith responded, "Those are my personal files and you're not going to look at those files." Runyon stated he again told Smith that he needed to see the files and Smith said that he needed a warrant. Runyon explained he didn't think he needed a warrant because Smith's vehicle was on government property and was subject to search. When asked if a sign was posted at the NFU indicating that, Runyon said no.

Runyon recalled they eventually all proceeded outside to the parking lot and he gave the keys to Smith's vehicle to Michaud and instructed Michaud to examine the files in Smith's vehicle. Runyon recounted Michaud gave the keys to Smith and Smith opened the vehicle's door and allowed Michaud to examine them while Smith retained possession. Michaud determined they were not NFU files and the incident was over. Runyon recalled he asked Michaud how he thought he (Runyon) handled the situation. According to Runyon, Michaud stated, "Well, you did it very professionally."

Runyon stated that the incident was captured on security videotape, but claimed he did not view it. Runyon acknowledged he went to Pigza and asked for the tape, but he maintained he did not view it. Instead, Runyon claimed he placed the tape in a safe in his office until he was instructed to deliver the tape to Yentzer when he arrived at Headquarters for his interview.²⁰ When asked if he had tampered with the tape or erased any portion of the tape, Runyon denied he had.

²⁰ Runyon arrived in Washington, D.C. on August 28, 2000 and gave the security videotape to Yentzer. The security videotape was reviewed by OIA on August 29, 2000 and revealed no recorded representation of the incident that took place in the parking lot on July 2000 at the NFU that involved Runyon, Smith, Diaczenko and Pigza.

When asked if he ever stated, "I don't give a fuck about any search warrant, I'm going to look at those files," Runyon said yes. Runyon denied he stood in the doorway of Smith's office after the incident to intimidate him. Runyon recalled this was the same day Smith made a comment to Seymore that he (Runyon) and Johnson were having an affair. According to Runyon, he stood in the hallway after the parking lot incident to ensure Smith did not speak with Seymore before he (Runyon) had a chance to speak with him about Smith's comment. Runyon denied he ever touched his firearm during the incident with Smith in the parking lot because he perceived no threat. Runyon denied he has removed tools from the NFU and not returned them. When asked how much government ammunition he had at his home, Runyon estimated he had one thousand fifteen hundred (1,500) rounds of .38 caliber ammunition, and between five hundred (500) to one thousand (1,000) rounds of .22 caliber ammunition. Runyon denied he has ever instructed any NFU employee to issue ammunition to him without signing for it. Runyon acknowledged taking his personally owned black powder firearms to the NFU and having them serviced by NFU armorers. Runyon estimated he took them to the NFU about six (6) times over the past six- (6) years.

Runyon denied he asked a subordinate at the NFU if they had filed charges against him. Runyon denied he told a subordinate at the NFU that he would either detail him/her away from the NFU or just terminate them. Runyon corroborated he denied Smith's within grade increase twelve (12) to fifteen (15) months before it was due. Runyon corroborated he generated memoranda to subordinates at the NFU directing they submit additional medical information after they already provided documentation from a physician who indicated they were under his care. Runyon denied he rejected repeated requests from female employees for feminine hygiene items to be placed in the female restroom(s) at the NFU. Runyon denied he discouraged bargaining unit employees from joining or participating in union activities. Runyon denied he instructed NFU staff in meetings that they were not to speak to FLETC employees about NFU matters.

Runyon denied he required Pallo or Healy to qualify with a firearm in December 1994 through December 1995. Runyon further denied he issued them a firearm during those same periods. Runyon acknowledged he required the armorers to qualify quarterly with a firearm, despite them not meeting the statutory definition of an Immigration Officer. When asked if he required a non-Immigration Officer on December 31, 1999, to take firearms in a van and standby in case the NFU was attacked, Runyon recalled a van was set up as a stake out vehicle, but he could not recall if the individual in the vehicle had firearms or other equipment with him. Runyon could not recall who the individual in the vehicle was, but opined it was Smith. Runyon denied he allowed armorers to take firearms home. Runyon contended he only allows the sworn officers (himself, Michaud, and Smith) to take firearms home. Runyon denied he ever made the statement to a subordinate that he was "pussy-whipped."

Runyon stated he traveled to Germany to witness a first article test conducted on the Heckler and Koch (H&K) firearm recently accepted by the INS. Runyon explained that a first article test is selecting a random number of firearms (H&K) and shooting ten thousand (10,000) rounds through each firearm selected. Runyon contended he saved the government money by witnessing the vendor conduct the test rather than having INS conduct it. He estimated he saved the government nine thousand (\$9,000) dollars by witnessing the test. Runyon acknowledged he approved the National

of Team to travel to Germany in October 1996, but denied he disavowed knowledge of the trip when questioned by INS Headquarters because the requisite clearances to travel had not been obtained. According to Runyon, he was responsible for discovering that Hill had failed in not obtaining the proper clearances and not Headquarters. Runyon claimed they ultimately obtained the requisite clearances and the team competed in Germany. When asked how he discovered that Hill had not obtained the requisite clearances, Runyon said he could not recall. When asked if he had ever retaliated against any NFU employee, Runyon denied he had and contended he has always helped "every single person in that place [NFU] in some way or another."

Runyon denied he admonished NFU staff in a meeting that they should all be grateful to him because he hired them to work at the NFU. According to Runyon, Hill made that statement to the NFU staff in a meeting. He quoted Hill stating, "Gary has done so much for you. He's done a lot for the service. He's done so much for you guys, why would you do these things?" Runyon denied he instructed NFU staff that they were not to communicate or contact Fisher at the FLETC or that he referred to Fisher as a traitor.

When asked to respond to an allegation that he (Runyon) assigns staff members a multitude of tasks and then sets an unreasonable deadlines and issues Performance Improvement Plan (PIP) letter to the employee when the deadlines are not met, Runyon denied it. According to Runyon, he has issued only one (1) PIP letter and it was to Smith predicated on advice from LMR. Runyon stated Severn told him when he was on detail in Dallas that Smith made allegations against him. Runyon acknowledged he stated that he didn't care if Healy ever returned to work at the NFU. Runyon characterized Healy as a "marginal employee."

On September 11, 2000, WANG Human Resource Specialist Kelly R. Shuey was interviewed and she provided a taped sworn statement (**Exhibit 95**). Shuey explained she was hired by WANG on December 22, 1997. Her duty station is in Cincinnati, Ohio, but she reports to WANG Headquarters in McLean, Virginia. Shuey stated she has oversight responsibilities on the WANG contract at the NFU specifically related to Field Operations Support (FOS) and Hardware Maintenance (computers). When asked if she had any concerns pertaining to Runyon's interaction with the WANG contract employees, Shuey said yes. She explained her primary concern was Runyon creating "co-employment issues." She defined it as an issue in which a customer [U. S. government] assumes an employer role with the contract employees, which the customer is not. She explained that a consequence would be a liability issue wherein the contract employee could allege he/she should be given certain rights as a government employee, because they were treated as a government employee during the course of their employment with the contractor.

Shuey recounted she attended an INS FOS conference in April 1998 in Washington, D.C., with WANG and INS managers. Shuey referenced various e-mail correspondences (**Exhibit 96**) that Runyon had generated pertaining to WANG contract employees that raised concerns with her. In sum, Shuey explained Runyon's e-mail messages essentially directed WANG to increase the NFU contract employees hourly wages and also award monetary bonuses to them. She also stated Runyon sent an e-mail message to WANG in November 1998 that contained language pressuring WANG to hire Seymore, who then was employed with Federal Express (FED EX). When WANG informed Runyon that Seymore's wage determination was well above the market pricing and was not

ne with internal equity, Runyon threatened in an e-mail message (See Exhibit 96) to cancel any law business with WANG. WANG hired Seymore on February 22, 1999.

On September 11, 2000, the following WANG contract employees were interviewed: Christina Borlie, Lisa M. Brown, Angel L. Butterbaugh, Lisa Jacobs, Bettie V. Kozak, and Danielle Link. They all provided taped sworn statements (**Exhibit 97**). Shuey was present during the interviews. They all corroborated being a recipient of the NFU employee of the quarter award and also corroborated they received a day off from work with pay.

On September 12, 2000, Denblyker, Leutenegger, Masters, and Seymore were again interviewed and each provided taped sworn statements (**Exhibit 98**). Each corroborated being a recipient of the NFU employee of the quarter award and also corroborated they received a day off from work with pay. Seymore explained he was a WANG contract employee when he received the accolade. A review of Denblyker's, Leutenegger's, and Maters' time and attendance records during the quarter they received the award did not reflect an administrative day off ever being annotated on their time and attendance record (**Exhibit 99**).

On September 12, 2000, Pigza was interviewed again and she provided a taped sworn statement (**Exhibit 100**). Pigza confirmed she viewed the security videotape of the incident that happened in the NFU parking lot involving Runyon, Smith, Michaud and herself on July 13, 2000. She confirmed that what she viewed on the tape was a true representation of the incident as it happened on July 13, 2000.

September 12, 2000, Timothy G. Popish and Pat-Neilson were interviewed at their place of business located at 3903 Portage Street, Portage, Pennsylvania. They provided taped sworn statements (**Exhibit 101**). Both denied Runyon, Hill, Diaczenko or anyone from the NFU ever threatened to take away government business from them if they did not sell firearms to them at reduced prices.

On September 19, 2000, Diaczenko was telephonically interviewed and he provided a taped sworn statement (**Exhibit 102**). Prior to the interview, Diaczenko was administered a "Warning and Assurances to Employee Required to Provide Information," which he acknowledged and subsequently signed (**Exhibit 103**). Diaczenko acknowledged he instructed NFU armorers to perform maintenance work on retired FBI Agent Robert Talbert's personally owned firearm. Diaczenko claimed that this only happened one time. Diaczenko acknowledged he allowed Butterbaugh to use his government credit card number to effect a transaction for government business. According to Diaczenko, he always supervises the transaction and never allows Butterbaugh to use his card or number, absent his supervision. Diaczenko denied he told Cornett in a telephone conversation that he would retaliate against Masters after the OIA investigation because he told Nastoff to disclose his (Diaczenko's) name to an OIA investigator.

On September 19, 2000, Huelsman was telephonically interviewed and she provided a taped sworn statement (**Exhibit 104**). Huelsman denied that a female subordinate at the NFU reported to her allegations of sexual harassment in July 1997. When asked if she ever instructed a subordinate at the NFU to give their government credit card number to a contract employee, Huelsman stated she

uld not recall such an incident. Huelsman corroborated the incident when the "box truck" at the FU was painted by Hammer's Auto Body and she or Hill also suggested NFU pay a neighboring business because Hammer's did not accept credit cards, but she denied stating, "Not everything is in the book," when advised by the subordinate they were not comfortable with doing that. Huelsman identified the subordinate as Healy.

On October 3, 2000, Runyon resigned from the INS (**Exhibit 105**).

On October 30, 2000, the INS rescinded proposed disciplinary actions against Diaczenko and Smith (**Exhibits 106-107**).

EXHIBITS

1. Memorandum dated July 13, 2000 from David G. Smith.
2. Memorandum dated June 4, 2000 from Smith.
3. OIG complaint dated August 7, 2000.
4. CC-mail (e-mail) message dated August 7, 2000 from Smith.
5. Transcript of Randy Hill's taped sworn statement dated August 3, 2000.
6. Transcript of Smith's taped sworn statement dated August 10, 2000.
7. Copy of NFU Standard Operating Procedure (SOP) dated April 29, 1999.
8. Memorandum dated June 13, 2000 from Gary S. Runyon.
9. NFU Operation Organizational Chart (Interim) dated June 18, 2000.
10. Smith's annual performance appraisal and a Performance Improvement Plan letter dated June 23, 2000.
11. Memorandum dated June 23, 2000 from Runyon to Smith.
12. Memoranda dated July 14 and 27, 2000 from Runyon to Smith.
13. Memorandum dated July 13, 2000 from Jody F. Seymore to Runyon.
14. Memorandum dated July 13, 2000 from Diane R. Johnson to Runyon.
15. CC-mail message dated July 17, 2000 from Smith to David A. Yentzer.
16. CC-mail message dated July 17, 2000 from Yentzer to Smith.
17. CC-mail messages (various dates) from Smith to Runyon and Yentzer.
18. Memorandums (various dates) from Kleinknecht and Runyon to NFU armorers and Appendix 1B, List of INS Authorized Firearms, items 1 (D) and (E).
19. Smith's "Warning and Assurances to Employee Required to Provide Information," dated August 10, 2000.
20. Transcript of Smith's second taped sworn statement dated August 10, 2000.

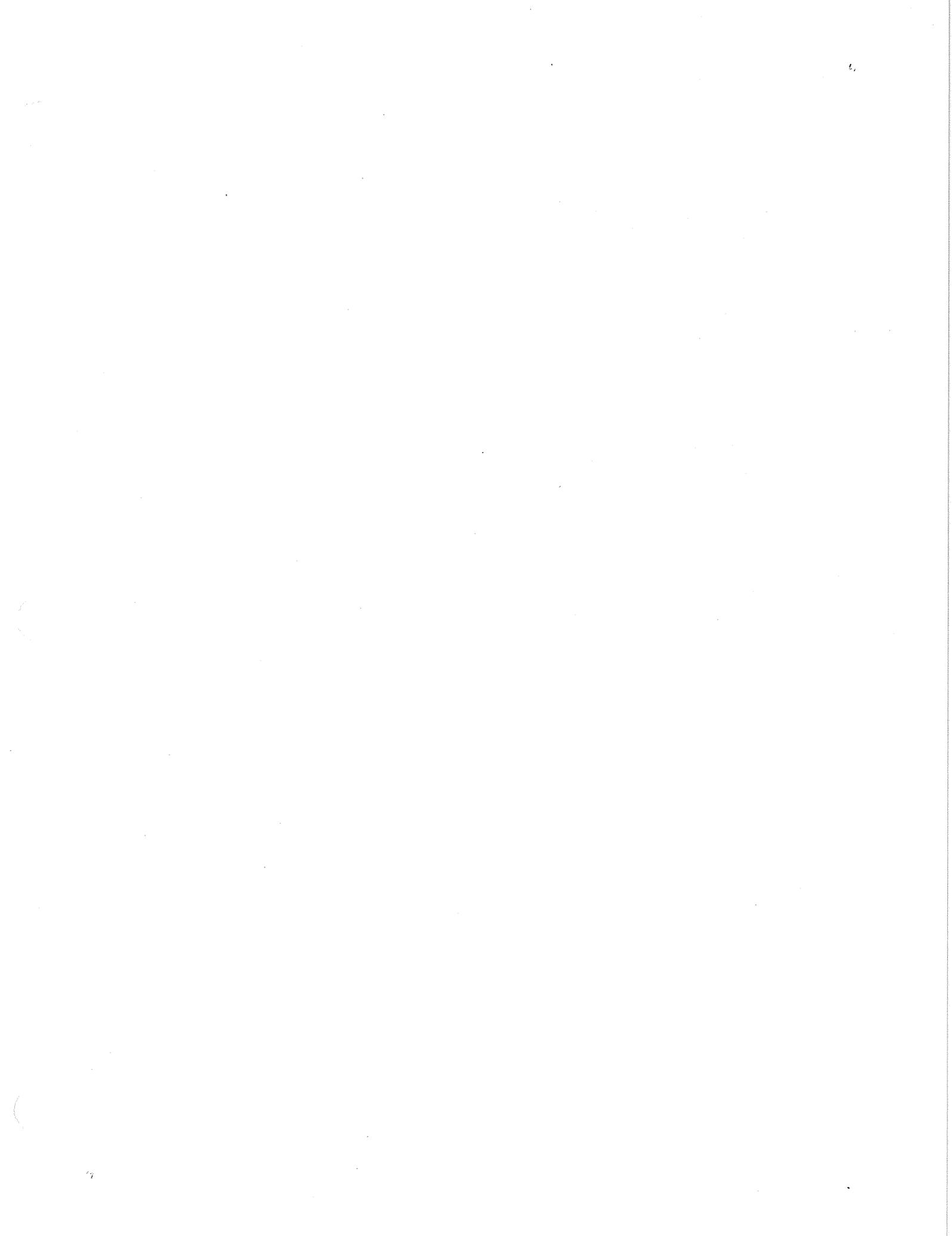
21. Walter Diaczenko's Notice to Appear (NTA) dated August 15, 2000.
22. Transcript of Diaczenko's taped sworn statement dated August 15, 2000.
23. Memorandum (not dated) from Yentzer to Robert S. Sherman.
24. Memorandums (various dates) from Runyon to Diaczenko.
25. Memorandum dated July 18, 2000 from Runyon to Diaczenko.
26. Ronald J. Beegle's NTA dated August 15, 2000.
27. Transcript of Beegle's taped sworn statement dated August 15, 2000.
28. WANG Contract Summary of Facts prepared by Beegle.
29. Jody F. Seymore's NTA dated August 15, 2000.
30. Transcript of Seymore's taped sworn statement dated August 16, 2000.
31. Memorandum dated July 13, 2000 from Seymore to Runyon.
Michael S. Pallo's NTA dated August 15, 2000.
33. Transcript of Pallo's taped sworn statement dated August 16, 2000.
34. Memorandum dated March 28, 1995 from Runyon to Pallo.
35. Larry A. Leutenegger's NTA dated August 15, 2000.
36. Transcript of Leutenegger's taped sworn statement dated August 16, 2000.
37. Robert C. Masters' NTA dated August 15, 2000.
38. Transcript of Masters' taped sworn statement dated August 16, 2000.
39. Jeffrey T. Browder's NTA dated August 15, 2000.
40. Transcript of Browder's taped sworn statement dated August 16, 2000.
41. Robert P. Denbleyker Jr.'s NTA dated August 15, 2000.
42. Transcript of Denbleyker's taped sworn statement dated August 17, 2000.

- Stephen A. Nastoff's NTA dated August 15, 2000.
44. Transcript of Nastoff's taped sworn statement dated August 17, 2000.
 45. Memorandum dated April 28, 2000 from Nastoff to Runyon.
 46. Diane R. Johnson's NTA dated August 15, 2000.
 47. Transcript of Johnson's taped sworn statement dated August 17, 2000.
 48. Memorandum dated July 13, 2000 from Johnson to Runyon.
 49. Memorandum (not dated) to file from Johnson.
 50. Carl J. Michaud's NTA dated August 15, 2000.
 51. Transcript of Michaud's taped sworn statement dated August 17, 2000.
 52. Copy of NFU's SOP for Repair of Firearms dated February 14, 1996.
 53. Copy of Appendix 1 "Standard Schedule of Disciplinary offenses and Penalties for Employees of the U. S. Department of Justice," from the INS Procedures Manual.
- Copies of cc-mail messages (various dates) from Runyon designating Smith's subordinates as acting director at the NFU.
55. Memorandum dated July 13, 2000 from Michaud to Runyon.
 56. Transcript of Joyce Pigza's taped sworn statement dated August 18, 2000.
 57. CC-mail message dated July 13, 2000 from Pigza to Runyon.
 58. Transcript of Allan L. Cornett's taped sworn statement dated August 18, 2000.
 59. Memorandum dated May 30, 2000 from Runyon to NFU staff.
 60. Memoranda (various dates) from Runyon to Cornett.
 61. Documentation related to Cornett's "Post Traumatic Stress Disorder."
 62. Memorandum dated June 15, 2000 from the Department of Veterans Affairs to NFU.
 63. Transcript of Kaveri Cornett's taped sworn statement dated August 18, 2000.
 64. Transcript of Danielle Link's taped sworn statement dated August 21, 2000.

5. Transcript of Angel Butterbaugh's taped sworn statement dated August 21, 2000.
66. Maureen Huelsman's NTA dated August 18, 2000.
67. Transcript of Huelsman's taped sworn statement dated August 21, 2000.
68. Huelsman's "Warning and Assurances to Employee Required to Provide Information," dated August 21, 2000.
69. Memoranda to file from Huelsman, Kozak, and Jacobs.
70. Transcript of Marsha Healy's taped sworn statement dated August 22, 2000.
71. Healy's NFU property card.
72. Mike Pallo's and William E. Koren's NFU property cards.
73. Memoranda dated July 6, 2000 and July 18, 2000 from Runyon to Healy.
74. Copy of NFU Employee of the Quarter names on plaque.
75. NFU Dedication Ceremony program dated March 27, 1998.
76. Copy of plaque of dedication to Meunier dated July 1, 1994.
77. Transcript of Hill's second taped sworn statement dated August 24, 2000.
78. Hill's "Warning and Assurances to Employee Required to Provide Information," dated August 24, 2000.
79. Transcript of Karen Severn's taped sworn statement dated August 25, 2000.
80. Severn's "Warning and Assurances to Employee Required to Provide Information," dated August 25, 2000.
81. Transcript of David A. Yentzer's taped sworn statement dated August 29, 2000.
82. Copies of various cc-mail messages exchanged with Smith.
83. Transcript of Julie Carr's taped sworn statement dated August 29, 2000.
84. Copy of Carr's training agenda on ethics, "Employee Contractor Working Relationship."
85. CC-mail message from Carr dated August 30, 2000.

86. Copy of the "Standards of Ethical Conduct for Employees of the Executive Branch."
87. Gary S. Runyon's NTA dated August 28, 2000
88. Transcript of Runyon's taped sworn statement dated August 30, 2000.
89. Runyon's "Warning and Assurances to Employee Required to Provide Information," dated August 30, 2000.
90. Copies of "Amendment of Solicitation/Modification of Contract," for a Lathe and Milling machine for the NFU.
91. Copy of Runyon's SF-1012 "Travel Voucher," dated May 31, 2000.
92. Copies of Form G-484 "Ammunition Log Sheet," from the NFU accounting for ammunition beginning March 6, 1996 to June 30, 2000.
93. Copy of Runyon's SF-1012 "Travel Voucher," dated April 17, 2000.
94. Copy of Runyon's Form G-570 "Record-Receipt-Property Issued to Employee."
95. Transcript of Kelly R. Shuey's taped sworn statement dated September 11, 2000.
96. Memorandum dated October 2, 2000 from Shuey and copies of various e-mail messages involving Runyon and WANG contract workers at the NFU.
97. Transcripts of the taped sworn statements of Christina Borlie, Lisa M. Brown, Angel L. Butterbaugh, Lisa Jacobs, Bettie V. Kozak and Danielle Link dated September 11, 2000.
98. Transcripts of the taped sworn statements of Denblyker, Leutenegger, Masters and Seymore dated September 12, 2000.
99. Copies of Denblyker's, Leutenegger's and Masters' time and attendance records from various pay periods.
100. Transcript of second taped sworn statement of Pigza dated September 12, 2000.
101. Transcripts of the taped sworn statements of Timothy G. Popish and Pat Neilson dated September 12, 2000.
102. Transcript of second taped sworn statement of Diaczenko dated September 19, 2000.
103. Diaczenko's "Warning and Assurances of Employee Required to Provide Information," dated September 19, 2000.

104. Transcript of second taped sworn statement of Heulsman dated September 19, 2000
105. Copy of Runyon's SF-52, "Request for Personnel Action," effecting his retirement from INS on October 3, 2000.
106. Memorandum dated October 30, 2000 from Yentzer rescinding proposed disciplinary action against Diaczenko.
107. Memorandum dated October 30, 2000 from Yentzer rescinding proposed disciplinary action against Smith.



B

Enclosure B

Findings and Corrective Actions

Allegation 1.

The whistleblowers alleged that Mr. Runyon regularly instructed the Training Specialist/Armorers (TSA) to perform personal tasks for him during office time, including the use of government equipment.¹

Mr. Runyon admitted that NFU personnel worked on non-government firearms, but denied that NFU armorers manufactured parts for non-government firearms. Our investigation found that NFU personnel worked on non-government firearms in violation of 5 C.F.R. §§ 2635.704 and 2635.705. However, our investigation did not support the conclusion that any parts were manufactured. Lastly, we determined that some portion of that work was performed on firearms owned by local police departments, which has been an informal but approved practice of the INS, even before the creation of the NFU in 1995.

In response to these findings, INS has issued several written policies and instructions.² In particular, the servicing of government owned and personally owned firearms is addressed at pages 61 and 69, respectively, of the NFU Standard Operating Procedures (NFU SOP). The provision of service to firearms owned by other government instrumentalities has been suspended pending consideration of formal contractual arrangements with those agencies in the immediate geographic area that provide services to the NFU.

Allegation 2.

The whistleblowers alleged that Mr. Runyon removed three gold-plated Winchester Model 94 lever action rifles, and directed that parts be removed from the rifles, given to him, and that the residual portions of the firearms be destroyed.

Our investigation confirmed that Mr. Runyon removed government firearms and took them to his home. He stated that this was for a personal use (to further his curiosity about their construction) and that they were returned intact. We were not able to substantiate allegations that employees were directed to remove parts from such firearms, or that that he subsequently removed those firearms from the premises. Mr. Runyon denied that he retained parts of, or whole, government firearms. This report is supported by the transaction records in the Asset Management Information System (AMIS) in the NFU. A copy of this report is included at Enclosure E.

¹ Mr. Gary Runyon was the Director of the National Firearms Unit at all times relevant to this investigation. Mr. Runyon retired from federal service on October 3, 2000, which was prior to the time INS management determined what, if any, discipline would be appropriate.

² The NFU Standard Operating Procedures (referenced herein as the NFU SOP), dated May 30, 2001, supersede any preexisting written guidance on such topics. The May 30th SOP is enclosed with this report as Enclosure D. This revised SOP specifically supersedes all previous SOPs to include any unauthorized guidance issued by Mr. Runyon.

These substantiated findings constitute a violation of 5 CFR § 2635.704 and the INS Firearms Policy provisions pertaining to the possession of firearms, specifically Subsection 18. The issuance, control, and disposal of weapons and other government property is addressed in the NFU SOP at pages 34 and 42.

Allegation 3.

The whistleblowers alleged that in March 2000 Mr. Runyon directed two INS employees to disassemble, clean, and make parts for an antique sewing machine that belonged to his supervisor, Ms. Karen Severn.

The allegation was substantiated by several witness statements and Mr. Runyon's admission during his personal investigative interview. The investigation was not able to substantiate a finding that Ms. Severn was aware that the repairs improperly utilized government property or equipment. After careful review, INS managers determined that, notwithstanding actual knowledge, her receipt of such personal benefit from public resources was a violation of 5 CFR §§ 2635.704 and 705. This violation has been incorporated into a proposed disciplinary action against Ms. Severn, which at this point in time has not been served, for reasons discussed later in this report. INS has also reinforced administrative guidance pertaining to misuse of government equipment in page 34 of the NFU SOP.

Allegations 4, 6, and 7.

The whistleblowers alleged that in January 2000 Mr. Runyon transported his wife to and from the airport in a government vehicle. They also allege that in 1995 Mr. Runyon twice misused a government vehicle: to transport his own personal property in conjunction with his move from Virginia to Pennsylvania, and to deliver furniture to his son in Washington, DC.

This allegation was substantiated by reference to NFU vehicle records and by Mr. Runyon's admission to the INS investigator as to both reported misuses of a government vehicle. Mr. Runyon did not admit whether his son or his son's property were part of the admitted misuse to move personal property. We have not further investigated that component (that of carriage of his son's property) of the whistleblower disclosure both because the admission concludes the most significant provisions of the charges and because we could not develop any evidence or testimony that the son's property was involved. In any event, this action constitutes a violation of 31 U.S.C. 1344 and 1349(b).

No individual corrective action was taken for this violation as the responsible employee has retired, and the administrative instructions intended to prevent this are sufficient to put employees on notice. Employees with clear intent to ignore administrative guidance should be promptly disciplined, but this employee retired before such action could be considered. All current employees are aware this prohibition by virtue of the new NFU SOP, in which page 47 speaks to the use of government vehicles.

Allegation 5.

The whistleblowers alleged that Mr. Runyon shipped a personally owned firearm from Nevada to Pennsylvania using a government Federal Express account. Mr. Runyon's admission of this act was consistent with the reports of numerous employees.

The allegation was substantiated and constitutes a violation of 5 CFR §§ 2635.101(b)(9) and 2635.704(a). The proper use of government property is addressed in the NFU SOP on pages 34 and 40.

Allegation 8.

The whistleblowers alleged that Mr. Runyon stored his personal vehicle in the NFU garage for 6 months. Our investigation concluded that the storage actually took place during a period of 10 to 12 months, and was admitted by Mr. Runyon to have been without permission.

This act constitutes a violation of 5 CFR §§ 2635.101(b)(9) and 2635.704(a). The proper allocation and use of employee parking is addressed in the NFU SOP on page 90.

Allegation 9.

There were several specific concerns over misuse and inadequate accounting for ammunition. The whistleblowers alleged that Mr. Runyon (a) gave employees seized ammunition for their personal use, (b) took rounds of ammunition from the NFU without properly accounting for it and subsequently sold it to non-government employees, (c) gave ammunition to subordinates without proper accounting, and (d) signed for approximately 122,890 rounds of ammunition from March 6, 1996, to June 30, 2000.

Our investigation did not substantiate the specific allegations noted in (a) and (b). The allegations in (c), above, were substantiated by the testimony of several employees and the fact that firearms had been assigned to non-authorized personnel within the NFU. The investigation uncovered a number of improper practices regarding the handling of ammunition at the NFU. The transfer of ammunition to Ms. Healy was a violation of Subsections 17 and 22 of the INS Firearms Policy, but since her uncontradicted testimony was that she immediately returned it, the violation was insubstantial.

The investigation focused specifically on the ammunition charged to Mr. Runyon, as in item (d), above. The amount of ammunition charged to Mr. Runyon seems unusual given normal usage levels. Our investigation determined that several large quantities of ammunition were charged out to Mr. Runyon and subsequently transferred, with management approval and appropriate documentation, to other organizations. Fifty thousand (50,000) rounds were transferred to the U. S. Marshals Service, and 40,000 rounds were transferred to Heckler and Koch as part of a formal testing program. The remaining 32,890 rounds of ammunition were, according to Mr. Runyon, to have been

utilized by him for practice and competition purposes. The investigation could not confirm or refute Mr. Runyon's purported use of the 32,890 rounds. However, subsequent information developed by Mr. David Yentzer, Mr. Runyon's former second-line supervisor, indicates that approximately 3,000 rounds of ammunition were properly accounted for pursuant to the INS Firearms Policy. That information is located at Enclosure F. Thus, it appears that Mr. Runyon routinely violated Subsection 22.H of the INS Firearms Policy pertaining to accounting for ammunition. However, the investigation did not develop any evidence that the ammunition itself was improperly used, or that it was sold.

The NFU SOP, at page 34, contains heightened accounting requirements for ammunition distributed to employees of the NFU.

Allegation 10.

The whistleblowers alleged that Mr. Runyon required that the TSAs carry firearms in violation of Section 287(a) of the Immigration and Nationality Act (INA), 8 C.F.R. § 287.5 and the INS Firearms Policy. One allegation referred to "sawed off shotguns," suggesting a reference to an illegally modified firearm.

Our investigation substantiated that Mr. Runyon ordered TSAs to qualify and carry firearms in certain circumstances. However, no evidence of illegal firearms or illegally modified firearms was found. The assignment of firearms to non-officer corps staff, such as the TSAs, is not permitted and is in violation of Section 287(a) of the INA, 8 C.F.R. § 287.5, and the INS Firearms Policy.

As corrective action, INS has rescinded Mr. Runyon's purported authorizations of 1994 and 1995, and Mr. Runyon's September 10, 1999 purported amendment to the Firearms Policy. Further, the NFU SOP (at page 39) provides specific instructions for issuing firearms within the NFU.

Allegation 11.

The whistleblowers alleged that in 1999 Mr. Runyon authorized non-INS employees to fire machine guns and a Beretta pistol at the NFU range when their purpose for visiting the NFU was to demonstrate the AMIS computer system. They also allege that Mr. Runyon permitted a variety of employees and civilians, including one minor, to use government firearms and ammunition on the NFU range as part of a "Fun Day" program.

The INS investigation substantiated these allegations. Mr. Runyon admitted that these events took place on a scheduled and ad hoc basis. These events were improper in that unauthorized persons, both employees and civilians, were permitted to use NFU equipment and facilities for improper purposes. Moreover, on some occasions the improper shooting events interrupted normal, legitimate activities by NFU and visiting employees. Accordingly, these activities violated 5 CFR §§2635.704 and .705, and were contrary to Subsection 38.A.10 of the INS Firearms Policy.

As a corrective measure, INS has eliminated any "Fun Day" type activities at the NFU, and adopted specific guidance in NFU SOP, which may be found at page 75 thereof.

Allegation 12.

The whistleblowers alleged that Mr. Runyon engaged in a gross waste of funds by purchasing a CNC lathe and a CNC milling machine at a total cost of over \$262,000.

The INS investigation found that the procurement itself was in order. However, the equipment has little apparent application to NFU tasks and, due to cost and time constraints, insufficient personnel have been trained in their use. The NFU has formally determined that the equipment is surplus, and the Office of Administration is exploring a proper means of disposal.

The NFU SOP now imposes budget planning and execution requirements on the NFU, and limits the authority of the NFU Director to make purchases of capital equipment. The specific requirements are contained on pp. 4, 8, and 10 of the NFU SOP.

Allegation 13.

The whistleblowers alleged that Mr. Runyon and others engaged in unethical practices in accepting gratuities from Remington Arms Gun Company in January 1997. They also stated that Mr. Runyon subsequently instructed employees not to disclose the receipt of the theatre tickets and dinner, as it was a violation of the gift limitations.

Our investigation substantiated the allegation that Mr. Runyon and others received gifts totaling \$325 from a prohibited source. However, we could not substantiate the allegation that Mr. Runyon advised or ordered a subordinate not to disclose the improper gifts. Two witnesses (an INS employee and spouse) hold firm in their recall that they were so instructed. However, Mr. Runyon denied so instructing any employee, and no one else present at the time the gift was received corroborated the "gag order" allegation. The receipt of the gifts constituted a violation of 5 CFR § 2635.202.

Since the prohibitions against the acceptance of prohibited gifts are adequately documented throughout the agency, corrective action was limited to discipline of the involved employees.

Additional Information:

The investigation substantiated allegations involving a number of employees of the NFU, and their supervisor in Washington. Many of the violations pertained to mismanagement and abuses by the former Director. When Mr. Runyon retired, the opportunity to discipline him was lost.

The Office of Administration has considered seeking a refund from Mr. Runyon for the value of the government vehicles that were misused, the Federal Express shipping charges improperly incurred, and some amount for the value of the garage parking. As a retiree, Mr. Runyon need not comply with a written request for reimbursement, which, taken alone, is wholly unenforceable. Moreover, it is uncertain that INS could establish a fair value of portions of that claim, for example, the garage parking. We decided not to pursue a reimbursement claim.

Accordingly, the corrective actions taken by INS include principally the issuance of new SOPs, and the installation of new management. Copies of the SOPs have been made available to the entire NFU staff. The SOPs address a majority of the authority issues found in the investigation: Proper and improper use of government time, equipment, and property have been clearly defined, and purchasing controls have been put into place for capital goods. The Director of the NFU has a new supervisor who, herself, has a heightened understanding of both the historical problems at the NFU, and proper internal controls. Accompanying the new SOP, the INS Firearms Policy has been scrutinized for conformity with law, rule, and regulation. The definition of those authorized to carry firearms has been reworded to remove ambiguity or overlap. To support sound changes, the Director of the NFU is present for the formal meeting preceding any changes to the Firearms Policy.

As additional corrective action, a number of personnel actions have been proposed against present and former NFU staff. Employees against whom action is currently pending include Mr. Randy R. Hill, Mr. Walter Diaczenko, Ms. Maureen Huelsman, Mr. Carl Michaud, Mr. Jody F. Seymour, and Mr. Alan Cornett. In addition, a proposal for Ms. Karen Severn, formerly the supervisor of the Director of the NFU, has been prepared but, as she is away from work for medical reasons, it has not been served.

C

D

IMMIGRATION AND NATURALIZATION SERVICE

NATIONAL FIREARMS UNIT

STANDARD OPERATING PROCEDURES



MAY 30, 2001

Office of Administration
INS National Firearms Unit
Altoona, PA

INS NATIONAL FIREARMS UNIT ...
STANDARD OPERATING PROCEDURES

1. FORWARD
2. BUDGET REQUESTS AND BUDGET EXECUTION PLAN (BEP) PROCEDURES
3. FINANCIAL MANAGEMENT
4. G-514 REQUISITION PROCESS
5. SERVICE CONTRACTS
6. USE OF GOVERNMENT PURCHASE CARD
7. PERSONNEL SERVICES
8. EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT COMPLAINTS PROCESSING
9. EMPLOYEE CONDUCT
10. LEAVE POLICY
11. SNOW/INCLEMENT WEATHER
12. SMOKING POLICY
13. TIME AND ATTENDANCE
14. ACCESS TO MAIN VAULT
15. RECEIPT AND ACCOUNTABILITY OF PROPERTY
16. ISSUING OF GOVERNMENT PROPERTY
17. RECEIPT OF FIREARMS
18. TRANSFER OF FIREARMS WITHIN THE NFU
19. SHIPPING OF FIREARMS
20. DESTRUCTION OF FIREARMS
21. USE OF GOVERNMENT OPERATED VEHICLES (currently under revision)
22. LEAD AND NOISE EXPOSURE PROGRAM

23. SERVICING INS-OWNED FIREARMS
24. SERVICING OF PERSONALLY OWNED FIREARMS
25. SERVICE PISTOLS EXCEEDING 9,500 ROUNDS (currently under revision)
26. INVESTIGATIVE REPORT PROCEDURES
27. NATIONAL FIREARMS UNIT RANGE USE
28. RANGE SAFETY
29. BALLISTICS TEST RANGE

30. BOMB THREAT
EMPLOYEE PARKING
EXERCISE ROOM (currently under revision)
31. FIRE ALARM
VENDORS/VISITORS
FACILITY MAINTENANCE (currently under revision)

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

CHAPTER 1: MANAGEMENT CONTROLS

FOREWORD	1
Attachment 1 - NFU Organization.....	3
BUDGET REQUESTS AND BUDGET EXECUTION PLAN (BEP) PROCEDURES	4
FINANCIAL MANAGEMENT	6
G-514 REQUISITION PROCESS	8
SERVICE CONTRACTS.....	10
Attachment 2 - Service Contract Vendors	12
USE OF GOVERNMENT PURCHASE CARD.....	13
HUMAN RESOURCES	
PERSONNEL SERVICES	16
EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT – COMPLAINTS PROCESSING	17
EMPLOYEE CONDUCT	19
LEAVE POLICY	21
SNOW/INCLEMENT WEATHER.....	23
SMOKING POLICY.....	24
Attachment 3 – Smoking Regulations	25
TIME AND ATTENDANCE	27
PROPERTY ACCOUNTABILITY	
ACCESS TO MAIN VAULT	29
RECEIPT AND ACCOUNTABILITY OF PROPERTY	31
ISSUING OF GOVERNMENT PROPERTY.....	34
RECEIPT OF FIREARMS	37
TRANSFER OF FIREARMS WITHIN THE NFU.....	39
SHIPPING OF FIREARMS	40
DESTRUCTION OF FIREARMS	42
USE OF GOVERNMENT OPERATED VEHICLES (CURRENTLY UNDER REVISION)	47
LEAD AND NOISE EXPOSURE PROGRAM.....	49
Attachment 4 -Lead Exposure And Controls	51
Attachment 5 - Noise Exposure And Reduction.....	57

CHAPTER 2: NFU OPERATIONS

NFU ARMORY

SERVICING INS-OWNED FIREARMS.....	61
SERVICING OF PERSONALLY OWNED FIREARMS	69
SERVICE PISTOLS EXCEEDING 9,500 ROUNDS (CURRENTLY UNDER REVISION).....	70

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BALLISTICS TESTING

INVESTIGATIVE REPORT PROCEDURES	72
NATIONAL FIREARMS UNIT RANGE USE	75
RANGE SAFETY	76
BALLISTICS TEST RANGE.....	82

CHAPTER 3: GENERAL OPERATIONS

FACILITIES MANAGEMENT

BOMB THREAT	87
EMPLOYEE PARKING	90
EXERCISE ROOM (CURRENTLY UNDER REVISION)	91
Attachment 6 - Fitness Facility Guidelines	92
Attachment 7 - Use Of Fitness Room Waiver.....	93
FIRE ALARM.....	94
VENDORS/VISITORS	97
FACILITY MAINTENANCE (CURRENTLY UNDER REVISION).....	99

1

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

FOREWARD

The purpose of the National Firearms Unit's (NFU) Standard Operating Procedures is to supplement the Administrative Manual's Implementing Procedures and to provide standard operating instructions regarding the operation of the NFU.

The provisions contained in this SOP apply to all personnel when they are on the premises of the NFU compound.

Organizational Responsibilities

The Director is the accountable and responsible official on-site for the NFU and is responsible for directing and managing its operation.

The Assistant Director (Management) is responsible for:

Administration and Budget

Firearms and Ammunition Management

- Maintain inventory management of all Servicewide firearms and ammunition.
- Maintain all quarterly qualification records.

Logistics Acquisition

- Receive, assign, and distribute resources, ensuring that they are properly accounted for and safeguarded;
- Distribute all newly acquired firearms and firearms related equipment to all Immigration and Naturalization Service field locations;
- Ascertain that resources are available to meet mission requirements; and,
- Insure facilities are secure safe and well maintained.

Firearms Accountability Reviews

- Share the responsibility with the Assistant Director (Armory) for allocating adequate resources and executing Firearms Accountability Reviews.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

FOREWARD (Continued)

The Assistant Director (Armory) is responsible for:

Armory/Training

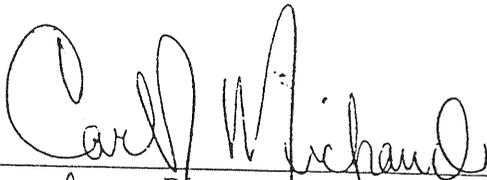
- Restore firearms and firearms related equipment to proper condition or function;
- Repair broken firearms and related equipment;
- Perform routine periodic maintenance of firearms and related equipment; and
- Conduct and manage training for the Field Armorer Training Program (FATP) for Firearms Instructors.

Test and Evaluation/Quality Control

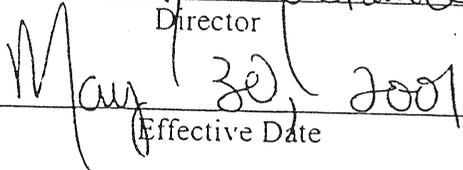
- Ensure that an asset meets performance, efficacy, and effectiveness criteria in accordance with the desired form, fit, and function;
- Perform interactive observations and evaluations of field activities to analyze the Servicewide requirements for firearms, ammunition, and related equipment; and,
- Create new products, protocols, services, or standards to further the ability to provide NFU services to all its customers.

Firearms Accountability Review

- Share the responsibility with the Assistant Director (Management) for allocating adequate resources and executing Firearms Accountability Reviews.



Director



Effective Date

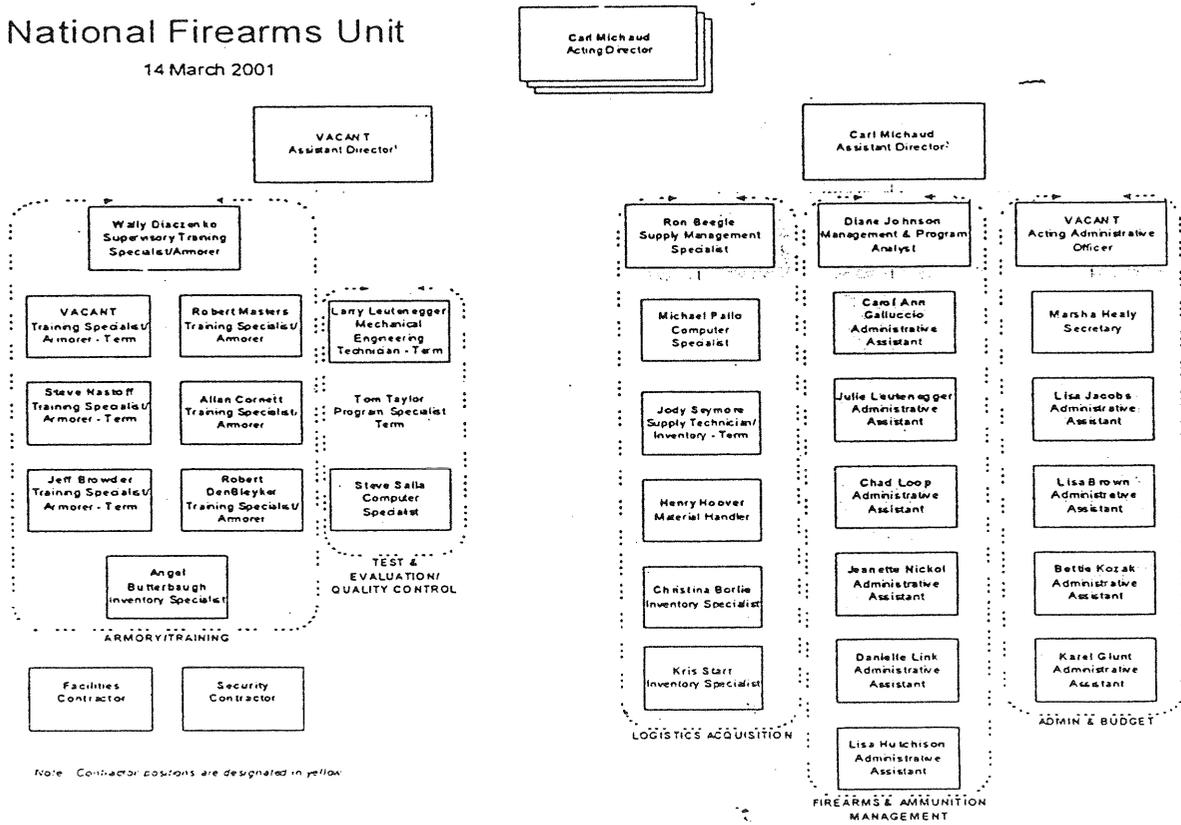
Attachment

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 1 - NFU Organization

National Firearms Unit

14 March 2001



Note: Contractor positions are designated in yellow.

2

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**BUDGET REQUESTS AND BUDGET EXECUTION PLAN (BEP)
PROCEDURES**

Purpose: To provide guidance to NFU personnel on the processes necessary to formulate Budget Requests and Budget Execution Plans.

SOP Number:

SOP Revision:

Authority: Annual Office of Budget call.

The following is the SOP to be used in the formulation of the Budget Requests and/or Budget Execution Plans in accordance with the Budget directives from Headquarters, Office of Administration.

- The NFU will prepare and submit a response to all budget calls received from the Office of Administration.
- The NFU Program Administration Specialist will have previous year's budget data available as a baseline. This data will be supplied to the Assistant Directors and to the department heads of the various operational areas.
- The Assistant Directors will review all the budgetary line items with the department heads prior to final draft. The final draft will be presented to the Director for review and approval.
- After the Director's approval, the budget package will be submitted to Headquarters, Office of Administration for formal review and approval for submission into the budget.
- After approval of the NFU Budget, the Director of the NFU may adjust resource allocations, not to exceed, a capitalized expenditure level (\$25,000). Allocation changes that exceed \$25,000 will be submitted to the Assistant Commissioner of Administration for approval.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**BUDGET REQUESTS AND BUDGET EXECUTION PLAN (BEP)
PROCEDURES (Continued)**

This SOP is effective immediately and supersedes any previous SOP relating to this topic.

Carl Michael

Director

May 30, 2001

Effective Date



3

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

FINANCIAL MANAGEMENT

Purpose: To provide guidance to National Firearms Unit (NFU) personnel guidance on accountability and responsibilities relating to financial expenditures.

SOP Number:

SOP Revision Date:

Authority: Administrative Manual 4.1.400 - Expenditures
Administrative Manual 4.1.500 - Travel
Administrative Manual 4.1.600 - Financial Reports and Miscellaneous

This SOP is to maintain accountability of obligations/expenditures based on the approved annual NFU Budget Execution Plan.

Funds will be obligated/expensed only against specific items in the NFU annual Budget Execution Plan, requested and approved by the Deputy and Assistant Commissioner for Administration, and submitted to the Office of Budget for the approval of funds allocation.

The NFU Director and the NFU Assistant Directors or designees, as delegated authorities allow, are the NFU accountable responsible management officials for funds obligation/execution against the approved annual Budget Execution Plan. The Director of the NFU will submit monthly auditable expenditure reports to the Deputy Assistant Commissioner for Administration. These reports are to provide a full accounting of funds and remaining fund balances.

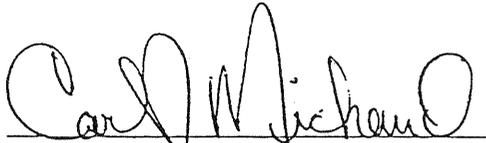
The Assistant Directors will review all the obligations/expenditures with the Program Administration Specialist before authorizing obligation. The final draft obligation document will be presented to the Director for review and approval.

After the Director's approval, the obligation document will be processed by the Program Administration Specialist and reported/accounted as required by the Administrative Manual authorities above.

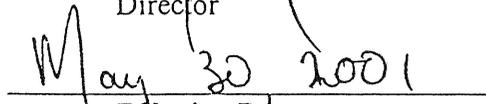
**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

FINANCIAL MANAGEMENT (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date



4

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

G-514 REQUISITION PROCESS

Purpose: To provide guidance to the NFU personnel on the process of requesting goods and/or services on the G-514 Requisition form.

SOP Number:

SOP Revision:

Authority: Administrative Manual 4.1.102 – Accounting for Financial Transactions by Activities, Programs, and Program Elements

The following steps and procedures must be followed in order to process a G-514 Requisition:

The requestor of goods and/or services must research and write a justification as to why there is a need for particular goods or services. This written justification must have the following data present:

- Name and address of vendor/company.
- Description of Item – i.e. model #, size, color, etc.
- Phone number, **Fax number**, and point of contact.
- Quantity and price of item. (Show any extra charges separate, such as shipping, set-up, etc.)
- Any special instructions or requirements must be detailed within the form or attached.

The requestor of goods will fill in the necessary information on a blank G-514 form located in the G-514 folder on the S drive and give it a name closely representing the goods requested.

The requestor will then cc:mail the Program Administration Specialist, stating that a G-514 form is ready for review and funding.

The Program Administration Specialist will then review the G-514 form against the approved budget and available funds and notify the requestor that it is approved.

After approval of the NFU Budget, the Director of the NFU may adjust resource allocations, not to exceed a capitalized expenditure level (\$25,000). Allocation changes

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

G-514 REQUISITION PROCESS (Continued)

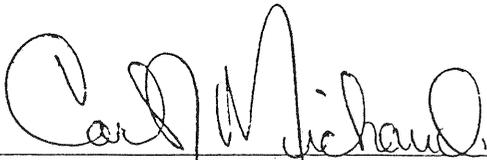
that exceed \$25,000 will be submitted to the Assistant Commissioner of Administration for approval.

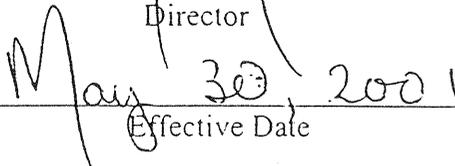
The Program Administration Specialist will assign a requisition number, activity symbol, a program/project code to the G-514 form, and stamp the form with a "Funds Available" stamp. Authorized signatures are required to complete the G-514 form.

The G-514 form will then get posted to Budget and Program Expenditures and Pending Requisitions. The original G-514 form will be sent to the Administrative Center Burlington (ACB). Four copies are made of the G-514 form, one for the G-514 requisition binder, one for the pending G-514 folder, and two to NFU Program Administration Specialist.

When the ACB has issued a Purchase Order and/or Contract, the NFU purchasing official will open both Budget and Program Expenditures and change the NFU requisition number to the ACB number found on the Purchase Order form, verify amounts, and change if necessary to correspond with amount shown on the Purchase Order form. Post Purchase Order form to the G-104 system.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

5

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICE CONTRACTS

Purpose: To provide guidance to National Firearms Unit (NFU) personnel on Service Contracts.

SOP Number:

SOP Revision:

Authority: Administrative Manual 4.3.101 - Acquisition Authorities
Administrative Manual 4.3.102 - Acquisition Restrictions
Administrative Manual 4.3.107 - Contractor Performance Evaluations

Activities performed for the NFU under service contracts will be outlined within the Statement of Work (SOW) of the contract. It is of the utmost importance that an employee-employer relationship not be created.

Given any situation or question, an NFU employee should take the following steps:

- Questions regarding tasks performed should be directed to the Contracting Officer's Technical Representative (COTR).
 - The attachment contains a list of Service Contracts at the NFU and the name and telephone number of the COTR.
- The COTR will be guided by the Federal Acquisition Regulations (FAR) and the SOW for specific contracting situations.
- Any questions or issue that cannot be fully addressed by the COTR shall be forwarded to the cognizant Contracting Officer (CO).
 - The attachment contains the names of the NFU Service Contracts.

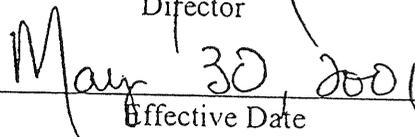
**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

SERVICE CONTRACTS (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

Attachment

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

Attachment 2 - Service Contract Vendors

<u>Contract Number</u>	<u>Vendor</u>	<u>COTR</u>	<u>COR</u>
ACB-0-C-0006	Federal Cartridge	Carl J. Michaud	Roger Fregeau
ACB-0-C-0007	Remington Arms	Carl J. Michaud	Roger Fregeau
ACB-0-C-0008	Olin-Winchester	Carl J. Michaud	Roger Fregeau
ACB-1-D-0013	USIS	Ronald Beegle	Roger Fregeau
		Carl J. Michaud	Roger Fregeau
COW-7-C0003	Beretta USA	Carl J. Michaud	Roger Fregeau
ACB-0-C-0015	Heckler & Koch	Carl J. Michaud	Roger Fregeau
ACB-6-C-0011	Kleen-Bore	Carl J. Michaud	Roger Fregeau
ACB-1-P-0166	WSI Altoona	Ronald Beegle	Roger Fregeau
ACB-1-P-0167	Janus Janitorial	Ronald Beegle	Roger Fregeau
ACB-1-P-0186	McCarls LCI	Ronald Beegle	Roger Fregeau
ACB-1-P-0187	Seymore Brothers	Ronald Beegle	Roger Fregeau
ACB-1-P-0165	Ruggery's Pest Control	Ronald Beegle	Roger Fregeau
ACB-1-P-0188	Protective Security	Ronald Beegle	Roger Fregeau
ACB-1-P-0430	Law'N Order	Ronald Beegle	Roger Fregeau

All COTR's can be reached at (814) 946-9981. Telephone numbers for Contract Services are available on request.

6

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

USE OF GOVERNMENT PURCHASE CARD

Purpose: To provide guidance to the National Firearms Unit's authorized personnel on the use of the Government Purchase Card.

SOP Number:

SOP Revision:

Authority: Administrative Manual 4.1.104 - Project Codes
Administrative Manual 4.1.400 - Expenditures
Administrative Manual 4.3.101 - Acquisition Authorities
Administrative Manual 4.3.102 - Acquisition Restrictions
Administrative Manual 4.3.103 - Contracting Methods
Administrative Manual 4.3.104 - Required Sources of Supplies and Services

The Government Purchase Card is for transactions that are \$2,500 or less. Each program manager is responsible for ensuring that before a purchase is made with a purchase card a number of events must be completed, certain individuals must be involved, and forms must be completed. The "Immigration and Naturalization Purchase Card Procedures Manual" contains the Servicewide requirements for using the purchase card, including information about the required sources of supplies and services. The purchase cardholder will make each purchase in accordance with this order of precedence.

The requestor of goods and/or services must complete a purchase card transaction worksheet. This worksheet must have the following data present:

- Name and address of vendor/company.
- Description of Item – i.e. model #, size, color, etc.
- Phone number, **Fax number**, and point of contact.
- Quantity and price of item. (Show any extra charges separate, such as shipping, set-up, etc.)
- Any special instructions or requirements must be detailed within the form or attached.
- Written justification of need. This shall be a separate attachment to the purchase card transaction worksheet.

Important: Incomplete worksheets will be returned.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

USE OF GOVERNMENT PURCHASE CARD (Continued)

All request forms exceeding \$1,500 shall be sent to the Director for review and approval. The Director will indicate approval of the purchase by initialing and dating the request form. The Supply Manager will approve request less than \$1,500.

The approved purchase card transaction worksheet will then be forwarded to the purchase card Program Manager. The Program Manager will verify funds and authorize funding of the purchase by signing the request form. The Program Manager will also maintain a monthly log of the dollar purchases against the funds allocated for the month. This is to ensure money is available for all purchases approved. If there is a decrease or increase in the initial request, the Program Manager must get a revised copy of the worksheet. This is to maintain an accurate balance of funds available.

With appropriate approval and funding authorized, the purchase card transaction worksheet is returned to the original requestor of goods/service. At this point one of two possible processes will be followed: (the volume of items to be ordered and/or the complexity of the items determine the process used.)

- Non-Complex and less than 10 items: the requestor of goods/services will forward the completed purchase card transaction worksheet to the purchase card holder for processing. The purchase cardholder will fax the order to the vendor. Telephone orders are to be kept to a minimum and only in emergency situations.
- Complex items and/or more than 10 items: the requestor of goods/services will make the initial contact with the vendor and explain the order to the sales representative. Here again, the preferred method is to fax the order to the vendor. However, if a phone order is required, before ending the call the requestor will transfer the vendor to the purchase cardholder for the release of the credit information. NOTE: Prior to contacting the vendor, the requestor is to provide the purchase cardholder a copy of the request and the approximate time the phone call will be taking place to within 15 to 30 minutes. This will ensure that the purchase cardholder is available to provide the purchase card information and that the items and dollar amount agrees with the requestor's copy provided to the purchase cardholder.

Cardholders should prepare a suspense folder to hold purchase documents until the monthly Memo Statement arrives. These include charge and cash register sales receipts,

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

USE OF GOVERNMENT PURCHASE CARD (Continued)

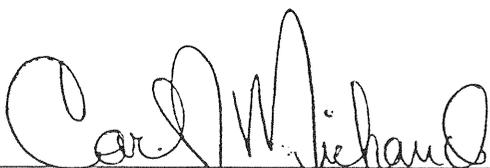
credit clips or vouchers, shipping or receiving documents, purchase card worksheets, and copies of the Dispute Forms.

Documents relating to purchases that are listed on the bank's Memo Statement are to be attached to the statement for submission to the Program Manager. Documents not on the Memo Statement are to be retained in the suspense folder until the next statement is received. Cardholders must reconcile the Memo Statement within 3 business days after receipt and forward the reconciliation package to the Program Manager.

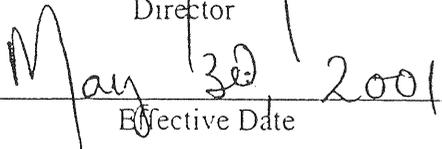
The cardholder is responsible for maintaining his/her un-reconciled monthly records (those in suspense). If the cardholder separates from the Service, or is either temporarily or permanently reassigned, all un-reconciled records will then be maintained and reconciled by the assigned Approving Official at the end of the billing cycle.

Office and Basic Operating Supplies: These items (pens, folders, copy paper, signs, GSA items, etc.) will be ordered once a month. Requestors should do a worksheet for the needed items and forward to order/supply personnel. Order/supply personnel will compile the individual requests into one order.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

7

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

PERSONNEL SERVICES

Purpose: To provide guidance to NFU personnel on a broad range of services in relation to Human Resource Management.

SOP Number:

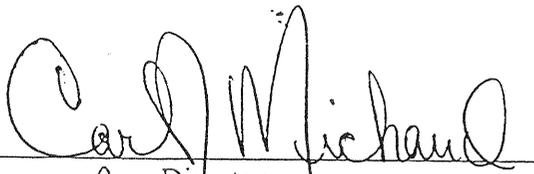
SOP Revision:

Authority: Administrative Manual 1.1. - Human Resources

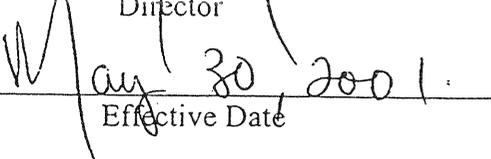
Any request pertaining to Position Management and Career Development internally should be coordinated through the NFU, Program Administration Specialist who acts as the NFU Administrative Officer and then recommendations are approved by the Headquarters Office of Administration Deputy Assistant Commissioner for Administration. The Program Administration Specialist will use the INS Management Services Guide, Hiring Handbook, and the Administrative Centers' Services Standardization Guide for guidance on policies and procedures in regards to staffing requirements, classification efforts, recruitment assistance, payroll administration, performance management, and employee benefits.

- All Position Management and requests for Personnel Actions (SF52's) will be approved by the Office of the Assistant Commissioner for Administration.
- All Personnel Actions will be consistent with the approved NFU Organization Chart (see Forward).
- Human Resources support will be provided by the Administrative Center Burlington.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

8

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT –
COMPLAINTS PROCESSING**

Purpose: To provide guidance to the NFU of their rights and responsibilities in pursuing an Equal Employment Opportunity (EEO)/Sexual Harassment complaints.

SOP Number:

SOP Revision Date:

Authority: Administration Manual 1.4.112 - Complaints Processing

If you believe that you have been discriminated against because of your race, color, religion, sex, national origin, sexual orientation, age, physical or mental disability and/or subjected to reprisal in an EEO matter subject to the control of the Immigration and Naturalization Service (INS), you have the right to file a complaint and to have it resolved. It is the intent of the Service to resolve EEO complaints at the lowest level of supervision as possible.

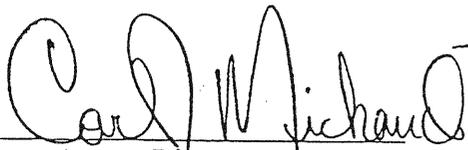
- The first step should be to contact your first line supervisor.
- Should this be inappropriate, contact the Director of the NFU.
- Contact an EEO Counselor within 45 calendar days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.
- The EEO Counselor for the NFU at INS Headquarters is Miranda Barbour, EEO Specialist. Ms. Barbour may be contacted by:
 - Telephone, at (202) 514-2732 or by
 - Facsimile, at (202) 514-9866.
- Ms. Barbour will provide you with information and assistance regarding your rights, responsibilities, and the procedures to be followed dependent upon the nature and circumstances of your complaint.
- The Assistant Commissioner or Deputy Assistant Commissioner for Administration may also be contacted at (202) 616-2486.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

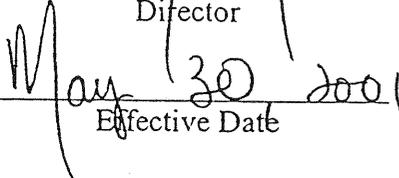
**EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT –
COMPLAINTS PROCESSING (Continued)**

- Contract employees should also follow their firms Equal Employment Opportunity Prevention of Sexual Harassment complaint procedures.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

9

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

EMPLOYEE CONDUCT

Purpose: To provide guidance to the NFU and contractor personnel on reporting allegations of government or contractor employee misconduct pursuant to the Immigration and Naturalization Service (INS) Operations Instructions 287.10, "Reporting and Resolving Allegations of Employee Misconduct."

SOP Number:

SOP Revision:

Authority: Administrative Manual 1.1.901 - Standards of Ethical Conduct
5.5.201 - Internal Investigations and Complaint Process

All NFU employees are required to comply with the Standards of Ethical Conduct. If an employee believes that any INS or contract employee has violated any federal, state, or local statute, Department of Justice (DOJ), or INS regulation, or any standard of conduct, the employee is required to report such allegations of misconduct to their supervisor. Such allegations concerns not only conduct on the job, but also conduct off the job that may affect the programs and operations of the NFU or the INS as a whole.

Allegations of misconduct will be addressed promptly, thoroughly, fairly, and at the lowest management level appropriate. Generally, the following guidelines apply:

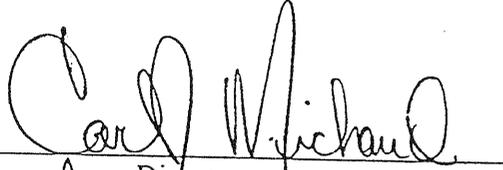
- Minor alleged misconduct will be addressed independently by local managers and supervisors, the Assistant Commissioner of Administration will be informed;
- More serious allegations of misconduct will be addressed by local managers, supervisors, and the Assistant Commissioner of Administration, under the procedures and oversight of the Office of Internal Audit (OIA);
- The most serious alleged misconduct, including that which is likely to lead to criminal prosecution, will be addressed by and/or coordinated through the Office of the Inspector General, DOJ, and/or the OIA.

If you have any questions, or wish to report allegations of possible misconduct by an INS or contractor employee, please contact OIA's Duty Agent by telephone at (202) 514-5765, or by fax at (202) 514-7244.

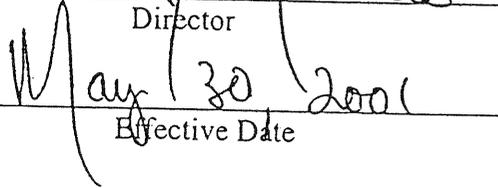
**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

EMPLOYEE CONDUCT (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

10

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

LEAVE POLICY

Purpose: To provide guidance on the NFU personnel on leave policy.

SOP Number:

SOP Revision:

Authority: Administrative Manual 1.3.109 - Leave Administration

The Director of the NFU or a supervisor must approve all leave.

Should an employee request and have leave approved after the start of the work day, the Supervisor will take appropriate action and notify the Time Keeper.

Annual Leave

- Annual leave requests, except in the cases of an emergency, shall be planned and requested, in writing, in January of each calendar year. This will permit the scheduling of leave for all employees concerned, promote the efficient conduct of our work, and is in the best interest of the Service.
- Requests for annual leave in excess of 40 hours shall be submitted on Form SF-71, Application for Leave. Requests for less than 40 hours shall be approved through supervisor and annotated on Time and Attendance Sheet.

Sick Leave

- Whenever possible, sick leave for medical or dental examinations should be requested and scheduled in advance.
- In the case of illness, personnel are required to advise their supervisor.
- Employees may be required to furnish acceptable evidence and Form SF-71 to substantiate a request for sick leave if the sick leave exceeds three (3) consecutive workdays.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

LEAVE POLICY (Continued)

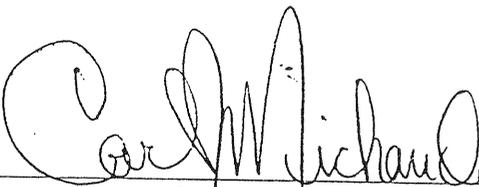
Leave Without Pay

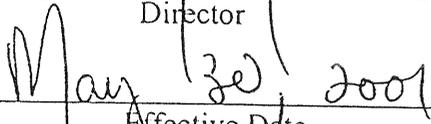
- Every application for leave without pay (LWOP) will be examined by the Program Administration Specialist and approved by the Director to ensure that the value to the Government or the serious needs of the employee are sufficient to offset the costs involved.
- All requests for LWOP will be coordinated with Administrative Center Burlington, Human Resource Office, and then approved by Office of Administration.

Absent Without Leave

- Any absence from duty which was not authorized or approved, or for which a leave request has been denied, will be charged as absent without official leave (AWOL).
- All employees must promptly provide an explanation for absence(s) to supervisor, including tardiness, for which approval had not previously been obtained.
- A determination will be made by the Director regarding whether the absence should be charged to leave or (annual, sick, or LWOP), excused without charge to leave.
- AWOL actions will be coordinated by Human Resource, Administrative Center Burlington, and approved by the Office of Administration.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date



11

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

SNOW/INCLEMENT WEATHER

Purpose: To provide guidance to the NFU on leave procedures in the event of snow/inclement weather.

SOP Number:

SOP Revision:

Authority: Administrative Manual 1.3.109 - Leave Administration

The Director of the NFU or in his/her absence, the Acting Director, will determine if it is unsafe to report to work due to inclement weather and will determine if an administrative or liberal leave policy is in effect.

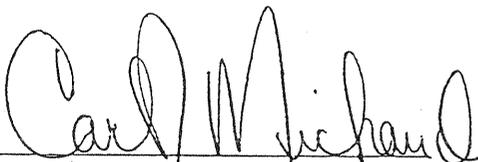
The Director will contact the Pennsylvania State Police and the Pennsylvania Department of Transportation to determine current weather conditions.

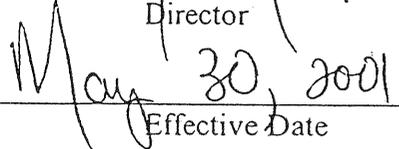
In the event of inclement weather, the Director will notify the Security Office at the NFU of the existing conditions and determine whether employees are to attempt to come to the NFU.

During inclement weather, it is the NFU employee's responsibility to contact the Security Office for current duty status. If there is a power outage and an employee is in doubt of the duty status, he/she should call the Security Office as soon as the power is restored for current status.

The Office of Administration will be immediately advised, by the Director, of inclement weather conditions at the NFU and the leave status in effect for the employees. Notification will followed by cc:mail at the soonest practical time.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

12

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

SMOKING POLICY

Purpose: To provide guidance to the NFU staff regarding smoking.

SOP Number:

SOP Revision:

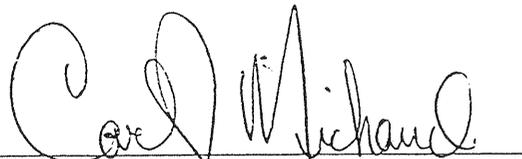
Authorities: Justice Property Management Regulations, Chapter 128-20.109-10 – Regulation of Smoking, Building Operations, Maintenance, Protection, and Alterations

It is the policy of the NFU to establish a smoke-free environment for NFU staff and members of the public visiting or using the NFU facility. The smoking of tobacco products is prohibited in all interior space owned, rented, or leased by the NFU and in any outdoor areas under NFU control to include doorways and in front of air intake ducts.

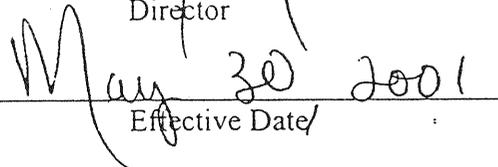
The Director of the NFU has established a limited and narrow exception that is necessary to accommodate the NFU staff and contractors that choose to partake in the use of tobacco products. A smoking area has been designated at the right rear of the building behind Shipping Door #3. This area has been selected for this purpose because workers and visitors do not utilize this entrance during business hours.

Smokers are requested to pick up and dispose of their cigarette butts properly. A receptacle has been provided for proper disposal.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

Attachment

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 3 – Smoking Regulations

SUBPART 129-20.1 - BUILDING OPERATIONS, MAINTENANCE, PROTECTION, AND ALTERATIONS

SUBPART 128-20.1 - BUILDING OPERATIONS, MAINTENANCE PROTECTION, AND ALTERATIONS,

§ 129-20.109-10 Regulation of Smoking.

Environmental tobacco smoke (ETS), also known as second-hand or passive smoke, has been identified by the Environmental Protection Agency as a major source of harmful indoor air pollution and a known cause of lung cancer, respiratory illness and heart disease. The purpose of the following policy is to provide Department of Justice (DOJ) employees with the safest work environment possible.

1. Applicability

This policy applies to:

- (a) DOJ Offices, Boards, Divisions (OBD) and Bureaus.
- (b) All DOT personnel.
- (c) All visitors, contractors and personnel of other agencies and businesses that operate within or visit DOJ workplaces.

2. Definitions

- (a) Environmental Tobacco Smoke
Exhaled and/or sidestream smoke emitted from smokers and the burning of cigarettes, cigars and pipe tobacco. A major source of harmful indoor air pollution and known cause of lung cancer, respiratory illness and heart disease.

- (b) Workplace- Any Government-owned or that portion of any Government-leased building where work is performed by DOJ personnel. Any vehicle acquired by DOJ for its personnel.

3. Policy

It is DOJ policy to:

- (a) Protect all DOJ personnel from the health hazards caused by exposure to tobacco smoke
- (b) Ban smoking of tobacco products in all DOJ workplaces.
- (c) Designate outdoor smoking areas where possible. Since ETS is classified as a potential occupational carcinogen, exposures to ETS must be reduced to the lowest feasible concentration; therefore, smoke break areas shall only be outdoors and away from common points of ingress and/or egress into the workplace. Indoor designated smoking areas are prohibited,

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

Attachment 3 – Smoking Regulations (Continued)

3- Responsibilities

- (a) The Assistant Attorney General for Administration shall oversee and review the implementation of this policy.
- (b) The Heads of OBDs and Bureaus shall establish smoke-free workplace policies and programs in accordance with this policy.
- (c) Bureau Heads are granted discretionary authority to designate indoor smoking areas at detention facilities and/or correctional institutions.
- (d) Bureau Heads are granted the discretion to control smoking in vehicles that are in use for undercover operations.

4. Procedures

Each OBD/Bureau shall:

- (a) Control worker exposure to ETS by eliminating smoking -in the work-place.
- (b) Encourage personnel to attend smoking cessation classes.
- (c) Provide information on the health risks posed by involuntary inhalation of ETS in health promotion education programs and literature.

5. Effective Date and Implementation

This policy is effective January 1, 1995, except in Departmental components where bargaining obligations have not been met as of that date.

20.1-2
JPMR, CHAPTER 128

13

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

TIME AND ATTENDANCE

Purpose: To provide guidance to the NFU staff regarding Time and Attendance.

SOP Number:

SOP Revision:

Authorities: Administration Manual 1.3.101 – Time and Attendance-General

Regular Duty Hours

- The NFU's official duty hours are from 8.00 a.m. to 4:30 p.m. Monday through Friday.
- One Senior Management Officer is required to work until 5:00 p.m. each work day to keep the facility open to receive calls from the Western Region.
- The Security Receptionist is required to work until 4:30 p.m. each day.
- A schedule of regular office hours for each staff member will be maintained by their supervisor and will be posted in the Receptionist's Office.
- The Director may make exceptions to this schedule on a case-by-case basis.

Employee Sign-In/Out

- All staff will sign in and out each day on the Form G-435, Daily Time Sheet.
- Any leave taken should be annotated on this form.

Duty Assignment Sheet

- A Duty Assignment Sheet (Form G-259A) will be posted on the Bulletin Board in the Receptionist's Office.
- The form will list each employee's work schedule for the next pay period.
- Holidays, scheduled annual and sick leave, and changes in the shift will be noted.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

TIME AND ATTENDANCE (Continued)

- Advise your supervisor of your scheduled leave days and the supervisor will give the information to the Program Specialist for preparation of this form.
- Changes in work schedules after the Duty Assignment Sheet is posted will be reported to the Program Specialist by your supervisor.
- Only the Director, or in his absence, the Acting Director, can approve changes in the work schedule.

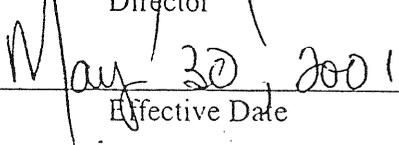
Overtime Hours

- Overtime hours are authorized by the individual supervisor and approved by the Director or Acting Director of the NFU.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

14

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

ACCESS TO MAIN VAULT

Purpose. To provide guidance to the NFU personnel on access to the Main Vault.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 - Personnel Property Management
Administrative Manual 2.2.102 - Physical Inventories & Reconciliation of INS
Property
Administrative Manual 5.2.106 - Physical Security Program

The personnel of the shipping and receiving department, Materials Team, have the responsibility of receiving/shipping all items at the NFU, and also, the functions of issuing and accepting firearms from the Armory.

Hours of Operation:

The vault will be open from 7:00 a.m. to 4:15 p.m. daily; however, there will be times when the vault area will be closed and off-limits to unauthorized personnel. Unauthorized personnel is defined as anyone outside the Materials Team. At these times, a "Closed" sign will be posted on the front entrance door to the vault and no personnel will be permitted to enter the vault. The closure of the vault area will normally take place between the hours of 10:00 a.m. to 11:00 a.m. and again at 1:00 p.m. to 3:30 p.m. hours; however, these times may fluctuate. This may be based on quantity of items received/shipped in a given day and /or other priorities set by management. If the "Closed" sign appears on the entrance door to the main vault, no one is permitted in the vault area.

Situations Requiring Attention:

There may be situations requiring access to the vault during the "Closed" time-period. In these cases, the person requesting access should contact the Supply Manager Specialist and/or designee immediately. The requesting party should have the following information available at time of request and provide it to the Supply Manager Specialist:

- reason for access;
- impact if access is delayed; and
- estimated time needed to be in the vault area.

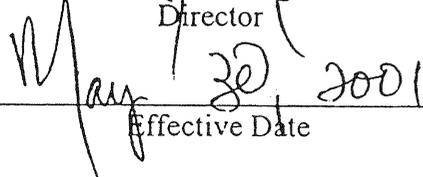
**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

ACCESS TO MAIN VAULT (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date



15

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

RECEIPT AND ACCOUNTABILITY OF PROPERTY

Purpose: To provide guidance to the NFU personnel for the delivery, receipt, and accountability of property.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 - Personal Property Management

Delivery Hours

- Deliveries and shipments will be scheduled between 9:00 a.m. and 3:00 p.m.
- Large shipments of firearms, ammunition, or equipment should be scheduled for delivery between the hours of 9:00 a.m. and 2:00 p.m.
- Large deliveries after 2:00 p.m. will be refused, unless there are mitigating circumstances and adequate staff coverage needed to accept the shipment.

Documenting Property

When a request for property is issued by a member of the NFU staff, Property Management Specialist (PMS) will receive two (2) copies of the approved procurement document (G-514, OF-347, SF-1449, MasterCard request for, etc.) In accordance with the Personal Property Operations Handbook, the PMS will maintain a pending file to ensure that items are accounted for and tracked. The second copy will be forwarded to the NFU Receiving Department.

Property Management Specialists,

- Will be provided copies of all receiving documents, requisitions, and OF-347 receiving reports for items to be received at the NFU.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

RECEIPT AND ACCOUNTABILITY OF PROPERTY (Continued)

- After verification of the ordered/received items, the Supply Technician Inventory (STI) and the assistant will initial the receiving document and acknowledge receipt of the property by receiving them in the AMIS. The STI and the assistant will receive only that property that has been physically verified. In the case of a serial number discrepancy where the STI has received property with a serial number that is different from the one listed on the G-504, the STI will create a new G-504 for that property for that location. The STI will ensure that it is not a similar serial number or a typographical error for that property in AMIS.
- The Supply Technician Inventory (STI) will also complete the back of OF-347 (Receiving Report), this will be matched and reconciled with the procurement documents. All documents (shipping manifest, purchase order, receiving report) will be forwarded to the NFU Budget Office no later than the close of business the next day. An additional copy of the receiving report will be provided to the PMS for non-expendable property. When non-expendable property that is accountable in AMIS is received at the NFU, a barcode sticker will be assigned and placed on the property. The PMS will secure and maintain all bar code labels. The PMS will ensure that all accountable property has been entered into the AMIS database. If partial shipments are received, the STI will maintain these documents with the pending files. When the complete shipment is received, the STI will notify the requestor and the NFU Budget Office (as outlined above) that the property has been received and payment to the vendor is authorized.
- Any discrepancy in the make, model, or serial number will be documented on a NFU Inventory Data Change Order Form and verified by an assistant. All errors in data except serial numbers will be changed in the AMIS/FIM by the STI using the Inventory Data Change Order Forms. Before any changes can be made in AMIS, approval must be obtained from the Director. Serial number changes must be submitted to the PMS with supporting documents, authorized by the Director, and forwarded to HQLOG for entry in AMIS.
- When a shipment of new property arrives that do not have bar code labels, the STI will place a bar code the property, generate an AMIS G-504, print the draft Form G-504, and re-verify the barcode and serial numbers before launching into AMIS.
- Shipments of 500 firearms or less will be received within 3 working days. Shipments in excess of 500 firearms but less than 1,000 firearms will be received within 5 working days. Shipments in excess of 1,000 firearms will be received within 10 working days,

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

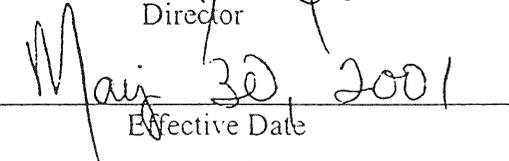
RECEIPT AND ACCOUNTABILITY OF PROPERTY (Continued)

- unless the Director makes an exception. In all cases of new firearms, shipments will be received within sufficient time to comply with the Prompt Payment Act.
- Filing and distribution of documents will be done after the authorized personnel signs the receiving documents, the STI will make two copies of all transfer G-504's, SF-122's and all manufacturers' manifests to be distributed as follows:
 - The original signed G-504 or SF-122, which accompanied the package, will be returned to the consignor by mail.
 - A copy of the original G-504 or the new one created at the NFU (due to none being supplied) will be immediately provided to the STI Assistant to be logged in the G-504 logbook and filed in the secure G-504 file cabinet in the file room. Forms SF-122 will be provided to the Property Management Specialist to be logged in the SF-122 log and filed.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

16

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

ISSUING OF GOVERNMENT PROPERTY

Purpose: To provide guidance to the NFU personnel on the issuance and returning of Government property.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 - Personal Property Management

The following is the Standard Operating Procedure (SOP) for the issuing and returning of Government Property (GP) to and from an employee at the National Firearms Unit (NFU). This SOP covers three (3) situations of issuing GP: **Permanent and Temporary, and Issuing Ammunition.**

Issuing GP To An Employee On A Permanent Basis

When a NFU employee determines the need for Government Property (GP) to be issued and/or returned, they will contact the Supply Management Specialist (SMS) or designee. The SMS and the requesting employee will agree upon a time to conduct the issuing and /or return of the GP.

At the designated time, the SMS or designee, and the requesting employee will meet in the sallyport to be issued and/or return GP. Using AMIS, the SMS will scan the barcode of each GP to be issued and/or returned into the AMIS Property Check-In/Check-Out screen. A Form G-504 will be generated by AMIS detailing the items being transferred to the employee. The requesting employee will verify all GP on the Form-504 before signing and accepting accountability. The SMS will also complete Form G-570, listing the GP issued to the employee. Also, the employee will initial Form G-570 verifying that they have received the GP. The same process will be followed when the GP is returned. The SMS will make all changes through AMIS, and will not annotate or white out changes to the Form G-570.

The signed Form G-570 and G-504 will be filed by the SMS in the GP book, which is locked up in the SMS office.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

ISSUING OF GOVERNMENT PROPERTY (Continued)

Issuing GP To An Employee On A Temporary Basis.

Issuing of GP on a temporary base is normally used for pooled items. The requestor will contact the SMS or designee for the GP item. A Form G-574 is used to record the issuing and returning of temporary custody of GP. The requesting employee signs the G-574 when given temporary custody of the property. In some cases, a logbook will be used in addition to the G-574. The logbook will be signed by the requesting employee and the person issuing the GP item. The Form G-574 will be maintained by the SMS and filed in the GP book. These transactions will not be recorded in AMIS.

Issuing Of Ammunition To A NFU Employee

The Director or Assistant Directors will approve in writing all requests for ammunition. A copy of the written approval, including all necessary details, will be provided to the SMS or designee.

The SMS or designee will issue the ammunition from stock, and record the transaction in the Ammunition Logbook, which notes the date of issue, quantity and type of ammunition, purpose, and name of employee receiving the ammunition. Both the employee and the SMS or designee will initial the Logbook entry.

The SMS or designee will enter the summary level ammunition data into AMIS monthly.

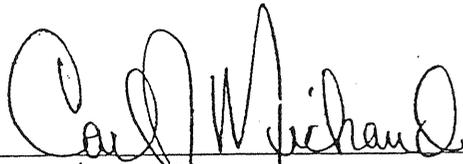
The Director of the NFU will certify by memorandum for the record, on an annual basis, that the summary ammunition data is accurate.

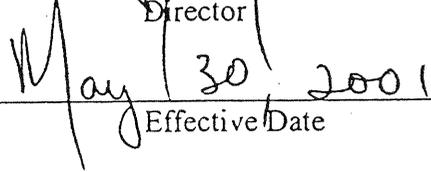
The Deputy Assistant Director for Administration will review the Ammunition Logbooks annually and direct and independent audit of the NFU's ammunition no less frequently than once a year.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

ISSUING OF GOVERNMENT PROPERTY (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

17

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

RECEIPT OF FIREARMS

Purpose: To provide an overview of the procedures to be used in the receipt of firearms.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 – Personal Property Management
Administrative Manual 2.2.102 – Physical Inventories and Reconciliation of INS
Property

To ensure a high level of security and accountability, a three-person team is required to perform the following activities:

- Initial receipt of firearms from a public carrier (i.e. UPS, Fed EX);
- Initial entry into AMIS, (i.e. newly purchased firearms); and
- Initial validation of receiving document into AMIS, (i.e. G-504's for repair, excess, and seized firearms).

Other activities, such as issuing and receiving firearms from an Armorer and changing physical location codes can be performed by a two-person team and overseen by the Supply Inventory Technician.

All packages delivered to the NFU will be X-rayed. The only exceptions are soft packages delivered through the US Mail. The firearms will be secured in the Incoming Cage in the Main Vault until the firearms can be properly received into Firearms Inventory System (FIS). The Incoming Cage is intended to provide secure temporary storage for firearms that are not received into the FIS. Before firearms can be moved out of the Incoming Cage into the appropriate secure storage area, the firearms must be received and entered into FIS. Packages not received into FIS will be date stamped before placement into the Incoming Cage.

Detailed instructions covering the data entry and actual movement of firearms is located at the NFU in the shipping/receiving desktop manual.

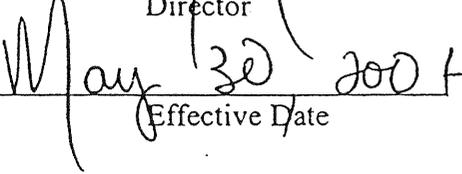
**INS NATIONAL FIREARMS UNIT
- STANDARD OPERATING PROCEDURES**

RECEIPT OF FIREARMS (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

18

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

TRANSFER OF FIREARMS WITHIN THE NFU

Purpose. This procedure is to provide instructions for issuing and returning firearms within the NFU.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 – Personal Property Management
Administrative Manual 2.2.102 – Physical Inventories and Reconciliation of INS Property

When an Armorer determines the need for firearms to be issued and/or returned, they are to contact the Materials Team Member (MTM). The MTM and the requesting Armorer will agree upon a time to conduct the transfer of firearms.

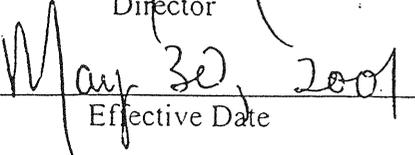
At the designated time, the MTM, an assistant and the requesting Armorer will meet in the sallyport to issue and/or return firearms. Using the Firearms Inventory System (FIS), the MTM will scan the barcode of each firearm to be issued and/or returned into the Firearm Check-In/Check-Out screen.

After all of the firearms have been scanned, the MTM will print the Firearms Check-In/Check-Out Report. The requesting Armorer will verify all firearms on the report before signing for accountability.

The signed Firearms Check-In/Check-Out Report will be filed by the MTM in the Armorer's book located in the sally port.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

19

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SHIPPING OF FIREARMS

Purpose. To provide instructions to the NFU and contractor personnel for shipping firearms.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 - Personal Property Management
Administrative Manual 2.2.102 - Physical Inventories and Reconciliation of INS
Property

The following is the Standard Operating Procedure (SOP) for the shipping of firearms from the NFU. This procedure was revised in accordance with the implementation of the AMIS Property Management Manual, pg. 5.2 - Report of Property Shipped/ Received.

After determining that firearms are to be transferred from the NFU to another location, the Inventory Specialist (IS) and an assistant will create an Asset Management Information System/Firearms Inventory Maintenance (AMIS/FIM) generated Form G-504 listing each of the firearms by serial number. If the firearms are to be shipped to a manufacturer, the Form G-504 will also be used. A draft copy of the Form G-504 will be created as a working document. The draft copy will be verified but will not be launched until signed by the Director. The Director will also sign the original G-504.

Transfers to other agencies require the use of a Form SF-122. If another agency requests firearms from the INS, the NFU prepares the SF-122. The INS Headquarters Logistics Division (HQLOG) must approve the SF-122, prior to the shipment of any firearms. If the NFU is shipping firearms to another agency, a Form G-504 will be prepared in AMIS/FIM upon receipt of the approved SF-122.

The IS and an assistant will each physically inspect the serial number of each firearm to be shipped against the serial number listed on the draft copy of Form G-504 and both will initial the form. Any changes in serial numbers will be made on the AMIS/FIM, verified by the IS and the assistant, and a final AMIS generated Form G-504 will be printed. The original documents will not be forwarded with hand written changes to serial numbers.

After all of the serial numbers in the shipment have been checked and any corrections made, the IS will have the final Form G-504 signed by the Supply Management Specialist or delegate.

20

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

DESTRUCTION OF FIREARMS

Purpose: To provide guidance to the NFU personnel in the destruction of firearms.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 - Personal Property Management
Administrative Manual 2.2.102 – Physical Inventories and Reconciliation of INS
Property
Federal Property Management Regulation, Section 101-42.1102-10 – Firearms
Federal Property Management Regulation, Section 101-45.901 – Authority to
Abandon or Destroy
Federal Property Management Regulation, Section 101-45.902 – Findings Justifying
Abandonment or Destruction
Federal Management Regulation, Part 101-43.000 – Utilization of Personal Property
Federal Management Regulation, Part 102-36.375 - Firearms
Justice Property Management Regulation, Part 128-49.150 – Disposal of Firearms
INS Firearms Policy (AM 20.012)

Determination of Firearms to be Destroyed

Service-owned, seized, abandoned or unclaimed firearms will initially be screened for serviceability by the Training Specialist/Armorer (TS/A). Only the firearms being retained by the NFU will receive Limited Technical Inspection (LTI) by the TS/A's.

The TS/A will inspect all Service-owned firearms shipped to the NFU. Firearms that are determined to be non-serviceable will be processed for destruction.

Serviceable firearms that are determined by the Director to be excess will be processed for destruction. These firearms must be processed in accordance with the mandatory screening requirements as described in the Federal Property Management Regulations (FPMR) and the Federal Management Regulations (FMR). Generally, these firearms must be offered by Headquarters Logistics (HQLOG) to other Federal agencies prior to destruction.

Seized or abandoned firearms may be destroyed once "Title is vested to the United States." Firearms that are shipped to the NFU and have completed the legal process, will in accordance with INS Firearms Policy, be Service property.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

DESTRUCTION OF FIREARMS (Continued)

Procedures for Processing Firearms for Destruction

The TS/A's will segregate non-serviceable firearms that they encounter during their normal inspection and repair duties and tag them to be processed for destruction. The Supply Management Technician or Designee (SMT) will physically place these tagged firearms into a container individually labeled and designated as a destruction container in the appropriate area of the vault. Prior to moving the tagged firearms, a change in location must be entered into AMIS/FIM.

When a container is filled, an inventory sheet will be created by the Computer Specialist (CS) and placed by the SMT with the destruction container.

Upon determination that sufficient quantities of firearms have been processed for destruction, the SMT will notify the Director or Assistant Director. After receiving an authorization to proceed from the Director, the SMT will prepare a "Destruction" Form G-504 listing the firearms in each destruction container by serial number and nomenclature. A destruction Form G-504 will be created for each destruction container. The SMT and an assistant will physically verify the serial numbers of all of the firearms to be destroyed against the draft Form G-504. Upon completion of the verification, the SMT and the assistant will each initial and date the Form G-504 with any discrepancies noted. The SMT will then generate a corrected destruction Form G-504 and forward it to HQLOG for approval.

All firearms will be destroyed only after the appropriate authorization has been received from the HQLOG on a Destruction Form G-504. Upon receipt of approval, these firearms will be placed by the SMT into an area in the vault for firearms approved for destruction.

After receipt from HQLOG of approval to destroy the firearms listed on the destruction Form G-504, the TS/A's will prepare each firearm for destruction. As determined by the TS/A, salvageable parts will be removed from the receiver prior to the destruction. The serial number of each firearm will be prepared so that during the final inventory the serial number can be easily removed with hand tools from the firearm and retained by the NFU to verify destruction.

After the firearms are prepared for destruction, the Supervisory Training Specialist Armorer (STS/A) will schedule a destruction date with one of the smelters with which the NFU has a current agreement for smelting firearms.

The NFU Director will then request the attendance of a disinterested third party (DTP) from HQLOG. As described below, the individual will assist the NFU staff with final

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

DESTRUCTION OF FIREARMS (Continued)

verification of the serial numbers of the firearms to be destroyed and will witness the destruction of all firearms so verified.

The Supervisory Training Specialist/Armorer (STS/A) will assign an appropriate number of TS/A's to assist the SMT and the DTP with the inventory of the firearms to be destroyed. This inventory will be performed immediately prior to transporting the firearms from the NFU to the smelter. The STS/A will provide oversight of the inventory and the destruction.

The DTP will sit in a chair in the middle of the table so that each firearm being processed must pass in front of the DTP for inspection of the serial number. The DTP will use a magnifier to verify the serial number. Using a highlighter pen, the DTP will locate and highlight the serial number of each firearm inventoried on a copy of the approved destruction Form G-504 document. The DTP will then repeat aloud the entire serial number and receive verification from the TS/A that the serial number is correct prior to continuing. The DTP will personally inspect all of the firearms' serial numbers prior to checking them off of the G-504. The DTP must pass the firearm to SMT on the other end of the table to be placed in the original container. As the DTP passes the firearm to the other end of the table, the SMT will place the firearm in the container. Only one container will be on the table at any time.

Any discrepancies in the destruction Forms G-504 or firearms serial numbers will be immediately brought to the attention of the SMT. If a discrepancy is found, the container will be moved to the opposite end of the table, emptied on the table as described above, and processed again. If the discrepancy is verified, the SMT will make a determination as to any changes to be made to the destruction Form G-504. Both the SMT and the DTP must initial any such changes. He/She will then notify the NFU Director or Assistant Director of these changes. The SMT will be responsible for ensuring that no unresolved discrepancies exist on the destruction Forms G-504 prior to transporting the firearms to the smelter.

If there are no discrepancies, the SMT will remove the firearms from the container and remove the NFU metal bar code tag. The TS/A will break the serial number off of the firearm and place the firearm back in the container. The TS/A will place the serial number in another container.

After all of the firearms from a destruction container have been inventoried and the serial numbers removed, the container will be immediately sealed in the presence of the DTP with serial numbered metal seals. The DTP will write the serial numbers of the seals onto the respective Forms G-504 with an indelible ink pen. The seals will be the permanent types that must be cut to remove and cannot be re-used. The container will then be banded with nylon strip. The container will then be placed in an appropriate area in the same room so that the DTP

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

DESTRUCTION OF FIREARMS (Continued)

can maintain visual contact with the inventoried containers. As noted above, only one destruction container at a time will be inventoried and that container repacked and sealed prior to continuing with the next. Once all of the containers have been inventoried, they will be immediately loaded for transport to the smelter. The DTP will be physically present and maintain visual contact of the containers at all times during these operations.

During this operation, breaks should be kept to a minimum. If a DTP, SMT or TS/A needs a break during the inventory process, the container on the table will be completed and sealed prior to taking a break. Upon returning from a break, the seals of the inventoried containers will be checked to assure that they were not tampered with and verified with the serial numbers listed on each G-504. If there is any doubt, the container with the serial number will be re-checked. When the destruction is completed, the container with the serial numbers will be sealed.

A minimum of five personnel will accompany each shipment of firearms to be destroyed. The Director, or an Assistant Director, the STS/A, the SMT, the DTP, and a TS/A.

All NFU staff members who are authorized to carry firearms will be armed with handguns while accompanying shipments of firearms to be destroyed. A minimum of one Service shotgun or M4A1 rifle will be carried in each of the vehicles that accompany all destruction firearm shipments.

A minimum of two vehicles will be required for the shipment of firearms to a destruction site. A cargo vehicle manned by a driver and one armed passenger will transport the destruction firearms. A security vehicle manned by a driver, an armed passenger with a shotgun and/or M4A1 rifle, the DTP and any other witnesses will escort the transport vehicle.

The security vehicle will follow the transport vehicle at an appropriate distance and maintain visual contact. Portable radio communicators (PRC) with extra batteries and a cellular telephone will be issued to each vehicle prior to departure from the NFU facility. The security vehicle will maintain radio communication with the occupants of the transport vehicle at all times.

The firearm destruction documentation will accompany the DTP to the destruction site.

If a restroom break is needed during the transport duties, a location will be chosen that offers appropriate tactical security. Only one person at a time will leave the vehicles. The other personnel will provide security.

**INS NATIONAL FIREARMS UNIT
- STANDARD OPERATING PROCEDURES**

DESTRUCTION OF FIREARMS (Continued)

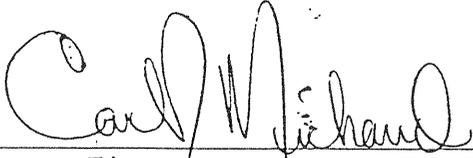
Upon arrival at the destruction site, the DTP will visually inspect all seals on the destruction containers, verify each seal's serial numbers on the G-504, and account for each container as they are removed from the transport vehicle and placed into the carriers at the smelter. Individuals designated to witness the destruction, including the DTP, will maintain visual contact with the containers and remain at the destruction site until the firearms are completely destroyed (i.e. melted, shredded, etc.).

The DTP will then sign, along with the other witnesses, the destruction Forms G-504.

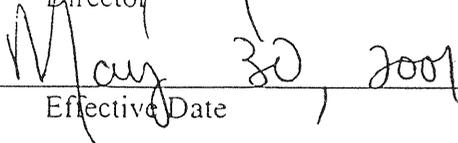
The original and three copies of the signed destruction Forms G-504 will be distributed as follows:

- The original signed documents will be processed in AMIS and then provided to the NFU Secretary to be placed in the NFU G-504 document out file.
- A copy will be provided to HQLOG.
- A copy will be provided to the SMT. The SMT will then make the appropriate entries (launch) into the AMIS/FIM.
- A copy will be provided to the NFU Director.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

21

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

USE OF GOVERNMENT OPERATED VEHICLES (CURRENTLY UNDER REVISION)

Purpose: To provide guidance/instructions to NFU personnel on the assignment, accountability, utilization, operation, maintenance, and storage of vehicular equipment.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.107 – Home to Work Use of Government Vehicles
(Currently Under Revision)

Officials responsible for the use or control of Government-owned or controlled motor vehicles (GOV) will ensure that each employee under their supervision who operates such a vehicle is fully acquainted with the requirements covering its use and care. All requirements for the use of GOVs are covered in the INS Administrative Manual section 3701.3. Government vehicles may transport Government personnel and Government contractor personnel for official duties, only.

Vehicle Operator Responsibilities

The following are the responsibilities of the vehicle operator:

- Use the vehicle for conducting official business of the Federal Government only.
- Possess a valid State, Territorial, Commonwealth, or District of Columbia operator's Permit;
- Operate the vehicle in a safe and prudent manner, obeying all traffic laws;
- Service the vehicle properly at prescribed intervals and maintain tire pressures recommended by the manufacturer;
- Exercise diligence in the care and protection of the vehicle;
- Safeguard any credit cards issued to prevent theft or misuse;

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**USE OF GOVERNMENT OPERATED VEHICLES
(CURRENTLY UNDER REVISION) (Continued)**

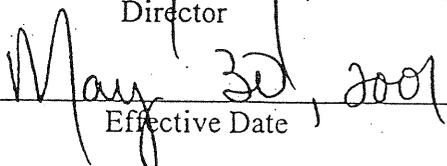
- Lock the vehicle when it is left unattended;
- Use seat belts in all Government-owned vehicles; and
- Use self-service fuel pumps whenever possible.

Any questions related to the use of GOVs should be addressed to the Supply Management Specialist at (814) 946-9981.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

22

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

LEAD AND NOISE EXPOSURE PROGRAM

Purpose: To provide guidance to NFU and contractor personnel on the evaluation procedures pertaining to hazardous conditions encountered in the workplace.

SOP Number:

SOP Revision:

Authorities: Occupational Safety and Health Administration Standard, 29 CFR 1910.1025 - Lead
Occupational Safety and Health Administration Standard, 29 CFR 1910.95 -
Occupational Noise Exposure
Reference - INS/NFU Firing Range Design Standard

Providing a safe, clean, hazard-free working environment is a goal of the NFU's Health and Safety Program. Exposure to lead and noise in the work environment can have serious long-lasting effects on the human body.

Lead Exposure

Airborne lead is produced throughout the process of firing. Exposure can result from the following: lead vapor produced when the primer is ignited; combustion of the powder; lead shavings from the bullet passing through the barrel and bullet fragmentation at the bullet trap. Although lead is a natural part of our environment, it can cause significant health problems, even death, through overexposure. Lead enters the body through inhalation and ingestion, with most of it eliminated by the body to maintain a natural balance. For a discussion of lead overexposure, current environment and occupational safety and health standards, and lead exposure, see Attachment 4 (*INS/NFU Firing Range Design Standard, Appendix 2: Lead Exposure and Controls*).

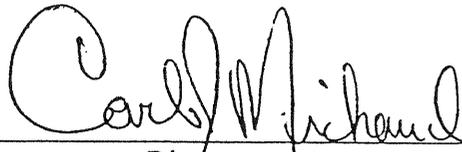
Noise Exposure Hazard

Noise-induced hearing loss is an irreversible condition that progresses with exposure. Hearing loss is caused by damage to the nerve cells of the inner ear and cannot be treated medically. While there are rare instances of hearing loss from a single exposure to a very brief impulse noise or explosion, most cases involve repeated, prolonged exposure. For a discussion of noise exposure hazards, current environmental standards, and noise exposure controls, see Attachment 5 (*INS/NFU Firing Range Design Standard, Appendix 3: Noise Exposure and Reduction*).

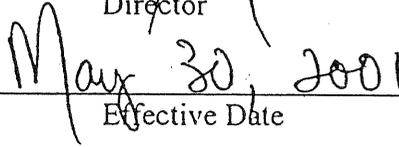
**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

LEAD AND NOISE EXPOSURE PROGRAM (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

Attachments

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 4 -Lead Exposure And Controls

LEAD EXPOSURE

Overexposure

Taking in more lead than your body can absorb destroys that natural balance, leading to one of two types of overexposure - acute and chronic.

Acute Overexposure

Acute overexposure is the absorption of a large dose of lead within a short period of time. This is rare and probably not a concern for shooters or range personnel.

Chronic Overexposure

Chronic overexposure is the result of the cumulative absorption of lead over a period of time. The effects of chronic overexposure are difficult to detect or indistinguishable from those associated with minor illnesses. A diagnosis of chronic lead overexposure may not be made until permanent, irreversible damage has occurred. Chronic overexposure can lead to impairment of vital body functions and damage of vital organs, including the blood, gastro-intestinal tract, nervous system, kidneys, and reproduction system. Chronic overexposure to lead is a real hazard to shooters and range personnel.

OSHA Standards for Lead Exposure

Permissible Exposure Limit (PEL)

The Occupational Safety and Health Administration (OSHA) has established a standard (29 CFR 1910.1025) for a maximum level of lead exposure at 50 micrograms of lead per cubic meter (50 $\mu\text{g}/\text{m}^3$) of air averaged over an 8-hour period, or time weighted average (TWA), with a total daily exposure not to exceed 400 micrograms. This Permissible Exposure Limit (PEL) was established to protect workers in lead-related industries and is based on a continuous exposure over a working lifetime in an industrial environment. OSHA has also determined that lead exposure of 30 $\mu\text{g}/\text{M}^3$ or above is called the Action Level and requires certain other OSHA regulations to go into effect.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 4 -Lead Exposure And Controls

Action Level

At the Action Level of exposure:

- An air-monitoring program must be established to determine the amount of exposure.
- Medical surveillance must be provided to anyone exposed above the action level for 30 or more days per year. Medical surveillance consists of a physical examination, a neurological evaluation, and blood tests to measure blood lead levels. It is important to baseline the individual's medical history to determine lead exposure.
- A training program must be implemented. Personnel on the range may be required to wear a personal air sampler to measure airborne lead levels.

Blood Lead Levels

Blood lead level tests should be repeated every six months. The following are required actions at the specified blood lead levels:

- Blood lead levels of 40 micrograms of lead per 100 grams (40 $\mu\text{g}/100\text{g}$) of blood require that the frequency of testing be increased to every two months.
- If the average blood lead level reaches 50 $\mu\text{g}/100\text{g}$ or two consecutive blood lead level readings were above 60 $\mu\text{g}/100\text{g}$, the individual must be removed from the area where the exposure is 30 Aglm 3 or greater. This individual cannot return until the blood lead level drops to 40 $\mu\text{g}/100\text{g}$ or less.

OSHA Standards and Firing Ranges

The OSHA standard may not be entirely applicable to those who use or operate firing ranges if they have intermittent exposure. However, the OSHA standard may apply to those range personnel who work a full 40-hour week on the range.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 4 -Lead Exposure And Controls (Continued)

Lead Concentrations and Maximum Allowable Exposure

The table titled *Limits for Intermittent Lead Exposure* shows the maximum allowable exposure to airborne lead. This table shows lead concentrations measured in milligrams per cubic meter (mg/m³). Using this measurement, the OSHA PEL is 0.05 Mg/M³ and the Action Level is 0.03 mg/m³. It is important to remember that the PEL is measured on a time weighted average. This means that a shooter who is exposed for only one hour could be exposed to levels exceeding 0.05 Mg/M³ without adverse effects.

Table 1: Limits For Intermittent Lead Exposure

LEAD CONCENTRATION Milligram /Mete.-3	MAXIMUM HOURS OF ALLOWABLE EXPOSURE			
	Firing > 30 days per year		Firing < 30 days per year	
	Hours/Week	Hours/Day	Hours/Week	Hours/Day
0.00-0.030	40	8	40	8
0.03-0.051	24	8	32	8
0.05-0.100	12	6	18	6
0.10-0.150	8	4	12	4
0.15-0.201	6	3	9	3
0.20-0.250	4.5	2.5	7.5	2.5
0.25-0.300	4	2	6	2
0.30-0.400	3	1.5	4.5	1.5
0.40-0.500	2.5	1	3	1
0.50-0.700	1.5	0.5	1.5	0.5
0.70-1.000	1	0.5	1	0.5
1.00-2.000	0.5	0.5	0.5	0.5
2.00-4.000	0.5	0.5	0.5	0.5
4.00-	0	0	0	0

LEAD EXPOSURE CONTROLS - INDOOR FIRING RANGE

Engineering Controls

The ventilation systems outlined in this section address the engineering controls necessary to maintain airborne lead levels at or less than the OSHA PEL. Air quality testing during range operation is required to determine if the ventilation system is properly functioning.

Administrative controls are appropriate and necessary to maintain minimal airborne lead levels. Health monitoring programs, educational programs, work practices, personal hygiene, protective clothing, and equipment for maintenance purposes are examples of administrative controls that are proven to be effective.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 4 -Lead Exposure And Controls (Continued)

Maintenance Personnel Safety

Routine maintenance is required to ensure proper range operation and to minimize airborne lead hazards. Provide maintenance workers with safety glasses, OSHA/NIOSH (National Institute for Occupational Safety and Health)-approved respirators, protective clothing, disposable work gloves, and personal hygiene facilities. Dry sweeping of the range is prohibited. Use vacuums equipped with BEPA filters or wet methods to clean the range.

Range Exhaust Air

Filtration of exhaust air to the outside will be designed in accordance with current OSHA and local regulatory requirements. The EPA has established ambient air quality standards for lead under the Clean Air Act. The current standard is 1.5 $\mu\text{g}/\text{m}^3$ as a maximum arithmetic mean average over a calendar quarter to ensure that the air in the proximity of the lead emission source is not in excess of the standard.

Re-circulation of range air is permitted only if it is properly filtered for airborne range contaminants using a BEPA filter that has an indicator showing dirty filter status.

Recovered Lead Disposal

Disposal of recovered lead from the range may be regulated under the requirements of the Resource Conservation Recovery Act (RCRA-EPA). Recycled lead requires special testing to determine if it meets the criteria for hazardous waste as defined by current EPA or local regulations. The Toxicity Characteristic Leaching Procedure (TCLP) determines the amount of lead that could be leached out if the waste came into contact with groundwater. If the lead concentration is 5 parts per million or greater, it is classified as hazardous waste and is regulated by the RCRA-EPA.

Range Wastewater Discharge

Wastewater discharge from floor drains in the range may also be considered hazardous waste. Floor drains must be connected to a treatment/filtration, dry well, or septic system into which range-cleaning wastes can be deposited. Only the range floor drain would be connected to this alternate waste system. Restrooms, showers, and sinks would be connected to an independent regular sewer system.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 4 -Lead Exposure And Controls (Continued)

Lead Monitoring

A monitoring program shall be provided to detect early indications of lead movement. Take samples of the surface soil, surface water, and ground water based on range usage and site conditions to check for soluble lead, dissolved lead, and nitrates. Monitoring wells shall be correlated with other existing wells on range property. Monitoring wells are not required if the ground water table is 20ft. (6m) or more below the range surface. Contact an environmental engineer for support for deep water tables.

LEAD EXPOSURE CONTROLS - OUTDOOR FIRING RANGE

On outdoor firing ranges, lead exposure is not as significant a hazard as on indoor ranges; however, steps must be taken to provide a safe environment for shooters and range personnel.

Soil Amendments

Soils will be tested for pH and phosphorous levels every 2 years. (The desired pH level is in the neutral range of 6 to 8.) Consult the local agricultural extension agent for information about soil conditions related to pH and phosphorous levels in the area the range is located.

Vegetation

Plant and maintain vegetation on berms and drainage ways. Turf grasses are recommended because they are excellent for water and sediment retention. Select a grass based on minimal watering and fertilizer needs. Use non-nitrate-based fertilizer, with the exception of during the initial grow-in period when minimal amounts of nitrate-based fertilizer may be used. Remove any decaying wood or plant life on the range, particularly on the slope of the berm facing the firing line and in the safety zone behind the berm.

Surface Water Runoff

Prevent storm water runoff from flowing into surface water from any berm area subject to direct or indirect fire. Surface water runoff from within the range, including the safety fan, shall be diverted into a vegetated detention basin or infiltration area. Straw bales, geotextile fabrics, or other erosion controls shall be provided in drainage areas. Slow the runoff water and provide sediment traps.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 4 -Lead Exposure And Controls (Continued)

Range Wastewater Discharge

(Refer to the same topic under Indoor Ranges.)

Maintenance Personnel Safety

(Refer to the same topic under Indoor Ranges.)

Lead Monitoring

(Refer to the same topic under Indoor Ranges.)

Recovered Lead Disposal

(Refer to the same topic under Indoor Ranges.)

Reclamation and Recycling

Remove lead from a berm face when sufficient lead build-up has created a ricochet hazard. Sift the lead from the soil and return the soil to the berm. Place the lead into appropriate containers and send them to a recycling contractor or smelter.

Health and Safety Plan

Develop a site-specific health and safety plan before excavating or removing any lead-contaminated soil. Consult an industrial hygienist for assistance. (OSHA Regulations 29 CFR 1910.1025 and 29 CFR 1926.62 apply to reclamation and recycling activities.)

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 5 - Noise Exposure And Reduction

NOISE EXPOSURE STANDARDS

OSHA Permissible Exposure Limit (PEL)

The OSHA standard (29 CFR 1910.95) for occupation exposure to noise specifies a maximum *Permissible Exposure Limit* (PEL) of 90 dBA for an 8-hour duration of exposure, or time-weighted average (TWA). OSHA uses a 5-dB time/intensity exchange rate to calculate the PEL.

NIOSIIUACGIH Permissible Exposure Limit (PEL)

NIOSH and the American Conference of Governmental Industrial Hygienists (ACGIH) recommend a PEL of 85 dBA for an 8-hour TWA with a 3-dB exchange rate.

OSHA Action Level

The OSHA regulation stipulates that at the *Action Level* of 85 dBA, a continuing, effective hearing conservation program must be administered. This program must include monitoring, range personnel notification, observation, an audiometric testing program, hearing protectors, training programs, and record-keeping requirements.

Table 1: Noise Exposure Limits

DURATION OF EXPOSURE Hours/Day	SOUND LEVEL (dBA)	
	ACGIH	OSHA NIOSH
16	82	85
8	85	90
4	88	95
2	91	100
1	94	105
1/2	97	110
1/4	100	*115
1/8	103	---
1/16	106	
1/32	109	
1/64	112	
1/128	115*	

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 5 - Noise Exposure And Reduction (Continued)

No exposure to continuous or intermittent noise in excess of 115 dBA. Exposure to impulsive or impact noise should not exceed 140-dBA peak sound pressure level. No exposure to continuous, intermittent, or impact noise in excess of a peak level of 140 dBA.

Noise Exposure Limits

Table 1 illustrates the duration of exposure, expressed in hours per day, at different sound levels.

NOISE REDUCTION - INDOOR FIRING RANGES

Description

A noise reduction program must address two different design considerations: noise reduction in the range and noise transmission out of the range. Noise reduction on an indoor range consists of two distinct components, airborne and structural-borne sound. Limiting noise transmission out of the range area consists of isolating structural components to create a sound transmission barrier. (Consult an acoustical engineer for noise hazard evaluation and noise reduction recommendations.)

Airborne Sound

To reduce airborne sound, all structural, mechanical, plumbing, and electrical penetrations shall be sealed. This includes the airtight insulation around doors, windows, ventilation ducts, ceiling, and walls. All ductwork shall include silencers of the packless type that are cleanable and can accommodate airflow requirements. Provide ductwork access panels at all silencers.

Structurally Transmitted Sound & Vibration

To limit structurally transmitted sound and vibration, apply acoustical material to walls, ventilation and heating ducts, floors, and ceiling areas. Blown-on acoustical material is not permitted. Conventional acoustical treatment is encouraged behind the firing line. Selection of the acoustical treatment must be coordinated with a Fire Protection Engineer. Any product considered for selection must demonstrate past experience specific to the desired application type. For example, foam products can present an extreme fire hazard and require coordination with a Fire Protection Engineer, if installed. Acoustical treatment will meet all requirements of

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 5 - Noise Exposure And Reduction (Continued)

life safety guidelines in NFPA 101 and interior finishes references in BOCA Building Code Section 2603.0 and their related referenced sections.

Acoustical Treatment

Acoustical treatment can consist of convoluted melamine foam material that is supplied in modular panels. These panels shall be coated to minimize the absorption of airborne particulate, and must be easy to clean with mild soap and water, plus be resistant to lead and nitrate penetration. Panels should be installed in not larger than 4-foot wide panels to be easily removed, bagged for disposal, and replaced.

Acoustic Material Installation

Acoustic material should be placed on walls, ceilings near the firing line, and on ceiling baffles down range of the firing line. Acoustical wall treatment should be installed on furring strips away from the basic wall construction and start at a point above the floor to avoid damage from range maintenance. It is not necessary to place acoustical material on the walls extending down range from the firing line. This material would be susceptible to bullet damage and contributes very little to noise reduction. If down range acoustic treatment is installed, it must be compatible with the planned lead dust removal process.

Other Acoustical Measures

Do not paint down range block walls or acoustic tile sound absorbing walls. Paint significantly degrades the sound absorbing qualities of the materials. (However, existing ranges may continue to use painted surfaces.) Use solid core, weather-stripped doors and double-glaze the window into the control room to reduce noise transmission. This window shall be constructed of two panels of glass, resiliently mounted, and separated by an air space.

Noise Transmission Out of the Range

For noise transmission out of the range, mass and limpness are the two desirable attributes for a sound transmission barrier. Acoustical treatment will reduce noise levels within the range, but will have little effect on noise transmission out of the range. Solid masonry walls are generally the most economical method for isolating the range. Other types of construction that will provide mass include gravel or grout-filled concrete block.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 5 - Noise Exposure And Reduction (Continued)

NOISE REDUCTION - OUTDOOR FIRING RANGES

Noise reduction on a fully baffled outdoor firing range facility is much the same as for an indoor firing range. Acoustical material for an outdoor range must also be weather resistant. As with an indoor firing range, consult an acoustical engineer for noise hazard evaluation and noise reduction recommendations.

The most important measures for reduction of noise transmitted out of the range are:

- **Site Selection.** Locate the range in hilly or mountainous terrain to reduce transmitted noise.
- **Site Location.** Locate the range as far away from populated areas as is reasonable and possible.
- **Side Containment.** Properly constructed side containment of the appropriate size around each range facility will contribute to transmitted noise reduction and ballistic containment.
- **Vegetation and Landscaping.** Retain as many trees and other vegetation as possible to insulate the surrounding area from transmitted noise. Plant trees and other vegetation in areas that will insulate surrounding areas from transmitted noise.
- **Scheduling.** Do not schedule live-fire training at times that create a noise transmission nuisance to surrounding areas, such as late at night or early morning.

23

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS

Purpose: To provide guidance to NFU staff of the duties and responsibilities of the Armorer's and the Quality Control process.

SOP Number:

SOP Date:

Authority: Local Procedure
Industry/Manufacturers Standards/Specifications
Military Acceptance Standards and Technique Documents
INS Firearms Policy (AM 20.012)

Daily Work Assignments

Daily work assignments, will be issued by the Supervisory Training Specialist/Armorer (STS/A) to the Training Specialist/Armorers (TS/A) at the beginning of each day. The TS/A work assignments will be generated on an INS NFU Armory Daily Work Assignment sheet. In the absence of the STS/A, the Assistant Director of Armory (ADA) will issue the work assignments. The TS/A's will follow the guidelines listed below in the absence of the ADA and the STS/A.

The work assignments below are listed in the order of priority. The date of entry for a work assignment will determine the order within a category. Priorities of an urgent nature can be changed at any time with the approval of the Director, ADA or STS/A to meet the needs of the Service.

Guidance for the issuance of daily work assignments will be defined by the following conditions:

- Service Firearms for Repair
All Service firearms sent from field offices to the NFU for repair will be given first priority. These firearms will receive immediate attention following the processing and inventory conducted by the Materials Team Member (MTM). Service firearms will be repaired per the manufacturer's guidelines and returned to the field in the most expedient manner. All Service firearms will be cleaned prior to shipment.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS (Continued)

- "New" Ready to Issue Service Firearms
All new firearms will be inspected for completeness. All new firearms will be given a Limited Technical Inspection (LTI) prior to issuance. Firearms not passing the LTI inspection will be tagged, separated from the lot, and reported to the Supply Manager for a determination as to the status of that particular firearm following the guidelines established in the contract.
- "Used" Ready to Issue Service Firearms
Current issue, used firearms that have been turned in and are in serviceable condition will be given an LTI inspection, repaired if necessary, testfired and cleaned prior to storage. These firearms will be returned to the MTM for use as replacements or for issuance.
- Training Academy Firearms
Used firearms that are to be sent to the training academy will be shipped "as is." The Academy TS/A will LTI, repair, test fire, and issue the firearms as required for class use.
- Excess Firearms
An LTI will be conducted on excess firearms to determine the status and condition of these firearms stored in the vault. Serviceable firearms will be segregated from firearms that have failed the LTI inspection. Firearms that do not meet Service or factory specifications and cannot be repaired within cost limitations (not to exceed 60 percent of the new purchase value) shall be scheduled for disposal.
- Seized Firearms
Unless otherwise instructed, seized firearms shall be treated as excess firearms. They can be relegated for destruction, transferred to the NFU Reference Firearms Library, or placed into service. The STS/A in conjunction with the ADA will determine the disposition of seized firearms.
- Reference Firearms Library
Excess or seized firearms shipped to the NFU that have historical value can be used as training aids, or can be used for future reference, shall be placed in the NFU Reference Firearms Library. Reference firearms will be LTI inspected, test

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS (Continued)

fired, cleaned and oiled before storage. If a firearm merits reference library acceptance, but cannot be test fired due to mechanical problems or lack of ammunition, it will be tagged as a non-shooting firearm until such time as the repair can be made and the test firing can be performed. Large lots of reference library firearms that do not receive immediate attention due to higher priorities will be LTI inspected, cleaned and oiled where time and scheduling permit. This will preserve the firearms and help prevent corrosion and deterioration from setting in.

- Research and Development, Test and Evaluation

Conducting research and development and test and evaluation of firearms, ammunition and related equipment is a separate priority and can pre-empt any other category, except priority number one, due to its urgent nature. Priorities will be determined by the NFU Director, ADA or STS/A.

- Competition Firearms

The NFU will support participation in INS sanctioned competition as time and funding allows. Service firearms designated as Competitive Firearms and modified to suit a particular shooting discipline will not be used as a duty firearm at any time. The NFU reserves the right not to perform any modification that it deems as unsafe and could cause possible injury to the shooter or spectators. A separate SOP is provided for the servicing of competition firearms. The NFU's only support is for the National Pistol Team.

- Firearms Designated for Destruction

Firearms that have been inspected and determined as unserviceable will be separated, the firearms repair form will be annotated as unserviceable, and the firearm will be returned to the MTM.

Quality Control

Quality Control (QC) is one of the most important aspects of the Service Armory. Its purpose is to improve product quality and maintain high levels of reliability.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS (Continued)

The responsibility for producing quality workmanship rests upon each and every Service Armorer. Each Armorer must accept this responsibility and do his/her best to ensure that the firearm meets the highest standards for reliability and safety. The STS/A is responsible to the ADA for the Armorers and their performance. Each QC inspector must guarantee that high standards of quality are maintained. Factory standards, specifications and manufacturer's procedures are the basis for firearms quality. However, additional QC enhancements will be added if deemed necessary by the STS/A. Quality Control is the total responsibility of all involved. TS/A's should keep close contact with field requirements and problems. Constant vigilance guarantees quality.

The test fire inspection will consist of firing one full compliment of ammunition through each firearm. A compliment is defined as one full cylinder of service ammunition for revolvers and a full magazine of service ammunition specific to the semi-automatic or full automatic firearm. If a firearm has more than one mode of fire, i.e. single action, double action, semi-automatic, burst and full automatic, it will be tested in each mode of fire. If a firearm does not pass the test fire inspection, it will be returned to the Service Armory for correction, and a follow-up QC inspection. Upon completion of the test firing, all firearms will be cleaned and oiled.

The STS/A will conduct additional unscheduled QC inspections on the firearms at any time during the course of test firing or QC inspection. Discrepancies found will be noted on the firearms repair form along with a signature and date. The firearm will then return to the initial Armorer for correction and a follow up QC inspection.

Verbal approval from the STS/A will be required to change a daily work assignment or priority. Approval from the Director of the NFU and the Assistant Commissioner for Administration's Office will be required to change a SOP.

The NFU will base its Quality Control Program (QCP) on each individual firearm manufacturers' specifications. Procedures and specifications are to be taken directly from the manufacturers' Armorer Training Manuals. Military Technical Manuals (TM) may be used in lieu of a manufacturer's manual if the necessary information is not available from the manufacturer.

The TS/A will be proficient on each firearm system in the NFU inventory. Each TS/A will receive the proper education for the care, maintenance, and repair on all the firearm systems in the NFU inventory. The TS/A's will be assigned to attend firearm manufacturer's Armorer

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS (Continued)

schools as needed to stay current with the updates and latest procedures. The NFU management shall arrange for training as necessary.

Safety, reliability, and performance are the main considerations of a QCP, but appearance will also be a factor. All firearms will be clean, oiled, and free from debris that can interfere with the proper function of the firearm.

Quality Control Definition:

Visual Inspection

Training Specialist/Armorers (TS/A) are the Quality Control (QC) Inspectors and will be responsible for a firearm's visual inspection.

- A Limited Technical Inspection (LTI) will be performed prior to any repairs. An LTI consists of disassembling the firearm and gauging the major components as outlined in the respective firearm manual. An LTI inspection can identify most malfunctions commonly found in firearms.
- A Detailed Technical Inspection (DTI) involves total disassembly of the firearm and a complete inspection of each individual part. A DTI will be conducted if an LTI does not reveal the cause of a malfunction.

A DTI will be performed on a firearm involved in a shooting incident if the firearm was suspect to mechanical failure. A DTI will be conducted on First Article Test firearms at the beginning and end of the test or at intervals as specified by the test plan.

A DTI may be requested, by the Director, ADA or the STS/A.

- The STS/A has final authority over the TS/A's QC inspection and will monitor the procedures to ensure compliance with the manufacturers specifications. All inspections and repairs will be documented on the Firearms Repair Form (FRF) by the TS/A performing the procedure. The TS/A will initial in the appropriate location on the FRF upon completion of an inspection procedure.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS (Continued)

Function Fire Test

The test fire inspection will consist of firing one full compliment of ammunition through each firearm. Shotguns will be fired with one compliment of buckshot and one compliment of rifle slugs. A Selective-Fire Firearm will be fired in each mode of fire. Any firearm that fails the test fire will be repaired and test fired again.

Non-Destructive Test (NDT)

The TS/A will conduct a NDT if one of the following criteria are met:

- If a LTI or DTI inspection reveals an apparent crack or anomaly;
- A firearm that was involved in a shooting incident and is suspect to mechanical failure;
- Firearms involved in a Test and Evaluation trial or First Article acceptance; and
- A firearm that has experienced undue stress due to a double charge or "proof load".

The INS/NFU will follow Military Acceptance Standards (MIL-STD) and Technique Documents as outlined by the United States Army Combat Systems Test Activity (CSTA), Aberdeen Proving Ground (APG), Maryland.

All TS/A's will be required to maintain a certification Level I inspector status in Non-destructive Testing Methods per MIL-STD-410E. Training will be conducted at the Materials Technology School CSTA/APG. The STS/A or designated TS/A will be certified to a minimum Level II inspector rating for Magnetic Particle and Fluorescent Dye testing. The STS/A or designated TS/A will maintain oversight of the inspection procedures and techniques.

A Level III Inspector from the CSTA/APG will calculate acceptability standards and determine qualification test methods required for a firearm not on the inspection list or any non-standard part.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

SERVICING INS-OWNED FIREARMS (Continued)

Responsibilities of the Service Armorer

The following is a list of the Service Armorer's responsibilities:

- Perform Limited Technical Inspections (LTI) and Quality Assurance tests.
- Provide a written weekly summary of the work accomplished and a written monthly report of the work completed. Recommendations for correcting deficiencies within the INS NFU firearms program and improvements that can enhance the overall effectiveness and performance of the Armory are encouraged.
- Conduct maintenance and repair of Service issue and approved firearms.
- Modify Service firearms only when authorized by the NFU ADA or STS/A.
- Conduct Field Armorer training, Firearms Instructor training or Advanced Firearms training as required by the ADA or STS/A.
- Assist with physical inventory of firearms and verify serial numbers of firearms shipments with the Material Team Manager (MTM).
- Ensure the security of all firearms and related equipment at all times. Firearms shall not be left unattended. The armory doors will be kept closed at all times. The windows will be closed and locked and the STS/A notified if the armory is vacated by all TS/A's.
- Avoid unnecessarily or carelessly displaying firearms to visitors in the facility or at ranges.
- Adhere to the INS Firearms Policy at all times while in possession of any firearm.
- Ensure that any firearm taken to the range or otherwise test fired with live ammunition will be unloaded and made safe prior to leaving the range and entering the facility.
- Other duties as assigned.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

SERVICING INS-OWNED FIREARMS (Continued)

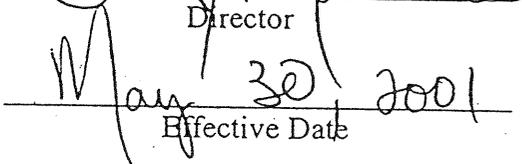
Clean-up

- Each armorer will be responsible for maintaining a neat and clean work area at all times.
- Service Armorers will use 15 minutes at the end of each day to conduct a thorough cleanup of the Armory.
- A detailed cleanup will be conducted at the end of the work week.

This SOP is effective immediately, and supersedes any previous SOP relating to this topic.



Director



Effective Date

24

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

SERVICING OF PERSONALLY OWNED FIREARMS

Purpose: To provide guidance to NFU personnel for the repair and/or modification of personally owned firearms.

SOP Number:

SOP Revision:

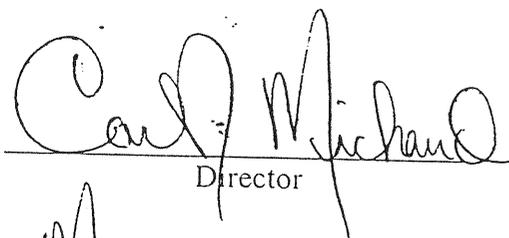
Authority: Administrative Manual 2.1.201, INS Firearms Policy(AM20.012)

Two categories of firearms of personally owned firearms are authorized for service (repair) at the NFU. No other personally-owned firearms will be serviced by the NFU.

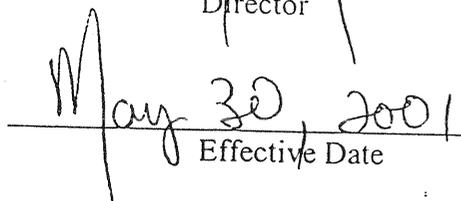
- Personally owned firearms, when utilized by the Immigration and Naturalization Service (INS) National Pistol Team, for the purpose of INS sanctioned competition, may be serviced by the NFU. The officer must supply all repair parts.
- Service approved, personally-owned firearms "authorized for duty carry" by INS personnel will be serviced by NFU.

The specific firearm(s) in the above categories must be authorized and registered in the Firearms Inventory System.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

25

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**SERVICE PISTOLS EXCEEDING 9,500 ROUNDS
(CURRENTLY UNDER REVISION)**

Purpose. To provide guidance to the NFU armory personnel regarding Service pistols that have fired in excess of 9,500 rounds

SOP Number:

SOP Revision:

Authority: Local Procedure

All Service pistols that have been fired in excess of 9,500 rounds and shipped to the NFU will be replaced. A Training Specialist/Armorer (TS/A) will inspect the logbooks accompanying the pistols for the total amount of rounds fired prior to conducting a Limited Technical Inspection (LTI). Log books with entries of 9,500 rounds or more will be filed in the pistol's individual firearm folder.

Pistols with less than 9,500 rounds will be repaired and returned to the field with the logbook. A pistol that has a low cumulative round total but exhibits an excessive amount of internal wear will be Non-Destructive Test (NDT) inspected and returned or destroyed at the discretion of the inspecting TS/A.

Pistols that have been turned in as excess and have not exceeded 2,500 rounds will be given an LTI, test fired, Quality Control (QC) inspected, cleaned, and returned to the Administrative Support Assistant (ASA) for re-issue.

Pistols that have been turned in as excess and have less than 9,500 rounds but more than 2,500 rounds will be given an LTI, test fired, QC inspected, cleaned, and returned to the Materials Team Member for re-issue to the field.

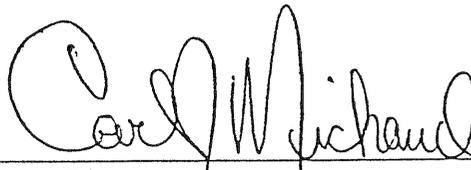
A pistol that has exceeded 9,500 rounds will be completely disassembled, thoroughly cleaned, and given a NDT. The data from the NCT will be used to improve performance specifications in future pistol solicitations or identify problem areas. The results of the NDT will be filed in the pistol's individual file folder and in the Uniform Filing System under Service Armory Information, NDT Reports, HQNFU 50/15.15.6.4-C and kept for future reference. The pistol will then be oiled and reassembled as described in the Beretta owner's manual.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

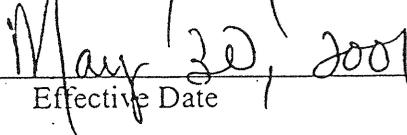
**SERVICE PISTOLS EXCEEDING 9,500 ROUNDS
(CURRENTLY UNDER REVISION) (Continued)**

All pistols indicating that they have been fired in excess of 9,500 rounds or pistols with fewer rounds that are deemed unserviceable will not be reissued for duty use, in accordance with the INS Firearms Policy, AM 20.012, Sub-Section 26(A)(3)(a).

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

26

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

INVESTIGATIVE REPORT PROCEDURES

Purpose: To provide instructions for completing investigative reports.

SOP Number:

SOP Revision

Authority: Local Procedure

All investigations regarding defective or damaged firearms, ammunition or related equipment will be processed as an investigative report. The purpose of an investigation is to determine, if possible, the probable cause of an event.

Case Number Assignment

Case numbers consist of the last two digits of the calendar year followed by NFU and then the sequential number assigned to the case within the calendar year.

Ex: 01-NFU-01

Case Format

The case format will be found under the NFU share drive named "Invest_Rpt". The Case Control Report will be filled out with as much information as is available as soon as possible.

Property

All property requested from field offices should be directed to the attention of the Ballistics Lab Program Specialist. All such items will be delivered directly from shipping and receiving to the office of the Program Specialist. In the absence of the Program Specialist, all evidence will be delivered to the Ballistics Lab Mechanical Engineering Technician. Property subject to an investigative report will not be examined in detail by any person without permission of the Case Control or Investigating Officer.

Procedures

All applicable sections of the Case Control Report will be completed by the Investigating Officer. The Case Control Officer will determine if the firearm and/or ammunition need to be forwarded to any other facility.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

INVESTIGATIVE REPORT PROCEDURES (Continued)

Firearms Test Objective

The objective of this test is to ascertain the physical and operational condition of the firearm upon receipt at the NFU. The test will assess firearms wear, parts failures, and unsafe or potentially unsafe conditions.

Test Procedures for Firearms

Upon receipt, the Investigating Officer will comprehensively log the overall condition of the firearm with observations of any external damage. Furthermore, any unusual sharp edges, which could cause snagging of the pistol on clothing or a holster, will be noted in the report. Metal burrs, metal particles, or similar anomalies, which could cause gouging and/or functional failure of critical interior or exterior moving parts, are of particular concern.

The firearm will be subjected to all tests necessary to determine, in possible, the cause of the event precipitating the investigation.

The firearm will be thoroughly examined for manufacturing or design defects. The firearm will be completely disassembled and all the firearm parts will be inspected for manufacturing or design defects.

The firearm will be tested for smooth mechanical operation. The slide or bolt will operate smoothly without binding and sticking during the firing test and when operated by hand.

The firearm will be function tested after the technical inspection with three full complements of Service ammunition to determine its safety, operability, and functional characteristics. A compliment is defined as one full cylinder of service ammunition for revolvers and a full magazine of service ammunition specific to the semi-automatic or full automatic firearm. If a firearm has more than one mode of fire, i.e. single action, double action, semi-automatic, burst, and full automatic, it will be tested in each mode of fire.

The firearm will receive additional tests that are considered necessary to properly evaluate an unusual or extraordinary incident.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

INVESTIGATIVE REPORT PROCEDURES (Continued)

Investigative Report

The Investigating Officer conducting the test is responsible for ensuring that the Investigative Report is complete. The report will indicate the tests and examinations undertaken while conducting the physical inspection of the property and will contain an evaluation of the findings.

The Case Control Officer will review the report.

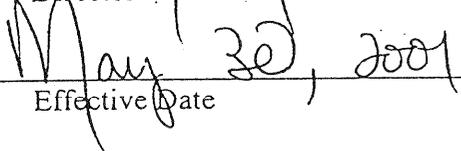
Return Shipment of Property

The Investigative Report with Cover Sheet, firearm, and ammunition will be returned to the requesting office as soon as possible after the inspection and test is complete.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

27

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

NATIONAL FIREARMS UNIT RANGE USE

Purpose To provide guidance to the NFU personnel on who is authorized to use the NFU range.

SOP Number:

SOP Revision:

Authority: Administrative Manual 5.2.106 - Physical Security Program
INS Firearms Policy (AM 20.012)

The INS NFU Range is available for use by Federal, State, and Local Law Enforcement Agencies (LLEA'S) and Range usage must be approved by the Director or Assistant Director and scheduled in advance.

The NFU will have one staff member present to assist with the range equipment and control center. The NFU staff member is required will have control of range operations. If unsafe conduct is observed, the NFU staff member is authorized to direct the individual engaging in unsafe conduct to leave the range.

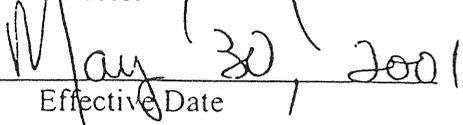
Each Law Enforcement Officer (LEO) will be required to read the Safety Rules, attend a safety briefing, and demonstrate safe firearm handling before using the NFU indoor range. Each LEO will be required to sign a memorandum acknowledging receipt and understanding of the Safety Rules and their willingness to abide by them while they are at the NFU.

The LLEA must provide one firearm instructor who has successfully completed the NFU's Range Use and Safety Program and one range safety officer for every five persons shooting.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

28

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

RANGE SAFETY

Purpose. To provide safety rules and regulations to be followed by NFU personnel on the Firing Range.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.2.101 – Personal Property Management
Administrative Manual 2.2.102 - Physical Inventories & Reconciliation of INS
Property
INS Firearms Policy (AM 20.012)

It is the individual Officers' responsibility to conduct themselves in a professional manner and use safe gun handling procedures at all times. Everyone engaged in firearms training at the NFU will adhere to the following range rules and regulations; an item not clearly understood should be brought to the attention of a NFU Firearms Instructor (FI) or Range Officer (RO) for clarification. Infractions of, or disregard for firearms safety will be dealt with promptly by the NFU staff and could result in expulsion from the range.

Range Safety Rules

The following rules need to be adhered to:

- Each time a firearm is picked-up it will be pointed in a safe direction. The action will be opened and a visual and physical inspection will be conducted to ensure that the firearm is unloaded. Consider every firearm loaded, until you have personally determined otherwise. Never turn in or accept a firearm unless the action is open.
- Never leave a loaded firearm unattended. Un-holstered firearms will have the cylinders or actions open at all times when not being fired. Shotguns will have the action bar to the rear; port side up, and rifles will have the bolt locked to the rear, ejection port up. The manual safeties will be in the ON position.
- Never let the muzzle of the firearm cover anything that you are not willing to destroy. Follow the laser rule. Treat your firearm as though it were a laser gun, with a beam that is always on. Wherever it is pointed, that object could be destroyed.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

RANGE SAFETY (Continued)

- Hand firearms to another person butt first with the action open.
- Do not put your finger in the trigger guard until the firearm is pointing at the intended target. This is especially important when drawing the firearm from a holster.
- Do not load the firearm until the command is given. Never anticipate a command.
- The muzzle of the firearm will be pointed down range at all times when not holstered. At no time will a firearm be pointed at the top of the backstop or at the ceiling.
- Do not handle a firearm on the firing line while someone is down range. Dry firing is allowed only on the firing line under the supervision of a (FI).
- No conversations are allowed between shooters while on the firing line.
- If you drop a firearm accidentally, do not try to retrieve it. Report the incident to a FI or RO. The FI/RO will immediately inspect the firearm to ensure that it functions properly and is safe for use.
- Holstered firearms will have the safety strap snapped at all times except while in the process of drawing a firearm.
- Smoking, eating or drinking is not allowed on the firing line.
- When carrying firearms to and from the range, the firearm will be holstered or carried with the action open. Firearms that are designed to fire from the open bolt position will be carried with the bolt forward and an unloaded camber indicator inserted in the camber.
- Never bend over to retrieve dropped ammunition during loading or unloading procedures. You will be permitted to do so after the line has been declared safe. You will also be instructed when to pick-up magazines, speed loaders, loading strips or other dropped equipment.
- Do not remove any live ammunition from the range. All unfired rounds will be returned to the FI after the day's firing has been completed.
- Do not fire at a target that has turned to the edged position.

INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES
RANGE SAFETY (Continued)

- Anytime you observe an unsafe act, which endangers someone, you have the responsibility to shout "CEASE FIRE", raise your non-shooting hand, and report the incident to a FI.
- Any injury sustained during firearms training, regardless of how minor it may seem, will be reported to an instructor immediately.
- All range personnel will wear eye and double ear protection while engaged in live-fire exercise on the range. Eye and ear protection will be provided to those personnel that do not bring their own.
- When a cartridge fails to fire as expected, raise your non-shooting hand and request assistance from a Range Officer (RO). There may be a possibility that the round has not exited the barrel.
- When you are instructed to step-up to the yellow or red firing line, remain there unless told to do otherwise by a FI or RO.
- Staple guns should always be handled carefully as the staples will be under spring tension. Do not put your hands behind the target cardboard when stapling targets.
- First-aid kits are available on the firing range.
- Keep talking to a minimum while near the firing range or in the classroom. Exercise courtesy while others are shooting or engaged in classes.
- Do not turn around on the firing line or look behind you.
- Range personnel will pick up spent brass at the end of each day.
- Firearms will not be taken from the range during breaks or special clean-up assignments. Ensure that firearms and ammunition are secured before leaving the range on breaks or lunch.
- Notify the FI or RO if you find loose sights, screws or pins on a firearm.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

RANGE SAFETY (Continued)

- Notify a FI or RO if a holster, belt or ammunition carrier is excessively worn or does not function properly.

Special Weapons

The following rules need to be adhered to:

Semi-automatic pistol

When not holstered, a semi-automatic pistol will be carried with the magazine removed, the slide locked to the rear, the muzzle pointed down with the strong hand holding it by the grip.

Semi-automatic rifle

A semi-automatic rifle will be carried with the magazine removed, the bolt locked to the rear of the muzzle pointed up in a port arms carry position and the safety on.

Shotgun

When transporting a shotgun, the firearm will be carried in a port arms position, muzzle up with the action open and the safety on.

Rifle

When transporting a rifle, the magazine will be removed, the bolt locked open with the safety on. The firearm will be carried in a port arms position, muzzle up.

The UZI (or any firearm capable of firing from the open bolt position)

When transporting an UZI, or like firearm, the magazine will be removed, the bolt closed on a chamber safety indicator, and the safety on.

Cleaning Room

Bore brushes will be used only in the bore and cylinder chambers. Bore brushes are not to be used to scrub surfaces of firearms. Bore brushes will be dried prior to returning them to storage.

Compressed air will not be used for the cleaning of firearms in the cleaning room.

Each person is responsible for returning issued equipment in proper working order. Furthermore, each person is responsible for his/her assigned area of the cleaning room. All the

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

RANGE SAFETY (Continued)

tables will be wiped clean. Paper and dirty patches will be picked-up and deposited in the proper receptacles.

Facilities and Equipment

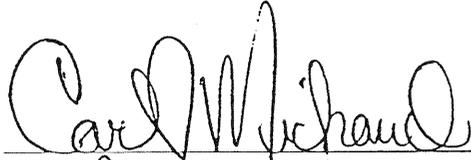
The following rules need to be adhered to:

- Students, trainees, and visitors are requested to park their vehicles in the side and rear parking areas.
- All range visitors, students, and trainees must check in at the front office prior to proceeding to the range.
- Telephones will be provided for official calls only. The FTS system will be used for all outside calls.
- Rest rooms are provided at the range. Please advise a FI or RO if a restroom is not in order.
- Smoking, eating, or drinking are not permitted in the classroom. Push the chairs under the desks after each class. Do not leave any paper, trash or personal belongings in the classrooms.
- Range equipment will be properly used to ensure its life cycle use. Staple guns should be kept separate when policing the range. Targets and ammunition boxes will be secured at the end of each day. Any broken equipment should be reported to a FI or RO.
- Live ammunition will not be taken into the classrooms for any purpose.
- Equipment will not be taken from the range complex without prior written approval. Prior approval from the Director or Assistant Director and proper accountability documentation will be obtained before equipment is removed from the range.

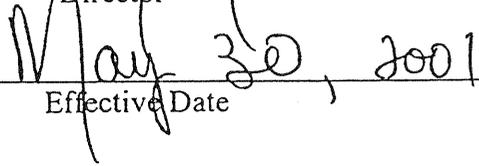
**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

RANGE SAFETY (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

29

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BALLISTICS TEST RANGE

Purpose. To provide guidance to the NFU personnel for using the Ballistic Test Range.

SOP Number:

SOP Revision:

Authority: Administrative Manual 5.2.106 - Physical Security Program
INS Firearms Policy (AM 20.012)

The safety of all persons on the Ballistics Test Range (BTR) and in the immediate area of the range at the NFU is the first priority. All persons utilizing this facility are required to comply with the following rules and operating procedures. Deviation from or failure to follow any of these rules may result in immediate expulsion from the facility and other disciplinary action as appropriate.

BTR Rules

The BTR is restricted to the testing of firearms, ammunition, and Soft Body Armor (SBA). The only exception is the sighting-in of firearms which will be done from the bench.

The ammunition that may be fired in the BTR is limited to copper, copper jacketed lead core, solid lead or frangible bullets. Velocities shall be limited to 3,500 feet per second (fps). No steel jacketed, steel-cored, armor piercing or other hardened bullets are allowed in the BTR unless approved by the NFU Director. If approved, safeguards will be established to prevent damage to the backstop, the building or to other equipment.

Shotgun 00 buck ammunition may be fired in the BTR if the spread of the pattern is able to impact into the gray metal backstop and not the walls, ceiling or floor. If necessary, the firing position may need to be moved towards the backstop to ensure impact into the backstop, but not closer than 25 yards. If there is any doubt about the shot pattern, the firing will be conducted at the outdoor range.

Function firing of new or repaired firearms will be done in the bullet traps in the Function Fire Room, the indoor range or on the outdoor range. Function firing in the BTR will require prior approval from the Assistant Director (Armory).

Quarterly qualifications will take place at the outdoor range, and indoor range.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BALLISTICS TEST RANGE (Continued)

Vendor demonstrations will take place at the outdoor range unless it pertains to laboratory equipment demonstrations specific to the BTR. The exception to this rule may be authorized by the Director on a limited case basis, provided that the firing is done at the 15 or 25 yard line, and safeguards are established to prevent damage to the backstop, the building or to other equipment.

General

An Immigration and Naturalization Service (INS) NFU Supervisor, a TS/A, (Ballistic) Program Specialist or Ballistic Tech will be present in the BTR during all firing.

Dry firing will only be conducted on the firing line with the muzzle pointed down range and only with the knowledge and approval of an NFU Supervisor, TS/A, or the Ballistic Technician.

Eye and ear protection is mandatory. Eye and double ear protection will be worn by all persons in the indoor ranges while firing is in progress.

Shooting above the target line is not permitted. Prior to firing, shooters will check to ensure that the final impact location of all shots will be on the backstops and not on the baffles. Personnel using the range will need to be cognizant of the elevation of the muzzles of their firearms. The baffles are for emergency protection of the range roof and equipment and are not designed to be shot at on a normal basis. Questions regarding the backstop or the baffles should be directed to the STS/A or NFU Supervisor for a response.

NOTE: The backstop is painted gray. The upper, bottom, and side baffles are currently painted yellow.

Firing in the BTR will be done off of a rest from the bench, from the universal receiver or from a standing position in the booths. Prone or kneeling positions are not allowed because of the angle of impact and the potential for having a round strike other than the backstop.

Firing will be done in the center of the target. If silhouette targets such as the TQ-15, Transtar or B-27 targets are used, shots will be into the center chest area.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BALLISTICS TEST RANGE (Continued)

No head shots will be fired. Bullseye or non-silhouette targets are to be positioned so that the rounds fired will pass through the target into the backstop. All firing is to be done with the barrel parallel to the floor and walls.

All BTR usage will require prior scheduling or approval of the Assistant Director (Armory), the Ballistic Technician, and /or the NFU Director.

The BTR will not be used after hours and weekends without the approval of the NFU Director or Assistant Director (Armory).

Scheduling of the BTR will be approved by the Assistant Director (Armory).

The BTR will be kept clean and neat at all times. Personnel using the range will allow ample time to clean the range prior to leaving. All brass casings and trash will be picked up and placed in the proper container when firing is completed each day. The BTR will be kept clean and neat.

Food, beverages, or smoking are not permitted in the BTR. Cans, bottles or other trash will not be left on the range or in the support areas.

There will be no live chemical agents used on any of the ranges without prior approval from the Director.

No steel or hardened targets are allowed in the BTR that would permit bullet splatter or ricochet. The exceptions to this are as follows:

- When duty ammunition penetration tests are conducted on 18 gauge steel plates. These tests will be conducted in a Fackler Box constructed of steel and lexan to contain any fragments.
- When conducting bullet deflection and/or fragmentation tests. These tests will be coordinated with the Assistant Director or Ballistic Technician. Extra precautions will be taken to ensure that the bullet fragments are contained in a safe manner and there is no damage to the range.
- Shooting at authorized steel targets. These tests will be from a minimum of 12 yards from the target impact area.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BALLISTICS TEST RANGE (Continued)

- Controlled Full-auto or rapid multiple shots fired in the BTR will require prior approval from the Assistant Director (Armory). All shots will be fired one at a time at a minimum of one shot per second.

Firearms Safety

- Cease-fire commands will be obeyed immediately.
- Unattended firearms will be unloaded and made safe at any time the responsible person is not firing. Handguns will be holstered, or unloaded and made safe, when not firing.
- Firearms will be made safe by opening, unloading the action, and placed on a table or bench and NOT handled during a cease-fire or while anyone is down-range.
- The commands "eye and ear protection are in place" and the "line is hot", will be called out before firing.
- Firearms will be pointed down-range at all times.
- Firearms will be loaded or unloaded upon command of the Range Officer.
- No person is permitted to go forward on the firing line without approval or order of the NFU person in charge.
- The following types of firearms are permitted under these conditions:

Automatic Firearms

Controlled Fully automatic fire will be permitted in the BTR upon approval from the Assistant Director (Armory). Automatic weapons may be fired on semi-automatic only.

Rifles

Rifles, other than INS issue, will not be used on the BTR without prior approval from the Assistant Director (Armory).

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

BALLISTICS TEST RANGE (Continued)

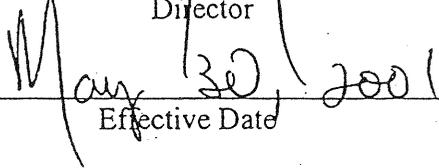
Range Inspection

The Assistant Director (Armory) will inspect the Ballistics Test Range for cleanliness and organization every Friday.

Violations shall be reported to the Assistant Director (Armory).

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date



30

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BOMB THREAT

Purpose: To provide guidance to the NFU personnel on actions to be taken in the event of a bomb threat.

SOP Number:

SOP Revision:

Authority: Administration Manual 5.2.106 – Physical Security Program

In the event of any bomb threat, your supervisor may request you to check your office area for suspicious packages or other items. You are best able to distinguish between those packages and other items, which belong in the area and those which maybe suspect. If you see any item that is suspicious or questionable, **DO NOT TOUCH THE ITEM**. The FPS will provide instructions.

Telephone Threats

The following list is the list of the actions you should take if you are the recipient of a bomb threat over the telephone.

- Keep the caller on the phone as long as possible.
- Using a bomb threat card (Form DOJ 370), record every word spoken by the person making the threat, if possible.
- Pay particular attention to background noises, such as: typewriters, music, motors running, etc. Write them down while they are fresh in your memory.
- Listen closely to the caller's voice in order to be able to describe it (male, female, accent, speech impediment, quality of voice, etc.). Write these characteristics down.
- Ask the caller to repeat the message.
- Ask the caller for the location and type of bomb.
- Ask the caller for the time of detonation.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

BOMB THREAT (Continued)

- After the caller hangs up, immediately notify your Security Programs Manager, or, if a he/she is not available, notify the Director or a supervisor.
- The Security Programs Manager, the Director, or a supervisor will notify the FPS at (215) 597-0000. If none of the above are available, you should immediately call the FPS number.
- Await instructions from the Security Programs Manager, the Director or a supervisor. If you have called the FPS number yourself, follow the instructions provided to you by the FPS representative.
- If you are instructed to exit the building, follow the existing SOP for evacuation due to a fire in the building. However, do not activate the alarm. The announcement to evacuate will be made over the intercom system by the Security Programs Manager, the Director or a supervisor.

Written Bomb Threat

- Immediately notify the Security Programs Manager or notify the Director or a supervisor.
- The Security Programs Manager, the Director, or a supervisor will notify the Federal Protective Service (FPS) at (215) 597-0000.

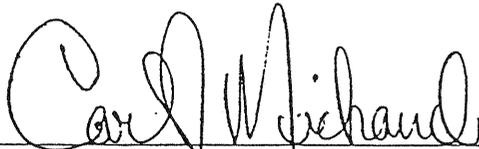
Note: If the Security Programs Manager, the Director, or a supervisor is not immediately available, you should immediately call the FPS number.

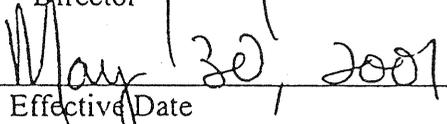
- Isolate all correspondence, including the envelope.
- Refrain from handling the correspondence unnecessarily to prevent fingerprints and other evidence from being destroyed.
- Follow the instructions provided by the FPS representative.
- Release the correspondence to your Security Programs Manager, FPS, or the Federal Bureau of Investigation (FBI).

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

BOMB THREAT (Continued)

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

EMPLOYEE PARKING

Purpose: To provide guidance to the NFU and contractor personnel on parking of personally owned vehicles.

SOP Number:

SOP Revision:

Authority: Local Procedure

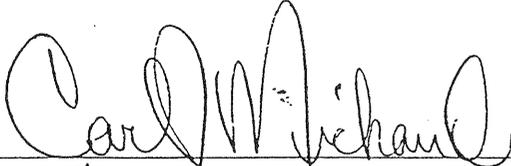
Personally owned vehicles may be parked in the front or side parking areas unless the space is required for a special event.

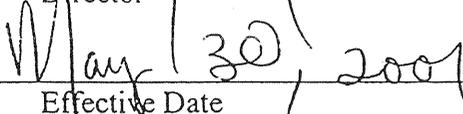
Only INS Management Staff and the employee of the quarter will be authorized reserved parking spaces.

Only vehicles bearing appropriate handicapped license plates, placards, etc. may park in the designated handicapped spaces.

No personally owned motor vehicle, trailer, camper, motorcycle, or recreational vehicle may remain parked at the NFU for a period exceeding 48 hours without the permission of the Director.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**EXERCISE ROOM
(CURRENTLY UNDER REVISION)**

Purpose: To provide guidance to the National Firearms Unit's (NFU) personnel on use of the exercise room.

SOP Number:

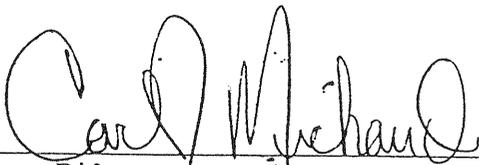
SOP Revision Date:

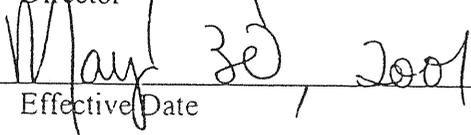
Authority: Memorandum, dated May 21, 1999, from Director Eastern Region,
Subject: Guidelines for Use of Fitness Facility (Currently Under Revision)

In addition to the NFU staff authorized under the INS Health Improvement Program (HIP), the NFU staff and employees of non-Government agencies with long-term contracts with the NFU can use the athletic equipment in the exercise room. Use will be only during off-duty hours. Use of the facility must be pre-approved by the Director and will be contingent upon compliance with the Fitness Facility Guidelines (Attachment 6) and the signing of a Use of Fitness Room Waiver (Attachment 7).

Exercise room equipment may not be used by immediate family members.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director


Effective Date

Attachments

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

Attachment 6 - Fitness Facility Guidelines

The U.S. Immigration and Naturalization Service (INS) has a Fitness Facility located at 320 East Chestnut Avenue, Altoona, Pennsylvania. All users of the Fitness Facility are expected to operate the equipment responsibly and with care and to comply with the following guidelines.

The Fitness Facility may only be used by employees of the INS assigned to the NFU. Employees of non-Government agencies with long-term contracts with the INS at the NFU may also use the facility during the term of their contract.

All users must have a signed WAIVER/AGREEMENT form on file.

All users must familiarize themselves with the safe and proper use of the equipment.

No food is allowed in the fitness facility. Fluids are permitted in a spill-proof container, such as a sport bottle.

Clean, dry athletic footwear is required. No street shoes, hiking boots, stocking feet or bare feet allowed.

If you are the last user, turn off all fans.

Equipment must be left clean for the next user. Towels and cleaning fluid are provided to wipe down equipment after use.

Lockers are located in the shower room area. Locks are not provided. The Service is not liable or responsible for lost or stolen personal items left inside or outside of lockers.

If user chooses to bring a radio or headset, volume controls should be used with discretion and respect for others.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

Attachment 7 - Use Of Fitness Room Waiver

I, _____ am [check one] () an employee of the U.S. Immigration and Naturalization Service (INS), () an employee of a non-Government agency with a full-time long-term contract with the INS, and my duty station is at the National Firearms Unit (NFU) at 320 East Chestnut Avenue, Altoona, Pennsylvania.

WAIVER

All persons using the Fitness Room Facility use them at their own risk. The INS and its employees shall not be liable for any damages arising from personal injuries or damages sustained by any person in, on, or about the Fitness Room. The subscribed person assumes full responsibility for any and all injuries or damages and does hereby and forever discharge the INS and its employees from any and all claims, demands, damages, rights or cause of action, present or future, whether the same shall be known or unknown, anticipated or unanticipated, resulting from or arising out of a person's use or intended use of the facility.

No guest or other non-employee of the INS shall be authorized to use the Fitness Room. Any user of the facility must execute this waiver prior to commencement of such use.

Prior to using the Fitness Room facility, each employee must read the attached Guidelines/Orientation Information sheet.

AGREEMENT

I have read and understood the above WAIVER regarding liability of persons using the Fitness Room Facility, and agree to abide by the statements therein.

Employee Name

Date

Director, National Firearms Unit

Date

31

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

FIRE ALARM

Purpose: To provide guidance to the NFU personnel on actions to be taken in the event of a fire.

SOP Number:

SOP Revision:

Authority: Local Procedure

If the fire alarm sounds, all personnel are to evacuate the building by the nearest available exit. A Director, Assistant Director or the Supervisory Training Specialist/Armorer (STS/A), will check for a false alarm. The NFU personnel are not to wait for a determination that the alarm may be false. Each person should quickly perform the following actions prior to departing their respective area:

- Close the windows in your immediate area. Lock them if you have time.
- Secure your safe (i.e., close the drawers, spin the dial, try the lever).
- If you are the last person out, close the door to your office or work area as you depart.
- A Director, Assistant Director or the STS/A will ensure that the firearms vault door is closed and locked.
- If a cellular phone or portable radio is available within your immediate area, bring it with you.
- A Director shall take the NFU walkie-talkies, extra batteries, and an emergency bag containing a first aid kit, flashlights, and extra batteries if possible.

Verification

The Director, Assistant Director or the (STS/A) will verify that the alarm is valid. The verification of the validity of the alarm by one of these personnel must occur within 60 seconds. The alarm system has two panels that will indicate which zone in the building the alarm has activated. These panels are located in the boiler room and on the hallway wall across from the Secretary's office. See the appendix of this Standard Operating Procedure (SOP) for a reference guide to the zones.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

FIRE ALARM (Continued)

Protective Security Services Inc. (PSSI) will attempt to contact the NFU by telephone within 60 seconds to verify any alarms that they receive. If PSSI is not able to contact anyone at the NFU, or if the individual they contact at the NFU does not know the fire alarm pass number, they will immediately notify the Fire Department. The pass number for the NFU fire alarm system is "10038".

In the event that the alarm is determined to be false, a Director will inform all NFU personnel that it is safe to return to the building. A Security Officer shall also immediately call PSSI at 1-800-487-7233 and report the false alarm.

Security of NFU Personnel and Facilities

All personnel will assemble at the "staging area" on the lawn outside of the fence near the front gate, on the Chestnut Ave. (Southeast) side of the driveway and follow the below listed procedures. If conditions prevent using this staging area, i.e., wind born smoke, etc., the alternate staging area will be the southeast corner of the lawn near the intersection of Chestnut Ave. and Howard St.

- All personnel should stand clear of the driveway to allow unrestricted access to the Fire Department.
- All personnel will remain at this location until the NFU Director or Acting Director provides instructions to leave the area or re-enter the building.
- The Director or Acting Director will account for each individual NFU staff member on duty at the time of the incident.
- The Director or Acting Director will inform a representative of the Fire Department of any NFU staff member that was present within the facility but is not present. In addition, a description of the missing staff member and his/her routine work areas will be provided.
- Individuals can also be assigned to maintain security on the front gate and front entrances to the facility. If the secondary staging area is used, an armed staff member will be assigned to provide security at the front gate. No unauthorized personnel or vehicles will be allowed into or out of the facility compound.

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

FIRE ALARM (Continued)

- An NFU staff member will be assigned to enter the facility with the Fire Department personnel to inspect the building after the Fire Department has determined that it can be safely entered.

Alarm Does Not Activate

If you smell or detect smoke or other fumes or odors associated with a fire, and the fire alarm has not sounded, immediately notify a Director, the STS/A or Security, and await further instructions. If the situation continues to get worse, i.e., an obvious increase in smoke, fumes or odors, activate the nearest red fire alarm lever and evacuate the building. The fire alarm levers are located throughout the building. Pulling down on the lever with sufficient force to break the glass tube will activate the alarm system and notify PSSI.

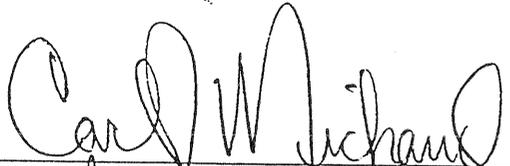
Fire Department Recommendations

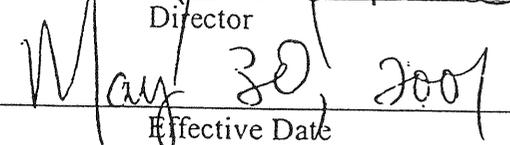
The Altoona Fire Department recommends that you do not attempt to fight a large fire. They do recommend that you attempt to extinguish small fires with an extinguisher or with whatever other means available. If the alarm sounds due to a fire, inform PSSI that there is a fire even if it has been extinguished. The Fire Department will respond regardless of the fire's severity to ensure that small fires have been completely extinguished.

Fire Drills

All NFU personnel will participate in quarterly fire drills. Only a Director or Acting Director will initiate drills. An inspection of individual work areas and offices and a critique will be held immediately following all fire drills.

This SOP is effective immediately and supersedes any previous SOP.



Director


Effective Date

INS NATIONAL FIREARMS UNIT STANDARD OPERATING PROCEDURES

VENDORS/VISITORS

Purpose. To provide guidance to the National Firearms Unit's (NFU) personnel on procedures to be followed regarding vendors/visitors to the NFU.

SOP Number:

SOP Revision:

Authority: Administrative Manual 5.2.106 - Physical Security Program

Visitors

- As a general rule, visitors should make appointments to enter the facility.
- Visitors should not disrupt the activities of others working.
- The Security Receptionist or the Secretary shall notify the appropriate parties of the visitors arrival.
- All visitors will sign the log at the front entrance and be issued an NFU visitor identification card.
- The Security Receptionist shall require picture identification such as a law enforcement credential or a driver's license to verify identity.
- Visitors will sign out and return the card prior to leaving the building.

Vendors

- Vendors are normally allowed between the hours of 9:00 a.m. and 3:30 p.m.
- Security receptionist should be notified of planned visits by vendors.

Visiting General Public/Media Personnel/Attorneys

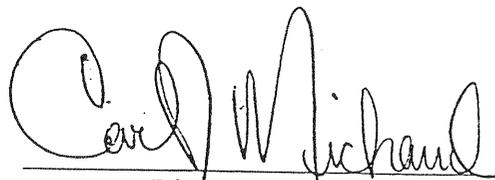
- The NFU shall be maintained as a secure government facility and will not be open to the general public or to the media.

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

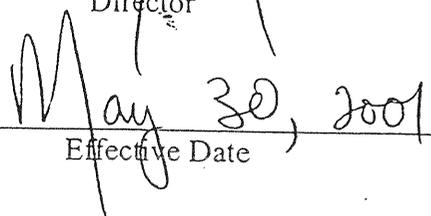
VENDORS/VISITORS (Continued)

- Solicitors or the general public will not be allowed entrance without approval of the NFU Director or NFU Assistant Director.
- Media personnel are not allowed entrance without the approval of the NFU Director and written permission from the Office of Congressional and Public Affairs in Washington D.C. Media personnel requesting entry shall be referred to Headquarters Office of Administration.
- Solicitors or the general public will not be allowed entrance without approval of the NFU Director or NFU Assistant Director.
- Media personnel are not allowed entrance without the approval of the NFU Director and written permission from the Office of Congressional and Public Affairs in Washington D.C. Media personnel requesting entry shall be referred to Headquarters Office of Administration.
- Attorneys involved in litigation against the Service are not allowed entrance without approval from the Director and written permission from the Office of General Counsel and Headquarters Office of Administration.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

**FACILITY MAINTENANCE
(CURRENTLY UNDER REVISION)**

Purpose: To provide guidance to NFU and contractor personnel on facility procedures.

SOP Number:

SOP Revision:

Authority: Administrative Manual 2.1.200 – Property Management and Maintenance

The facility maintenance of the NFU is managed through a number of individual contract awards to various vendors in the local area. The INS Administrative Center in Burlington, Vt. (ACB) is responsible for the selection of the vendors and administration of these contracts.

The Administrative Center (ACB) details in the contracts' statement of work the functions by which the vendors are to operate within the NFU facility. A copy of the contract is provided to the NFU and is used by the COTR to manage the activities of the vendor. All issues pertaining to the vendor's performance and conduct is reported to the contracting officer.

This SOP is effective immediately and supersedes any previous SOP relating to this topic.



Director



Effective Date

**INS NATIONAL FIREARMS UNIT
STANDARD OPERATING PROCEDURES**

E

COPY

June 5, 2001

Dave:

A review of the Asset Management Information System (AMIS) disclosed that Runyon signed out three (3) Model 94 Winchester rifles from the NFU Historical Vault as was alleged and returned them to the NFU. The record follows:

<u>Serial #</u>	<u>Sign out date</u>	<u>Return date to NFU</u>
149694	February 9, 2000	February 14, 2000
5428224	February 9, 2000	February 10, 2000
89352	February 9, 2000	February 10, 2000

All of the rifles were subsequently destroyed after being returned to the NFU.

Rick



**IMMIGRATION AND NATURALIZATION SERVICE
(NFU)**

320 EAST CHESTNUT AVENUE
ALTOONA, PA 16601

TEL: (814)946-9981

FAX: (814)946-9995



TO: Richard Winn	PRIORITY/ CLASSIFICATION
FAX NO.: 202-514-7244	Immediate Delivery <input checked="" type="checkbox"/>
Subject: IOA Investigation	Priority / Urgent <input checked="" type="checkbox"/>
NUMBER OF PAGES (INCLUDES COVER SHEET) : 16	Routine <input type="checkbox"/>
SIGNATURE/TITLE : Carl Michaud/Acting Director	Unclassified <input type="checkbox"/>
DATE : 5 June. 2001	Other <input type="checkbox"/>
OTHER INFORMATION:	

TELEFAX COVER SHEET

ASAPINQ

ASSET MANAGEMENT INFORMATION SYSTEM
PROPERTY INQUIRY

DATE: 06/05/0
TIME: 09:55:1

PCN : 149694
RGN/LOC/SUB : COW / NFU / NFU
TYPE : T
COST : 20.00
NOUN : RIFLE
MAKE : WINCHESTER
STATUS : OUT OF SERVICE
FUNDING PGM : 1221
USING PGM : 1221
PARENT PCN :
WARTY EXP DATE :
EVIDENCE FLAG : (Y/N)
MAINT AGREEMENT :
ASSIGNED TO :
OTHER ORG :
DESCRIPTION :
POC NAME : RON BEEGLE
POC PHONE NBR : 814-946-9981

SERIAL NBR : 149694
PHY LOCATION :
PROP TYPE : F
MODEL : 94
FUNDING PRJ : 000
USING PRJ : B
REPLACEMENT PCN :
BUILDING CODE :
INSTALL DATE :
MAINT DATE :
CONDITION : X
SSN :

PRIOR PCN:

PF3=REFRESH PF4=RETURN PF5=ACTIVITY HISTORY PF6=MENU PF8=EXIT
AU910000 INVENTORY DATA HAS BEEN RETRIEVED

ASST MANAGEMENT INFORMATION SYSTEM
FORM HISTORY

DATE: 06/05/00
TIME: 09:55:20

PCN : 149694

DOC ID	DOC NBR	DOC DATE	NEW/OLD	CREATE TIME	CREATE USER
G504	NFU000516	04/11/2000	NFU	07:48:05	COW6382B
SF120	COW000056	03/27/2000	NFU NFU	14:43:35	COW6382B

PF1=FWD PF2=BWD PF4=RETURN PF5=PCN HISTORY PF6=MENU PF8=EXIT
AU910000 FORM DATA FOR THIS CONTROL NUMBER HAS BEEN RETRIEVED

AS: T MANAGEMENT INFORMATION S TEM
CHANGE HISTORY

DATE: 06/05/
TIME: 09:55::

PCN : 149694

FIELD	NEW/OLD	DATE	USER
DISP INST	E-	04/07/2000	COW4848
COND CODE	X	03/27/2000	COW6382
PHY LOC CODE	S1500	03/27/2000	COW6382
	S		
PHY LOC CODE	S	02/14/2000	COW7880
	RUNYON		
PHY LOC CODE	RUNYON	02/09/2000	COW3403
	HRA12		
PHY INV DT	08/25/1999	08/25/1999	COW6955
	05/10/1999		

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000 CHANGE DATA FOR THIS CONTROL NUMBER HAS BEEN RETRIEVED

AS: MANAGEMENT INFORMATION S TEM
CHANGE HISTORY

DATE: 06/05/
TIME: 09:55:2

PCN : 149694

FIELD - NEW/OLD
PHY INV DT 05/10/1999
09/28/1998
PHY LOC CODE HRA12
DHRA12
PHY INV DT 09/28/1998
00/00/0000
PHY LOC CODE DHRA12
DH
PHY LOC CODE DH
CH
PHY LOC CODE CH
BBA2

DATE USER
05/10/1999 COW3068
05/10/1999 COW3068
09/28/1998 COW4848
08/28/1998 COW6527
04/13/1998 COW2402
06/13/1997 COW2859

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000

ASST. MANAGEMENT INFORMATION S TEM
CHANGE HISTORY

DATE: 06/05/96
TIME: 09:55:2

PCN : 149694

ELD	NEW/OLD
PHY LOC CODE BBA2	
	ABA2
PHY LOC CODE ABA2	
	BA2

DATE	USER
04/29/1996	COW6527
02/14/1996	COW3472

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000

MANAGEMENT INFORMATION SYSTEM
PROPERTY INQUIRY

DATE: 06/05/0
TIME: 09:55:3

PCN : 5428224
RGN/LOC/SUB : COW / NFU / NFU
? TYPE : T
? COST : 20.00
NOUN : RIFLE
MAKE : WINCHESTER
STATUS : OUT OF SERVICE
FUNDING PGM : 1221
USING PGM : 1221
PARENT PCN :
WARTY EXP DATE :
EVIDENCE FLAG : (Y/N)
MAINT AGREEMENT :
ASSIGNED TO :
OTHER ORG :
DESCRIPTION :
POC NAME : RON BEEGLE
POC PHONE NBR : 814-946-9981

SERIAL NBR : 5428224
PHY LOCATION :
PROP TYPE : F

MODEL : 94

FUNDING PRJ : 000
USING PRJ : B
REPLACEMENT PCN :
BUILDING CODE :
INSTALL DATE :
MAINT DATE :
CONDITION : X
SSN :

PRIOR PCN:

PF3=REFRESH PF4=RETURN PF5=ACTIVITY HISTORY PF6=MENU PF8=EXIT
AU910000 INVENTORY DATA HAS BEEN RETRIEVED

AS: MANAGEMENT INFORMATION S TEM
FORM HISTORY

DATE: 06/05/
TIME: 09:55:

PCN : 5428224

DOC ID	DOC NBR	DOC DATE	NEW/OLD	CREATE TIME	CREATE USER
G504	NFU000516	04/11/2000	NFU	07:48:05	COW6382B
SF120	COW000056	03/27/2000	NFU NFU	14:50:24	COW6382B

PF1=FWD PF2=BWD PF4=RETURN PF5=PCN HISTORY PF6=MENU PF8=EXIT
AU910000 FORM DATA FOR THIS CONTROL NUMBER HAS BEEN RETRIEVED

MANAGEMENT INFORMATION SYSTEM
CHANGE HISTORY

DATE: 06/05/
TIME: 09:55:3

PCN : 5428224

FIELD	NEW/OLD	DATE	USER
DISP INST	E_	04/07/2000	COW4848
COND CODE	X	03/27/2000	COW6382
PHY LOC CODE	S1500	03/27/2000	COW6382
	S	02/10/2000	COW3403
PHY LOC CODE	S	02/09/2000	COW3403
	RUNYON	08/25/1999	COW6955
PHY LOC CODE	RUNYON		
	HRA12		
PHY INV DT	08/25/1999		
	05/10/1999		

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000 CHANGE DATA FOR THIS CONTROL NUMBER HAS BEEN RETRIEVED

MANAGEMENT INFORMATION SYSTEM
CHANGE HISTORY

DATE: 06/05/
TIME: 09:55:..

PCN : 5428224

FIELD	NEW/OLD	DATE	USER
PHY INV DT	05/10/1999		
	09/30/1998	05/10/1999	COW3068
PHY LOC CODE	HRA12		
	DHRA12	05/10/1999	COW3068
PHY INV DT	09/30/1998		
	00/00/0000	09/30/1998	COW4848
PHY LOC CODE	DHRA12		
	DH	08/28/1998	COW6527
PHY LOC CODE	DH		
	CH	04/13/1998	COW2402
PHY LOC CODE	CH		
	BBA2	06/13/1997	COW2859

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000

MANAGEMENT INFORMATION S TEM
CHANGE HISTORY

DATE: 06/05/
TIME: 09:55:

PCN : 5428224

FIELD	NEW/OLD
PHY LOC CODE	BEA2
	ABA2
PHY LOC CODE	ABA2
	BA2

DATE	USER
04/29/1996	COW652
02/14/1996	COW347

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000

MANAGEMENT INFORMATION SYSTEM
PROPERTY INQUIRY

DATE: 06/05/
TIME: 09:55:

PCN : 89352
RGN/LOC/SUB : COW / NFU / NFU
ACQ TYPE : T
CQ COST : 20.00
NOUN : RIFLE
MAKE : WINCHESTER
STATUS : OUT OF SERVICE
FUNDING PGM : 1221
USING PGM : 1221
PARENT PCN :
WARTY EXP DATE :
EVIDENCE FLAG : (Y/N)
MAINT AGREEMENT :
ASSIGNED TO :
OTHER ORG :
DESCRIPTION :
POC NAME : RON BEEGLE
POC PHONE NBR : 814-946-9981

SERIAL NBR : 89352
PHY LOCATION :
PROP TYPE : F
MODEL : 94
FUNDING PRJ : 000
USING PRJ : B
REPLACEMENT PCN :
BUILDING CODE :
INSTALL DATE :
MAINT DATE :
CONDITION : X
SSN :
PRIOR PCN :

PF3=REFRESH PF4=RETURN PF5=ACTIVITY HISTORY PF6=MENU PF8=EXIT
AU910000 INVENTORY DATA HAS BEEN RETRIEVED

PCN : 89352

DOC ID	DOC NBR	DOC DATE	NEW/OLD	CREATE TIME	CREATE USER
G504	NFU000516	04/11/2000	NFU	07:48:05	COW6382B
SF120	COW000056	03/27/2000	NFU NFU	14:42:17	COW6382B

PF1=FWD PF2=BWD PF4=RETURN PF5=PCN HISTORY PF6=MENU PF8=EXIT
AU910000 FORM DATA FOR THIS CONTROL NUMBER HAS BEEN RETRIEVED

MANAGEMENT INFORMATION S CEM
CHANGE HISTORY

DATE: 06/05/
TIME: 09:55:5

PCN : 89352

FIELD	NEW/OLD	DATE	USER
DISP INST	E-	04/07/2000	COW4848
COND CODE	X	03/27/2000	COW6382
PHY LOC CODE	S1500	03/27/2000	COW6382
PHY LOC CODE	S	02/10/2000	COW3403
PHY LOC CODE	RUNYON	02/09/2000	COW3403
PHY LOC CODE	RUNYON	08/25/1999	COW6955
PHY INV DT	HRA12		
	08/25/1999		
	05/10/1999		

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000 CHANGE DATA FOR THIS CONTROL NUMBER HAS BEEN RETRIEVED

CHANGE HISTORY

DATE: 06/05/99
 TIME: 09:55:11

PCN : 89352

FIELD	NEW/OLD	DATE	USER
PHY INV DT	05/10/1999	05/10/1999	COW3068
	09/30/1998	05/10/1999	COW3068
PHY LOC CODE	HRA12	09/30/1998	COW4848
	DHRA12	08/28/1998	COW6527
PHY INV DT	09/30/1998	04/13/1998	COW2402
	00/00/0000	06/13/1997	COW2859
PHY LOC CODE	DHRA12		
	DH		
PHY LOC CODE	DH		
	CH		
PHY LOC CODE	CH		
	BBA2		

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
 AU910000

PCN : 89352

FIELD	NEW/OLD	DATE	USER
HY LOC CODE	BB2		
	ABA2	04/29/1996	COW6527
PHY LOC CODE	ABA2		
	BA2	02/14/1996	COW3472

PF1=FWD PF2=BWD PF4=RETURN PF6=MENU PF8=EXIT
AU910000

*** ACTIVITY REPORT ***

RECEPTION OK

TX/RX NO.

7396

CONNECTION TEL

CONNECTION ID

START TIME

06/05 10:32

USAGE TIME

02'55

PAGES

16

RESULT

OK

F



U.S. Department of Justice
Immigration and Naturalization Service

HQNFU 50/16.10

425 I Street NW
Washington, DC 20536

JUN 13 2001

MEMORANDUM FOR JOHN P. CHASE
DIRECTOR OF INTERNAL AUDIT

FROM: David A. Yonke
Assistant Commissioner
Office of Administration

SUBJECT: Unauthorized Requisition of Service Ammunition

The Immigration and Naturalization Service (INS) National Firearms Unit (NFU) has conducted a detailed review of the ammunition formally withdrawn by former NFU Director Gary S. Runyon. The NFU ammunition logbooks indicate that Mr. Runyon signed for 122,890 rounds of ammunition during the period March 6, 1996 through June 30, 2000. It has been determined that 72,640 rounds of the ammunition were either withdrawn for unauthorized purposes and in violation of policy and/or statute.

The NFU records indicate that of the 122,890 rounds of ammunition that were issued to Mr. Runyon, 50,000 rounds were transferred to the U.S. Marshal's Service. The transfer of ammunition to the U. S. Marshal's Service was in compliance with excess property procedures, regulations, policy, and law.

It is our determination that the transfer of 40,000 rounds of .40 caliber Service ammunition to firearms manufacturer Heckler and Koch, Inc. for the acquisition of the .40 caliber USP40 Compact/LEM pistol was consistent with procedures used for that contract. The Heckler and Koch Contract for the USP40/LEM pistol belongs to the Drug Enforcement Agency (DEA). We telephonically verified with the contract specialist that DEA provided the ammunition to Heckler and Koch for similar tests.

The remaining 32,890 rounds of ammunition were stated by Mr. Runyon to have been used for practice or competition by Mr. Runyon per his April 4, 2001 letter (see attachment). Memorandum for Director of Internal Audit Subsection 22.E. (1) of the INS Firearms Policy

states that in addition to the handgun ammunition necessary for official quarterly qualifications, Authorizing Officials shall issue a total of 150 rounds of handgun practice ammunition per quarter to each Service officer authorized to carry a handgun. Therefore, the 150 rounds of .40 caliber Service ammunition that was issued to Mr. Runyon on October 15, 1996, may have been in compliance with Firearms Policy.

The requisition of the remainder of the competition/practice ammunition was not authorized and not in compliance with INS Firearms Policy. Subsection 22.H of the INS Firearms Policy states that Service officers may request ammunition for use in competitive handgun and rifle shooting events by submitting a memorandum to the Authorizing Official. Officers who receive ammunition for use in competitive shooting are required to maintain a record of the use of ammunition and submit evidence of participation in competitive events to the Ammunition Control Officer, who will forward a copy to the NFU. Mr. Runyon has not submitted a memorandum requesting ammunition for use in competition, did not maintain a record of the use of ammunition, and did not submit evidence of participation in competitive shooting as required by Firearms Policy. In any case, this action may constitute a violation of Title 18 U.S.C. 641 which states that property may not be knowingly converted to one's own use.

If you have questions regarding this memorandum, please contact David A. Yentzer, Assistant Commissioner for Administration, at (202) 616-2486.

Attachment



U.S. Department of Justice
Immigration and Naturalization Service

Office of the General Counsel

425 I Street NW
Washington, DC 20536

August 15, 2001

Catherine McMullen
U.S. Office of the Special Counsel
1730 M Street, N.W., Suite 300
Washington, DC 20036-4505

RE: OSC file numbers DI-00-1814, 2108, 2083, and 2151

Dear Ms. McMullen:

This letter follows our earlier conversations regarding the Immigration and Naturalization Service National Firearms Unit. You asked several follow-up questions regarding action taken at the close of the INS investigation into mismanagement of the National Firearms Unit.

Your questions and our answers follow:

1. The lathe and the milling machine purchase was found to be in order, however, did INS determine that the purchase of this equipment was necessary for the mission of the NFU?

No, this equipment was not essential for the mission of the NFU. Similar, less sophisticated equipment was available at the NFU and satisfactorily met the agency's needs. The amount of training required and difficulty of using the new lathe and milling machine has prevented the NFU from using this particular equipment in any meaningful fashion. Inadequate research was done prior to the purchase.

2. Gary Runyon retired without personnel action. Was there ever consideration of a referral to the U.S. Attorney for criminal or civil prosecution of Runyon?

As you know, Mr. Runyon retired during the investigation. Upon his retirement, he was ineligible for administrative sanction and his supervisors felt that further consideration of legal action was unneeded. Moreover, the issuance of Garrity warnings in the course of the Office of Internal Audit investigation, would severely limit the use of Mr. Runyon's statements in any subsequent criminal action.

3. Did INS ever investigate whether Runyon's supervisors had knowledge of the actions he was taking?

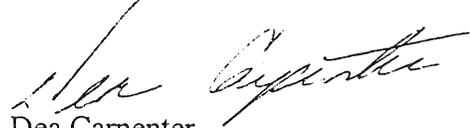
Ms. Catherine McMullen

Page 2.

Yes, Karen Severn and David Yentzer, the first and second line supervisors, were interviewed in the course of the investigation. The investigator found that both Yentzer and Severn had some knowledge of problems in management of the NFU. However, since the NFU had recently been transferred to their supervision, and the geographic distance made normal oversight impossible, their knowledge of wrongdoing was slowly developed. As a result senior agency management prepared a proposed disciplinary action for Ms. Severn, though her subsequent illness has delayed processing of that action. No disciplinary action was proposed for Mr. Yentzer.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dea Carpenter".

Dea Carpenter
Deputy General Counsel



U.S. Department of Justice
Immigration and Naturalization Service

Office of the General Counsel

425 I Street NW
Washington, DC 20536

OCT 10 2001

Catherine A. McMullen
Chief, Disclosure Unit
U.S. Office of the Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20530-0001

Dear Ms. McMullen:

This letter is in response to the points we discussed in our conversation of last week concerning the Office of Special Counsel's (OSC) investigation into whistleblower allegations against the former director of the Immigration and Naturalization Service's (INS) National Firearms Unit (NFU), Mr. Gary Runyon. As I understand it from our conversation and from the materials you sent to me, OSC intends to conclude that the Department of Justice and INS reports surrounding the allegations, investigations, and remedial measures were reasonable, with two exceptions. OSC intends to conclude that it was not reasonable for the INS to (1) "allow [the former Director of the NFU] to retire without proposing his removal or taking any disciplinary action" or to (2) decline to refer the matter for possible criminal prosecution of the former Director. I am grateful to your office for scheduling OSC's reporting activities in a way that permitted me time to confirm with the responsible offices that the INS's position on these two points is final. In that time, I have confirmed that the INS does not believe it is appropriate to take further action on either point.

As you know, the INS took seriously its responsibilities with respect to the matters that were substantiated by its investigation. Two goals for corrective action emerged. The first was to ensure that the former Director was no longer in a position to continue to commit wrongdoing. The second goal was to put in place a series of institutional safeguards to prevent such wrongdoing by any public employee in the future. The first goal was met even before the investigation was complete, when the former Director retired. As for "allowing" that retirement to take place, an agency cannot prevent an otherwise eligible employee from retiring, nor is any effective means of administrative discipline available to the former employing agency after such retirement. Mr. Runyon's retirement hastened his departure from the NFU, which brought an overall benefit to the agency. As you know, the INS met its second goal by implementing a series of institutional reforms to ensure that proper safeguards are in place to prevent future

misconduct. These reforms include a comprehensive revision to the policies and procedures governing the NFU addressing each internal control weakness discovered in the investigation.

With respect to the possibility for criminal prosecution, the first consideration normally takes place when the Department of Justice's Office of the Inspector General (OIG) receives allegations of misconduct. That office then makes an initial determination concerning the appropriateness of a criminal prosecution. If the OIG concludes that the allegations are more appropriately addressed through administrative action, the OIG forwards the case to the INS Office of Internal Audit (OIA) for investigation. Thus, the fact that OIG referred the matter to the INS at the outset reflected its initial conclusion that administrative action was more suitable in this circumstance than criminal. At the time the NFU case was forwarded to the OIA by the OIG, the Director of OIA reviewed the allegations and agreed that they were most appropriately pursued administratively. It is the OIA that bears responsibility within the INS for such determinations. No additional information developed during the investigation to alter the OIA's view, and the OIA forwarded the completed investigation to the OIG in December of 2000.

Finally, you also were awaiting information concerning the INS's plans to take disciplinary action with respect to Ms. Karen Severn, Mr. Runyon's former supervisor. On October 4, 2001, the INS's Executive Associate Commissioner for Management, George Bohlinger, served a disciplinary letter on Ms. Severn. A copy is attached.

Again, I appreciate your courtesy in permitting us this additional time. Should you have questions relating to the disciplinary matter involving Ms. Severn, please contact Mr. Bohlinger at (202) 514-3182. Any questions concerning the decision whether to refer this matter for criminal prosecution should be directed to Mr. John Chase, Director, Office of Internal Audit at (202) 514-2373. Of course, do not hesitate to contact me should there be anything further you believe I might offer.

Sincerely,



Bo Cooper
General Counsel



U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

OCT - 4 2001

Ms. Karen S. Severn
Director, Policy Branch
Office of Financial Management
Dallas, TX

Dear Ms. Severn:

This letter is notice of an action which is proposed to be taken in accordance with Title 5, Code of Federal Regulations, Part 752, and the authority vested in me by the Immigration and Naturalization Service (INS) Administrative Manual 1.1.204. Based on the charges of Failure to Fulfill Supervisory Responsibility; and Poor Judgement, I propose to suspend you from your position of Director, Policy Branch, Office of Financial Management, GS-0340-15, for 1 calendar day in order to promote the efficiency of the Federal service. This action, if found warranted, will take place no earlier than 10 calendar days from the date of your receipt of this notice. The reasons supporting these charges are as follows:

CHARGE 1: FAILURE TO FULFILL SUPERVISORY RESPONSIBILITY

Specification:

In your sworn statement to an investigator from the Office of Internal Audit, dated August 25, 2000, you indicated the following:

You have acknowledged being aware of the conflict between the Mr. Gary Runyon, former Director of the National Firearms Unit (NFU) and Mr. David Smith, former Assistant Director of the NFU. You have acknowledged speaking with Mr. Smith concerning the matter in your office at that time. Your statement reads in part: "...And that's what I know that Gary and David were having a bit of a tug-of-war because Gary on paper wanted that but you could see in reality that it was hard for him to give up that direct relationship that he had had for so many years with the armory. So I'm not surprised that that was going on." In addition, you have stated that while you did not see the day-to-day operations of the NFU, you did visit the site generally once a month for a day each time.

You were also aware of other issues involving NFU personnel, some of which resulted in complaints filed by employees for which you served as deciding official on at least one occasion.

Ms. Karen S. Severn

Page 2

Therefore, you had knowledge of personnel management differences between the former Director and subordinate employees. You have condoned, by your inaction, the ongoing practice of poor management at the NFU facility by its management officials at that time. Based on this, you could have taken proactive steps to attempt to resolve conflicts of which you were personally aware and failed to do so.

The Standard Schedule of Disciplinary Offenses and Penalties for Employees of the U.S. Department of Justice, Administrative Manual 1.1.204, Appendix 1, provides for a penalty range of official reprimand to removal for a first offense of this nature.

CHARGE 2: POOR JUDGEMENT

Specification:

On or around April 7, 2000, you had a conversation with Mary Runyon, spouse of the former NFU Director, concerning an allegation that Mr. Runyon was engaged in an inappropriate relationship with a subordinate. You admitted, in your sworn statement, telling Mrs. Runyon, among other things, to make her husband aware of the allegations concerning the inappropriate relationship being made by certain employees of the NFU. When Mrs. Runyon asked you the names of the employees making the allegations, you disclosed the names of two NFU employees to her. Subsequent to your conversation Mr. Runyon confronted at least one of the employees concerning the matter.

The Standard Schedule of Disciplinary Offenses and Penalties for Employees of the U.S. Department of Justice, Administrative Manual 1.1.204, Appendix 1, provides for a penalty range of official reprimand to removal for a first offense of this nature.

In determining the proposed penalty, I have considered all relevant factors. I have noted that you have been employed in Federal service over 17 years and that in your most recent performance evaluations you have been rated at the outstanding level. I note that you have had no prior disciplinary actions against you. In achieving its mission, the INS relies heavily upon the reputation of its employees, especially their integrity and their ability to discharge the agency's mission, sometimes through subordinate employees. However, you are an experienced supervisor, and in fact at the time supervised the managerial staff of the NFU. The fact that you stated you did not see the day-to-day operations does not mean you delegated your responsibility as a supervisor in this matter. Your conduct, as described above, constitutes misconduct on your part, and cannot be condoned. Therefore, I have determined that a suspension from your position and pay for 1 calendar day is warranted.

You have the right to review the material upon which this proposed suspension is based. You should contact Ms. Diana DeCanio, Employee Relations Specialist, Labor Management and Employee Relations Policy Section, and she will make this material available to you. If you have any questions regarding this proposed action, you should contact Ms. DeCanio at (202) 353-8430, or by mail at U.S. Immigration and Naturalization Service, Labor Management Employee Relations Policy Section, 800 K Street N.W., 5th Floor, Washington, DC 20536.

Ms. Karen S. Severn

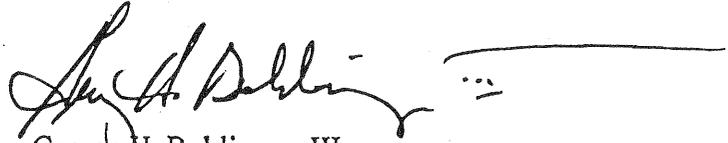
Page 3

You have the right to respond to this notice either orally or in writing, or both, to Mr. James W. Ziglar, Commissioner, regarding this proposal, and you may submit affidavits in support of your reply if you so desire. You may contact Mr. Ziglar by telephone at (202) 514-1900, or by mail at U.S. Immigration and Naturalization Service, 425 I Street, NW, Room 7100, Washington, DC 20536. You will be given 10 calendar days from the date you receive this notice to present your reply to the proposed action. You may have a representative or an attorney assist you if you so desire.

If you choose to have a representative, you must provide a written designation of your representative to Mr. Ziglar. Upon request, you and your representative (if a DOJ employee) will each be allowed up to eight hours of official time to prepare your reply. Consideration will be given to extending the 10- and/or 8-hour period if you submit a request in writing to Mr. Ziglar stating your reasons for desiring more time. Full consideration will be given to any reply you submit.

As soon as possible after your answer is received, or after expiration of the 10 calendar day limit if you choose not to answer, a written decision will be issued to you. You will hereby remain in a duty status until a final decision is issued to you.

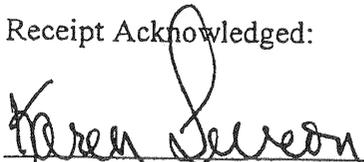
Sincerely,



George H. Bohlinger, III
Executive Associate Commissioner
Office of Management

Please acknowledge receipt of this notice in the spaces provided below.
Acknowledgment in no way constitutes concurrence or non-concurrence with the contents.

Receipt Acknowledged:



Employee's Signature

10/4/01
Date of Receipt

Copy furnished:

Witness Signature

Date