

## U.S. OFFICE OF SPECIAL COUNSEL 1730 M Street, N.W., Suite 300 Washington, D.C. 20036-4505

November 14, 2023

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-23-000193

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the Department of the Army (Army) in response to the Special Counsel's referral of a disclosure of wrongdoing in the Army Installations Management Command, Fort Irwin Directorate of Emergency Services (DES), Fort Irwin, California. The whistleblower, a former Sergeant and Lead Police Officer at Fort Irwin who consented to the release of his name, alleged a violation of law, rule, or regulation, gross mismanagement, an abuse of authority, and a substantial and specific danger to public safety. I have reviewed the disclosure, the agency report, and the whistleblower comments, and in accordance with 5 U.S.C. § 1213(e), I have determined that the report meets all statutory requirements and the findings appear reasonable.<sup>1</sup> The Allegations alleged that Fort Irwin Chief of Police violated Army regulations governing the possession and use of privately owned firearms (POFs). He alleged that POFs in place of a government-issued service weapon, failed to register POFs with Fort Irwin pursuant to Army regulations, and used POFs at the Fort Irwin firing range without authorization. The Agency Report The agency investigation did not substantiate that used POFs in place of his government-issued weapon while on duty. First, the agency found that it is common practice for

carry permit pursuant to 18 U.S.C. § 926B (the Law Enforcement Officer Safety Act (LEOSA)) and

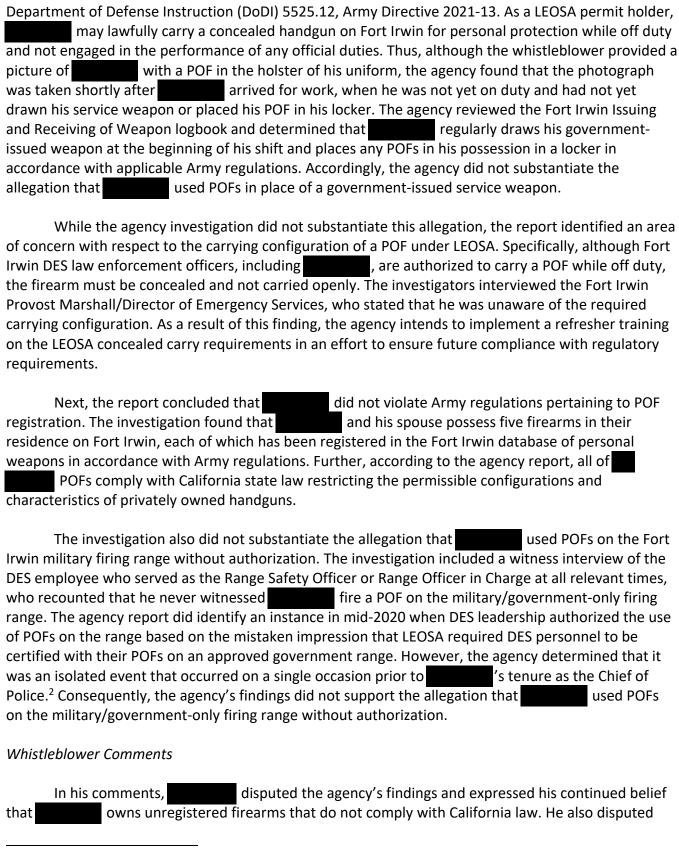
his government-issued service weapon for duty. The report stated that

to arrive for his shift with a POF in his uniform holster, then place his POF in his locker and draw

holds a concealed

<sup>&#</sup>x27;s allegations were referred to Secretary of the Army Christine Wormuth for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary delegated her authority to review and sign the report to Assistant Secretary of the Army for Manpower and Reserve Affairs Agnes Gereben Schaefer. The Office of the Army General Counsel directed the Fort Irwin Commander to appoint an investigating officer to conduct the investigation pursuant to Army Regulation (AR) 15-6.

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<sup>&</sup>lt;sup>2</sup> The report also stated that all POF qualifications necessary for LEOSA certification are now completed on the Fort Irwin Sportsman's Range, at which the use of POFs is authorized, as opposed to the military/government-only range.

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never used POFs on the military firing range. Finally, the whistleblower also emphasized that LEOSA certifications apply only to concealed firearms, not firearms that are carried openly in the holster of a uniform. Consequently, he expressed his disagreement with the agency's refusal to take disciplinary action for a past failures to comply with the concealed-carry requirement of LEOSA.

The Special Counsel's Findings

I thank the whistleblower for bringing forward these allegations to OSC. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter, the agency report, and whistleblower comments to the Chairs and Ranking Members of the Senate Committee on Armed Services and the House Committee on Armed Services. I have also placed redacted copies of these documents and a redacted copy of the referral letter in our public file, which is available at <a href="https://www.osc.gov">www.osc.gov</a>. This matter is now closed.

Respectfully,

Karen P. Gorman

Acting Special Counsel

Enclosures