



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

**The Special Counsel**

October 13, 2020

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

Re: OSC File No. DI-18-5270

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the U.S. Department of Veterans Affairs (VA) in response to a disclosure of wrongdoing at the Butler Healthcare Center (Butler HCC), Police Service in Butler, Pennsylvania. I have reviewed the agency report and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), provide the following summary of my findings.<sup>1</sup>

[REDACTED], a Police Officer who consented to the release of his name, alleged that Police Service leadership engaged in conduct that put VA employees, police officers, and veterans in danger. Specifically, [REDACTED] alleged that Police Service leadership ran active-threat training without providing police officers advance notice, and did so while the responding officers were on-duty and carrying loaded-duty weapons. In addition, [REDACTED] alleged that the unsafe practice had been reported to the facility's Associate Director of Operations, but appropriate corrective actions had not been taken.

The agency substantiated [REDACTED] allegations. The agency found that Police Service supervisors believed they were conducting rapid-response drills (RRD), which are timed events conducted to measure an officer's response time to events like a panic alarm. RRDs should not include any scenario training, role playing, or use of force. The agency found that the RRDs in question simulated an actual duty call, thus, they were live-action, scenario-based training exercises rather than RRDs. While it is appropriate to conduct RRDs with on-duty, armed officers, it violates firearms safety protocols to do so in live-action, scenario-based training exercises. In response, the Butler HCC Police Service suspended all RRDs pending the revision of the relevant standard operating procedures. The updated standard operating procedures were issued on April 13, 2020.

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<sup>1</sup>The whistleblower's allegations were referred to Secretary Robert L. Wilkie for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The VA Office of Inspector General conducted the investigation. Secretary Robert Wilkie reviewed and signed the agency report.

The President  
October 13, 2020  
Page 2 of 2

The agency also found that the Police Service falls under the governance of the Director and Associate Director at VA facilities. In this case, the Associate Director received complaints about unsafe training, but lacked the law-enforcement experience, training, and institutional knowledge to recognize the nuances and dangers associated with conducting reality-based scenario training with armed officers. In response to this finding, the VA Office of Security and Law Enforcement and the Veterans Health Administration are conducting a comprehensive review of security and law enforcement programs and functions to evaluate the need for a centralized management entity across the Department.

I have reviewed the original disclosure, the agency report, and the whistleblower's comments. In his comments, [REDACTED] noted that during the trainings at issue, supervisors were not recording officers' arrival times, and he feels that they falsely claimed the trainings were RRDs to avoid further scrutiny. In response to the findings in this case, the VA implemented corrective measures that will improve the oversight of Police Service operations and facility safety. I thank [REDACTED] for bringing this to our attention. Based on the foregoing, I have determined that the report contains the information required by statute and the findings appear reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency report, and whistleblower comments to the Chairmen and Ranking Members of the Senate and House Committees on Veterans' Affairs. I have also filed redacted copies of these documents and the redacted 1213(c) referral letter in our public file, which is available online at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,

A handwritten signature in black ink, appearing to read "Henry J. Kerner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry J. Kerner  
*Special Counsel*

Enclosures