



**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

August 29, 2018

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

Re: OSC File No. DI-18-2517

Dear Mr. President:

Pursuant to my duties as Special Counsel, I am forwarding to you a report provided to me in response to disclosures received from an employee of the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO), Little Rock, Arkansas. The whistleblower, [REDACTED], who consented to the release of his name, is an enforcement and removal assistant in ERO's Little Rock sub-office. [REDACTED] [REDACTED] alleged that Assistant Field Office Director [REDACTED] misused his government computer. I have reviewed the report and, in accordance with 5 U.S.C. § 1213(e), provide the following summary of the agency investigation and my findings.<sup>1</sup>

ICE's Office of Professional Responsibility investigated and substantiated [REDACTED] [REDACTED] allegation that [REDACTED] violated 5 C.F.R. § 2635.704 by misusing his government computer to receive, view, and share pornographic images and lewd jokes. The matter has been referred to ERO management for possible disciplinary action. [REDACTED] was given the opportunity to review the report but declined to file comments in response to the report.

I have reviewed the original disclosure and the agency report and have determined that the agency's findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter and the agency report to the Chairmen and Ranking Members of the Senate and House Committees on Homeland Security.

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<sup>1</sup> [REDACTED] allegations were referred to DHS Secretary Kirstjen M. Nielsen on April 19, 2018 pursuant to 5 U.S.C. §1213(c) and (d). In accordance with DHS Delegation Number 03000, authority to respond to the referral and take appropriate action was delegated to ICE. ERO Executive Associate Director and Senior Official Performing the Duties of the Deputy Director Matthew T. Albence reviewed and signed the agency's report.

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I have also filed redacted copies of these documents and a redacted copy of the 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 blue ink, appearing to read 'HJK', is positioned above the typed name.

Henry J. Kerner  
*Special Counsel*

Enclosure