

U.S. Department of Homeland Security
Washington, DC 20229



**U.S. Customs and
Border Protection**

APR - 7 2011

Mr. William E. Reukauf
Associate Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W.
Suite 218
Washington, D.C. 20036-4505

RE: OSC File No. DI-10-2335 – Second Supplemental Response

Dear Mr. Reukauf:

By letter dated November 9, 2010, this office transmitted a report to your attention in response to your referral of allegations that constituted potential gross mismanagement and a substantial and specific danger to public safety at the U.S. Customs and Border Protection (CBP), Canine Center Front Royal, Front Royal, Virginia. On February 18, 2011, this office transmitted its first supplemental response to several follow up questions regarding the case. Following the supplemental response, your staff submitted further queries. CBP management's responses are detailed below.

First, your office requested the names and contact information for the veterinarians CBP consulted with as well as those CBP intends to engage with in further consultation.

Answer: Below is the list and contact information of veterinarians with whom CBP Canine Program management has previously consulted regarding the use of the choke-off. As for future consultations, CBP plans to establish a veterinary/medical advisory board under the Canine Program Executive Steering Committee. Membership of that board is currently being considered but would include, at a minimum, the veterinarians that directly support CBP's Canine Centers in El Paso and Front Royal. Namely: Dr. Megan Keyes, Dr. Orlando Garza, and Dr. Catherine Nenni. We are considering veterinarians who represent National Canine Organizations as other potential members of this board.

DVM	ADDRESS
Martin L. Hoffman	31436 Retama Ridge Bulverde, TX 78163 Tel. 210-601-7994
Wayne Svoboda	7771 North 43 rd Ave. Phoenix, AZ 85051 Tel. 602-841-1200
Orlando Garza	3370 Wedgewood Dr. El Paso, TX 79925 915-276-3171
Catherine Nenni	11635 Pellicano Dr. El Paso, TX 79936 915-855-4100

Second, OSC asked whether CBP completed its review of the canine medical records and, if so, the results of the review.

Answer: Reviews of medical records at CCFR and CCEP were conducted. No neck injuries, other than the one identified by Dr. Keyes at CCFR, were identified.

A review of reports filed by CBP field offices involving sick or injured canines* for FY 2009 and FY 2010 was also conducted. None of those reports identified neck injuries or illnesses that appeared to stem from a neck injury.

- *CBP policy requires that a report be filed for any injury (on or off-duty) to a CBP Canine that requires hospitalization.*

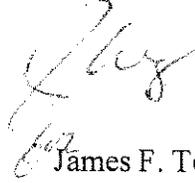
In addition, on or about April 1, 2011, at OSC's request, CBP management verified the above information related to the review of the medical records. The information is accurate and complete and no additional information is forthcoming.

Finally, OSC had questions regarding the Canine Program Executive Steering Committee (ESC) and asked if a spokesperson for the ESC could be made available telephonically for discussion purposes.

Answer: With Clark Larson's retirement in January, Bill Molaski (Port Director of El Paso) is presently the remaining Co-Chair of the ESC. He was selected as the new Director of CBP's Canine Program and assumed those duties on March 28, 2011. Mr. Molaski is available to discuss issues related the Canine Center with the OSC at a mutually convenient time.

Please do not hesitate to contact Marc Weinberger in the CBP Office of Chief Counsel at 202-344-2161, should you require further information regarding these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Tomsheck".

James F. Tomsheck
Assistant Commissioner
Office of Internal Affairs

cc: Nicole Heiser, Esq.,
DHS/OGC (via email)