



U.S. Department of Energy
Office of Inspector General
Office of Audits and Inspections

Inspection Report

Alleged Improprieties Regarding the
Canine Program at the Department
of Energy's Y-12 Site

DOE/IG-0886


April 2013



Department of Energy
Washington, DC 20585

April 19, 2013

MEMORANDUM FOR THE SECRETARY

FROM: 
Gregory H. Friedman
Inspector General

SUBJECT: INFORMATION: Inspection Report on "Alleged Improprieties Regarding the Canine Program at the Department of Energy's Y-12 Site"

INTRODUCTION AND OBJECTIVE

The Department of Energy's Canine Program is an essential component of its efforts to identify and deter potential threats to infrastructure and personnel. At the Y-12 National Security Complex (Y-12) and other nuclear material hosting sites in the Department, canines are used to detect explosives, narcotics, concealed humans and also track human presence at facilities that store, handle and maintain special nuclear material. As outlined in Department directives and adopted as best practices by law enforcement and security professionals, the performance of canine teams depends on continual reinforcement of skills through realistic performance testing, proficiency training and annual certifications. As required by their contract with the Department, canine services contractors are required to develop and implement a canine training and certification program that embodies these principles. Canine services at Y-12 were obtained through a 5-year contract that is valued at almost \$15 million.

Our inspection report on *Review of the Department of Energy's Canine Program at Selected Sites* (DOE/IG-0755, January 2007) revealed that the Canine Program did not provide an adequate level of protection for Department personnel and facilities. We found that half of the canine teams we observed failed explosive detection tests, many canines failed to respond to at least one of the handler's commands, and that canines did not receive all required training. The Department concurred with our recommendations for improvement and indicated that corrective actions were implemented to resolve canine-related issues.

Subsequently, in 2012, we received allegations that the Department's Y-12 site: (1) possibly "rigged" testing for canine teams, and (2) worked canines beyond their physical capability to perform effectively. We initiated this inspection to examine the facts and circumstances surrounding the allegations we received.

RESULTS OF INSPECTION

Because of conflicting testimony and a lack of supporting documentation, we could not conclusively determine whether there were instances of "rigged" testing. However, our inspection identified a number of issues that led us to question the efficacy of the processes used to test, train and certify canines at Y-12.

Specifically:

- Canine team certifications did not always meet standards from a certified state or Federal government law enforcement agency canine program, as required; and,
- Performance testing, training and annual certifications of canine teams were not properly conducted and/or documented.

We did substantiate the allegation that handlers had worked canines beyond their physical capability to perform assigned duties.

Our review of records revealed that canines were worked well in excess of established parameters. In addition, 7 of the 19 canine handlers we interviewed (37 percent) expressed concerns regarding the canines being overworked when performing vehicle searches. Some of the handlers told us that they contacted their supervisor regarding the excess workload, but the supervisor did not provide any relief. In contrast, a supervisor told us that if a handler ever requested relief, although the supervisor could not recall such a request, that relief would have been provided. Despite such assurances, however, we identified 91 instances in which canine teams exceeded the established workload for vehicle searches for up to 3 consecutive hours.

In response to an initial draft of this report, the Y-12 site official, Management and Operating (M&O) and Canine Contractor officials told us that canine teams are involved in two types of activities, screenings and searches, with screenings being less intense than searches. In particular, they noted that screenings are less detailed and do not require the time and physical exertion that a vehicle search requires. Contractor officials expressed their views that the subject of the allegations we received related to screenings rather than searches, and that searches do not occur at those posts. However, we noted that the contract and the Canine Contractor's *Environmental Safety and Health Plan*, January 2008, do not address different levels of searches.

Contract and Risk Management Issues

Deficiencies associated with the management of a multi-layered contract structure for furnishing canine services at the Y-12 site contributed to the problems we observed. The Department's Prime Contractor for protective services coordinated with the site M&O contractor in accomplishing the protective force scope of work, which included the canine program as part of its site security regime. The Prime Contractor awarded a subcontract (Principal Subcontractor) for the canine service. We found that the Principal Subcontractor subsequently awarded what was, in effect, a third-tier subcontract to another firm (Canine Contractor) to actually provide canine services. A Federal official told us that the Y-12 site relied on the Prime Contractor to provide oversight of the canine teams. Prime Contractor officials told us that they relied on the Principal Subcontractor to oversee the Canine Contractor. We were told, however, that the Principal Subcontractor had not actually monitored the work of the Canine Contractor since 2004.

Finally, we identified what we believed to be a concern regarding the risk ranking approach of security functions at the Y-12 site. Specifically, during discussions, Canine Contractor, Federal officials and various contractor officials acknowledged that they had not reviewed the training

and certification records for the canine teams. The officials told us that they failed to do so because the Canine Program was not identified as a high-risk security area based on the Department's graded approach for risk determination. While we recognize that the Department has a graded approach, the fact remains that adequate risk ranking of this function at Y-12 was not always performed.

Impact and Site Immediate Response

The issues that we encountered led us to question whether canine teams were able to effectively prevent or detect the introduction of explosives, narcotics and/or hidden individuals into Y-12. As such, we brought these concerns to Federal officials during the course of our inspection. In response, on August 16, 2012, the Department suspended explosive detection and human detection canine operations at the Y-12 site. Shortly thereafter, the Prime Contractor employed the services of an independent evaluator to certify the explosive canine teams. The independent evaluator assessed 35 canine teams on 10 of the 12 required types of explosive testing aids. Our review of the certification results revealed that of the 35 canine teams, 14 teams missed 1 to 2 of the 10 types of explosive aids used during the certification. Subsequently, 32 canine teams were certified and 3 canine teams remained uncertified. On August 20, 2012, canine explosive operations were resumed at the Y-12 site. We also learned that the Department took action to flatten the contract structure during our review, requiring the Principal Subcontractor and the Canine Contractor to report to the M&O contractor.

As noted, the Department took a number of steps after we brought these matters to its attention. However, we believe that additional action is necessary to address remaining weaknesses, specifically regarding explosives detection, narcotics certification and human tracking/presence capabilities. Consequently, to help improve the efficacy of the canine program, we made a series of recommendations. The recommendations, if fully executed and sustained, should help to ensure that canine-related security services are effective.

MANAGEMENT REACTION

Management concurred with the recommendations in the report. Specifically, the National Nuclear Security Administration (NNSA) recognized the need for canine program requirements to be implemented in a standardized and consistent manner throughout the Nuclear Security Enterprise. Therefore, the Office of Defense Nuclear Security agreed to develop and implement standardized policies and guidelines for all NNSA sites utilizing canine detection services. While NNSA did not agree with our assessment of the risk ranking program, we believe, based on the facts presented in the report, that adequate security risk ranking at the Y-12 site was not always performed. The Chief Health, Safety and Security Officer, Office of Health, Safety and Security, provided general and technical comments to our report. As appropriate, we modified our report to address other general and technical comments from management.

The comments provided by NNSA are included in Appendix 3.

Attachment

cc: Deputy Secretary
Chief Health, Safety and Security Officer
Chief of Staff
Director, Office of Security Policy, HS-51

REPORT ON ALLEGED IMPROPRIETIES REGARDING THE CANINE PROGRAM AT THE DEPARTMENT OF ENERGY'S Y-12 SITE

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ALLEGED IMPROPRIETIES REGARDING THE CANINE PROGRAM AT THE DEPARTMENT OF ENERGY'S Y-12 SITE

CANINE TEAM CERTIFICATION AND PERFORMANCE

The Canine Program requires a canine team to meet specific requirements and standards in the detection of explosives, narcotics, human tracking and human presence. To ensure that these teams perform and meet expected levels of efficiency and proficiency, military and law enforcement have established guidance to assure consistency and integrity to support canine team proficiency. In the absence of Department guidance, our use of these best practices guided us in identifying issues with the Canine Contractor performance such as contract and security risk management, ineffective oversight and the failure of officials to comprehend or adhere to established controls/contract requirements.

Team Requirements and Standards

The Canine Program at the Y-12 National Security complex (Y-12) was managed through a multi-layered contract structure. The site's Prime Contract for protective services included coordination with the site Management and Operating contractor (M&O) in accomplishing the protective force scope of work, which included the canine program as part of its site security regime. The Prime Contractor awarded a subcontract (Principal Subcontractor) for the service and the Principal Subcontractor then subcontracted with another firm for canine services. Services provided by the third-tier subcontractor (Canine Contractor) involved furnishing canine teams, with each team consisting of one handler and one canine (Exhibit 1).



Exhibit 1. Canine Team

By the terms of its contract, the Canine Contractor was required to furnish teams that could detect explosives, narcotics, concealed humans and track human presence. To ensure that the teams functioned effectively, the Canine Contractor was required to conduct training; perform testing to ensure that teams could detect explosives and narcotics, and track/detect humans; and to certify annually the capability of canine teams. The *Canine Detection Team Performance Test Protocol* (Protocol), developed by the Performance Test Working Group and employed by the Department's Office of Health, Safety and Security, is applicable to all Department sites and establishes

general testing parameters. The Protocol requires that performance tests include initial tests to establish proficiency of canine teams prior to operational deployment at a Department site and ongoing periodic testing to sustain proficiency. Further, Department Order 473.3, *Protection Program Operations*, and the contract require the Principal Subcontractor and Canine Contractor to furnish certifications plans for its canine teams that must equal or exceed certification standards of a certified state or Federal government law enforcement agency canine program.

Neither the Protocol nor Department Order 473.3, however, established specific Department guidance on evaluating canine team proficiency. We also noted that specific procedures for these activities had not been included in the Canine contract. As such, we used best practices established by law enforcement organizations and the military to evaluate the efficacy of the Canine Contractor's practices. The standards were drawn from best practices established by the Department of the Army, Army Regulation 190-12, *Military Working Dog Program* and the *Scientific Working Group on Dog and Orthogonal Detector Guidelines*, and were similar to those in use by local and Federal law enforcement. Best practices for testing/training aid¹ storage were drawn from those established by the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF), *Explosives Accelerant Detection Canine Programs*, and were similar to those in use by the ATF's canine programs.

Further, after initial discussions of this report, we determined that Y-12 had not established certification standards that equaled or exceeded certification standards of a certified state or Federal government law enforcement agency canine program, nor has it met this requirement since 2008. Specifically, the site's Principal Subcontractor and Canine Contractor were relying on a certification plan from a state that has no certification standards. Department Order 473.3 requires certification plans for its canine teams that must equal or exceed certification standards of a certified state or Federal government law enforcement agency canine program. The Y-12 site senior official, and M&O and Canine Contractor officials stated that it was their belief that the canine program has a certified standard that was approved by the state for a local county law enforcement agency. However, we were told by the state official that the state has no certification standards and only approves training plans for the local county law enforcement

¹ Testing/training aid is a specific type and amount of individual target substance that is used as a source of odor for a canine team to detect.

agency, not certification standards. The state official further commented that the local county law enforcement agency cannot apply the certification standards to other law enforcement agencies or non-law enforcement agencies. In subsequent meetings we were told by a Y-12 senior official that corrective actions would be taken to address this matter.

Canine Contractor Performance

We could not conclusively determine whether there were instances of "rigged" testing during performance testing and annual certification because of conflicting information and a lack of supporting documentation. However, our inspection identified a number of issues that led us to question the efficacy of the processes used to test, train and certify canines at the Y-12 site we evaluated. Notably, our testing revealed that:

- Performance testing, training and annual certifications of canine teams were not always properly conducted and/or documented;
- Handlers had worked canines beyond their physical capability to perform assigned duties; and
- Testing/training aids were not properly stored according to Federal best practices.

These issues led us to question the integrity and effectiveness of the Department's Canine Program at Y-12.

Alleged Test Compromises

Our interviews with 4 of the 19 former and current handlers employed by the Canine Contractor disclosed examples of potentially "rigged" tests or certification compromise. Specifically, four handlers told us of instances in which: (1) a Canine Contractor official placed testing aids in a specific location and then inappropriately disclosed the location to the handler; (2) a handler gave the canine a verbal command to "sit," a behavior indicating detection of a testing aid, because the canine failed to alert independently; (3) a Canine Contractor official wore a particular arm band, thus alerting the handler to the identity of the official carrying the testing aid; and (4) a Canine Contractor official possibly compromised testing by always placing the explosive aid in the same location. Conversely, the remaining 15 canine handlers told us that they could not confirm any of the activities asserted by the other 4 handlers and did not believe any of the tests were "rigged." Further, Canine Contractor management officials denied that any of its tests were "rigged" and/or compromised.

Training of Canine Teams

We determined that canine detection teams had not always received the required monthly training specified in the contract. Best practices indicate that training proficiency is an integral part of the evaluation process. The contract also specifically requires that canine teams complete a minimum of 4 hours per month of off-duty detection training and are introduced to all 12 explosive and 5 narcotics training aids at least once per month. The contract also requires Canine Contractor officials to provide training records to the Principal Subcontractor at the end of each fiscal year or sooner. Our review of documentation for a 6-month period revealed that 13 of the 20 canine teams missed at least 1 month of the required training. Specifically, of the 13 teams, 3 missed 6 months and 1 missed 5 months of the required training. Also, we found that no more than four of the required explosives training aids were used per month to conduct training. In addition, we found that the designated human tracking canine team had not received the required training in 16 weeks. When we discussed this issue with the Canine Contractor officials, they told us that they would work on ensuring that each canine team received the required training and document their efforts and results.

Testing Processes

Responsible officials did not implement reliable processes for conducting and documenting performance testing and annual certifications. Although considered best practices by Federal and other law enforcement agencies, we found that responsible officials (Department, Prime Contractor, Principal Subcontractor and the Canine Contractor) had not maintained documentation supporting the conduct of tests, ensured the testing criteria was documented, and established pass/fail rates. Documentation for performance tests and annual certifications was limited to basic information such as the name of the canine, handler, and date and pass/fail with no specific details regarding the tests conducted. Because of these shortcomings, we could not determine whether all canine teams had appropriately completed performance tests, always been tested on all required explosives and narcotics, and were certified annually, as required.

We also discovered a number of testing anomalies that impacted the integrity of the overall evaluation and testing process. For example, we were told by the cognizant Prime Contractor official that the Canine Contractor placed the testing aids in 90 percent of the evaluations completed. We also learned that the

officials conducting the exercises frequently placed the training aids in the same locations and that the tests were conducted at the Canine Contractor's facility. According to a senior Prime Contractor official, a Prime Contractor official should randomly place the testing aids during performance evaluations not the Canine Contractor. That same official also told us that the evaluations should be conducted at the facility (such as the Y-12 site) and not at the Canine Contractor's facility to help ensure the integrity of the process. Finally, we found that canine teams were not being evaluated or tested on the full suite of explosives aids specified in the canine services contract.

Departmental Reaction

During our inspection, we brought the evaluation, testing and certification issues we observed to the attention of Federal officials who took prompt action to intervene. On August 16, 2012, the Department and the Prime Contractor suspended explosive detection and human detection canine operations at the Y-12 site. Shortly thereafter, the Prime Contractor employed the services of an independent evaluator to certify the explosive canine teams. The independent evaluator assessed 35 canine teams on 10 of the 12 required types of explosive aids. Our review of the certification results revealed that of the 35 canine teams, 14 teams missed 1 to 2 of the 10 types of explosive aids used during the certification. The minimum proficiency level established by the independent evaluator was that two missed searches resulted in a "failed" evaluation for the canine teams. Subsequently, 32 canine teams were certified and 3 canine teams remain uncertified. On August 20, 2012, canine explosive operations were resumed at Y-12.

Testing Anomalies

While we recognize that the Department took immediate corrective actions to ensure the explosive canine teams were certified, additional issues remain that, in our opinion, warrant further effort. For example, we found that the Canine Contractor self-certified 8 of the 16 canine teams during a recent annual certification. Self-certification is contrary to best practices that indicate that certifiers conducting annual certifications should be independent of handling and training canines being evaluated to avoid conflicts of interest or the appearance thereof. When discussed with the Canine Contractor, officials told us that no one had ever questioned the process. However, the Canine Contractor agreed that it needed to improve the certification process so that it shows independence and improves the integrity of the program.

Further, we believe additional actions are warranted to ensure that human tracking, human presence and narcotics canine teams are appropriately evaluated, supporting documentation is comprehensive and that the canine teams are evaluated on all 12 types of explosive aids and 5 types of narcotics aids, as required by the contract. In addition, we noted that the human tracking, human presence and the narcotics canine teams were not evaluated during the recent certification; however, the Prime Contractor indicated that canine human detection operations were resumed on August 23, 2012. Furthermore, the Canine Contractor informed us that the narcotics canine teams had not been evaluated in over 4 years, yet the canine teams continue to be relied upon by the Y-12 site for narcotics detection.

Training Aid Storage

Our inspection also revealed that the Canine Contractor was storing all of its explosives aids in a single magazine, thereby increasing the risk of cross contamination.² Federal best practices indicate that cross contamination could occur when explosive aids are improperly stored and become contaminated by the prevalent odor (such as dynamite) of a different type of explosive (such as C-4), thereby potentially desensitizing the canine to the intended explosive odor. Also, best practices indicate that multiple, separate storage containers should be used to segregate each explosive type. Further, our review of the storage area containing explosives and narcotics revealed that the Canine Contractor only stored 10 of the 12 required explosives aids and 4 of the 5 narcotics aids required to conduct evaluations. We discussed this issue with Canine Contractor officials, who told us that their storage was adequate but they would address any issues identified to improve their processes. During subsequent meetings with a Y-12 site senior official, and M&O and Canine Contractor officials, we discussed the details of their corrective actions regarding training aid storage. The corrective action entails a new technique to minimize the risk of cross contamination. We provided details of this new technique to an independent agency. The agency concluded that the proposed corrective actions would not fully address the cross contamination issues.

Excess Hours Worked

We substantiated the allegation that canines had worked beyond their physical capability to perform assigned duties. The Canine Contractor's *Environmental Safety and Health Plan*

² A magazine is a room, place, receptacle, or building used to store ammunition or explosives.

(Plan), January 2008, indicates that when a canine search is conducted on more than 25 vehicles in a 1-hour period, and the activity does not decline within the first 30 minutes of the next hour, the handler must notify the supervisor. Also, when a canine detection team searches more than 120 vehicles in an 8-hour period, the handler must notify the supervisor. In both situations, the supervisor will make a determination if the current working canine should be replaced or continue searching.

Of the 19 handlers interviewed, 7 expressed concerns regarding the canines being overworked when performing vehicle searches. Some of the handlers told us that they contacted their supervisor regarding the excess workload in extreme environmental conditions such as record breaking heat, but the supervisor did not provide relief for the canines. In these instances, the handlers stated that the canines were overworked. In contrast, the supervisor told us that relief would be provided if a handler ever requested it, and the supervisor could not recall such a request. Further, contrary to the Plan, our review of the canine teams' daily logs revealed that from April through June 2012, there were 91 instances in which canines searched more than 25 vehicles per hour.

Specifically, we identified 91 instances in which 7 canine teams at 2 posts exceeded the established workload for vehicle searches for 2 to 3 consecutive hours. For example, on May 23, 2012, a canine team conducted 60 vehicle searches between 5:00 and 6:00 a.m., and 42 between 6:00 and 7:00 a.m. for a total of 102 vehicles searched during a 2-hour period.

Furthermore, on June 6, 2012, a canine team conducted 35 vehicle searches between 5:00 and 6:00 a.m., 30 between 6:00 and 7:00 a.m., and 30 between 7:00 and 8:00 a.m. for a total of 95 vehicles searched during a 3-hour period. In commenting on our initial draft of this report, the hosting Y-12 site official, and M&O and Canine Contractor officials, stated that screenings are less detailed and do not require the time and physical exertion that a vehicle search involves. The contractor officials further stated that screenings, not searches, occur at the posts in our examples. We noted that the contract and the Plan do not address different levels of searches. We observed that 37 percent of the handlers expressed concerns regarding the canines being overworked when performing vehicle searches and in some cases in extreme environmental conditions. As such, the skills and proficiency of the canine detection teams

could be impacted if the team is required to conduct excessive vehicle searches, thereby potentially compromising the security posture at the Department's Y-12 site.

CONTRIBUTING FACTORS

The issues we identified in this report were the result of several contributing factors. These factors included issues with contract and risk management, ineffective oversight and the failure of officials to comprehend or adhere to established controls/contract requirements.

Contract and Risk Management Issues

Problems associated with the management of a multi-layered contract structure for furnishing Canine Services at the Y-12 site contributed to the problems we observed. The Department's Prime Contract for protective services required that it provide a canine program as part of its site security regime. In response, the Prime Contractor awarded a subcontract to the Principal Subcontractor for the service. We found that the Principal Subcontractor awarded what was, in effect, a third-tier subcontract to the Canine Contractor to actually provide canine services. A Federal official told us that the Y-12 site relied on the Prime Contractor to provide oversight of the canine teams. Prime Contractor officials told us that they relied on the Principal Subcontractor to oversee the Canine Contractor. However, we were told that the Principal Subcontractor had not actually monitored the work of the Canine Contractor since 2004. Specifically, the contract required that all training records and annual certifications were to be furnished to the Prime Contractor on an annual basis; however, none were furnished by the Principal Subcontractor or the Canine Contractor since at least 2004. Also, the contract required the Canine Contractor to maintain the 12 types of explosive testing/training aids and the 5 types of narcotics, but the Canine Contractor only maintained 10 types of the explosives testing/training aids and 4 types of narcotics.

We also identified what we believed to be a concern regarding the "risk ranking" approach of security functions at the Y-12 site. Specifically, during discussion, Canine Contractor, Federal officials and various contractor officials acknowledged that they had not reviewed the training and certification records for the canine teams. The officials told us that they failed to do so because the Canine Program was not identified as a high-risk security area based on the Department's graded approach for risk determination. While we recognize that the Department has a graded approach, the fact remains that adequate risk ranking of this function at Y-12 was not always performed.

Finally, we observed that responsible officials (Federal and contractor) did not always comprehend or adhere to established contract requirements or controls/best practices intended to maintain the effectiveness of the canine program. In particular, responsible officials told us that they were not aware of certain requirements to implement an effective evaluation process and were unaware that the state had no certification standards for a canine program. Further, the Canine Contractor was unaware of the cross contamination issues associated with storing all types of explosives in one magazine. Additionally, regarding the canines working beyond their physical capability, we were told by the handlers that they did not always raise concerns to management regarding the excess workload for canines because prior requests for relief had not been addressed. Some of the handlers also told us that they were uncomfortable notifying management because they feared reprisal.

Impact and Site Immediate Response

The issues that we encountered led us to question whether canine teams were able to effectively prevent or detect the introduction of explosives, narcotics and/or hidden individuals into a highly secure nuclear facility. For example, the absence of comprehensive documentation coupled with inconsistent information on the number of canine teams and number of training aids used made it difficult to determine whether all canine teams were properly trained. As such, we brought these concerns to Federal officials during the course of our inspection. As noted, the Department took a number of steps after we brought the matters raised in this report to its attention.

While we commend the action taken thus far, we believe that additional action is necessary to address remaining weaknesses, specifically regarding explosives detection, narcotics certification and human tracking/presence capabilities. Without a reliable process for ensuring the proficiency and reliability of canine teams, the risk increases substantially that explosives, narcotics and human presence may not be detected at the Department's Y-12 site. Consequently, to help improve the efficacy of the canine program we made a series of recommendations. The recommendations, if fully executed and sustained, should help to ensure that canine related security services are effective.

RECOMMENDATIONS

To address the canine proficiency issues identified in this report, we recommend that the Acting Administrator, National Nuclear Security Administration require the Federal manager of the Y-12 site we reviewed to:

1. Establish and implement canine program certification standards that equal or exceed certification standards of a certified state or Federal government law enforcement agency canine program, as required;
2. Develop and implement processes designed to ensure that canine performance testing, training and independent annual certification are conducted and documented consistent with contract requirements and best practices;
3. Determine an acceptable level of performance for the canine teams and establish and implement policies and procedures that reflect performance expectations;
4. Ensure that all required explosive and narcotic testing/training aids are acquired, maintained and used, as required;
5. Ensure that procedures are developed and implemented to assure that canines do not work beyond their physical capability to perform assigned duties; and
6. Provide additional guidance on performing and prioritizing oversight of security work performed by subcontractors using the risk based approach.

MANAGEMENT AND INSPECTOR COMMENTS

Management concurred with the recommendations in the report. Specifically, regarding Recommendations 1 through 6, the National Nuclear Security Administration (NNSA), indicated that the M&O contractor will benchmark the Y-12 site's canine program against several existing state or Federal law enforcement agency canine programs to determine if its current program meets or exceeds those standards. Further, NNSA agreed to: (1) develop a requirements document that outlines the basis for canine operations on site and the expectations for the various duties performed by the canines; (2) document acceptance test and no notice performance test protocols; (3) rewrite the canine subcontract Statement of Work (SOW) to incorporate the appropriate language as it applies to training and documentation expectations; (4) continue reviewing current processes and best practices as they apply to explosive

testing/training aid procurement, storage, and maintenance; and (5) implement newly developed "Certification Protocols" and procedures to ensure appropriate oversight of canine certifications.

While NNSA did not agree with our assessment of the risk ranking program, we believe based on the facts presented in the report that adequate security risk ranking at the Y-12 site was not always performed. Additionally, the Chief Health, Safety and Security Officer, Office of Health, Safety and Security, provided general and technical comments to our report.

We have addressed management's comments and as appropriate, we modified our report to address other general and technical comments from management. The comments provided by NNSA are included in Appendix 3.

Appendix 1

OBJECTIVE

The objective of this inspection was to examine the facts and circumstances surrounding the allegations that: (1) the testing of canine teams was possibly "rigged," and (2) canines were worked beyond their physical capability to perform assigned duties.

SCOPE

We conducted this allegation-based inspection from July 2012 to April 2013 at the Y-12 National Security Complex.

METHODOLOGY

To accomplish the inspection objective, we:

- Interviewed Department, Prime Contractor, Principal Subcontractor and Canine Contractor officials;
- Interviewed state officials responsible for a state canine program and state law enforcement standards;
- Conducted a walkthrough of the Canine Contractor's facilities;
- Interviewed a Canine Training Official from the Bureau of Alcohol, Tobacco, Firearms and Explosives concerning certain aspects of proper explosives storage;
- Reviewed applicable regulations, directives and policies related to the Department's Canine Program; and,
- Reviewed and analyzed the relevant contracts, Principal Subcontractor's and Canine Contractor's plans, as well as prior reports issued by the Office of Inspector General.

We conducted this allegation-based inspection in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*. Those standards require that we plan and perform the inspection to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusions and observations based on our inspection objective. We believe the evidence obtained provided a reasonable basis for

our conclusions and observations based on our inspection objective. Accordingly, the inspection included tests of controls and compliance with laws and regulations to the extent necessary to satisfy the inspection objective. Because our review was limited, it would not necessarily have disclosed all internal control deficiencies that may have existed at the time of our inspection.

Finally, we relied on computer-processed data, to some extent, to satisfy our objective. We confirmed the validity of such data, when appropriate, by reviewing source documents.

Management waived the exit conference.

PRIOR REPORTS

The following Department of Energy (Department) Office of Inspector General (OIG) reports are related to the Department's Canine Program.

- Special Report on [*Review of the Compromise of Security Test Materials at the Y-12 National Security Complex*](#) (DOE/IG-0875, October 2012). On August 29, 2012, a Department of Energy's Office of Health, Safety and Security (HSS) inspector discovered a copy of a security knowledge test in the patrol vehicle of a WSI-Oak Ridge (WSI-OR) Protective Force official. The inspector raised concerns regarding what appeared to be a compromise of the upcoming test. The Office of Inspector General initiated a review into the alleged compromise of the HSS inspection. Our inquiry confirmed that the security knowledge test, including answers to the test questions, had been compromised and that it had been distributed in advance of the test to numerous WSI-OR Captains, Lieutenants, and Security Police Officers (SPO). The conclusion was based on interviews with Federal and contractor officials who had knowledge of the test distributions. WSI-OR personnel testified that there was no intent to cheat on the HSS inspection. We found the credibility of this testimony to be questionable. The failure to properly safeguard the test prior to its administration, especially given the intense focus on Y-12 and the security concerns at the site, was, in our opinion, inexplicable and inexcusable.
- Special Report on [*Inquiry into the Security Breach at the National Nuclear Security Administration's Y-12 National Security Complex*](#) (DOE/IG-0868, August 2012). During the early morning hours of July 28, 2012, three individuals (hereinafter referred to as the trespassers), gained access to the area surrounding the Highly Enriched Uranium Materials Facility (HEUMF) at Y-12 and defaced the building without being interrupted by the security measures in place. We commenced a special inquiry into the circumstances surrounding the Y-12 breach. We conducted interviews with Federal and contractor officials, security personnel, and alarm station operators. We also reviewed supporting information pertinent to the sequence of events. We found that the Y-12 security incident represented multiple system failures on several levels. For example, we identified troubling displays of ineptitude in responding to alarms, failures to maintain critical security equipment, over reliance on compensatory measures, misunderstanding of security protocols, poor communications, and weaknesses in contract and resource management. Further we noted that Y-12 Federal and contractor officials had not identified security cameras as a high-risk area using a risk-based approach. The maintenance and repair of critical security cameras that, if properly maintained, should have prevented or promptly detected the breach of the perimeter by the trespassers. This resulted in trespassers gaining access to the protected security area directly adjacent to one of the Nation's most critically important and highly secured weapons-related facilities.
- Report on Review of the [*Department of Energy's Canine Program at Selected Sites*](#) (DOE/IG-0755, January 2007). The objective of this review was to determine whether the Department's Canine Program at three Department sites provided an adequate level of protection for personnel and facilities. We determined that the Canine Program did not

Appendix 1 (continued)

provide an adequate level of protection for Department personnel and facilities. Specifically, we found that half of the canine teams we observed failed the explosive detection portion of the operational evaluation; each of the canines we observed in suspect apprehension demonstrations failed to respond to at least one of the handler's commands; and, the canines were not receiving the minimum number of hours of weekly training for explosives detection that were specified in the contractor's standards. We made recommendations to the relevant program offices, Fossil Energy and HSS to address these issues and enhance security. While our inspection identified concerns at three specific Department sites, we recommended that HSS review the Canine Program at all Department sites to ensure they provide an adequate level of protection for Department personnel and facilities.

- Report on [*Protective Force Performance Test Improperities*](#) (DOE/IG-0636, January 2004). During a June 2003 performance test, responder protective forces won four scenarios when predicted that they would decisively lose two. Based on information developed during the course of an internal review, the Site Manager became concerned that the test may have been compromised and requested that the OIG initiate a review. Based on information developed during the course of the review, the scope of the inspection was expanded to examine whether there had been a pattern over time of site security personnel compromising protective force performance tests. Our inspection confirmed that the results of the June 26, 2003, performance test may have been compromised. We found that shortly before the test, two protective force personnel were inappropriately permitted to view the computer simulations of the four scenarios. This action compromised controlled (test-sensitive) information. As a consequence, the test results were, in our judgment, tainted and unreliable.

MANAGEMENT COMMENTS



**Department of Energy
National Nuclear Security Administration**
Washington, DC 20585



March 20, 2013

MEMORANDUM FOR SANDRA D. BRUCE
ASSISTANT INSPECTOR GENERAL
FOR INSPECTIONS
OFFICE OF INSPECTOR GENERAL

FROM: *Cynthia A. Lersyten*
CYNTHIA A. LERSYTEN
ASSOCIATE ADMINISTRATOR
FOR MANAGEMENT AND BUDGET

SUBJECT: Response to the Inspector General Draft Report Titled "Alleged
Improprieties Regarding the Canine Program at a Department of Energy
Special Nuclear Material Site" (S12IS018/2012-03070)

The National Nuclear Security Administration (NNSA) has completed its review of the subject draft report and agrees with the Office of Inspector General's (IG) recommendations. The attachment to this memorandum provides the NNSA site's specific planned actions and timelines for addressing each of the site specific concerns. In addition, we recognize the need for canine program requirements to be implemented in a standardized and consistent manner throughout the Nuclear Security Enterprise. NNSA uses canine services at three separate field locations, and other Department of Energy special nuclear material sites also rely on canine detection capabilities. Therefore, the Office of Defense Nuclear Security will ensure the development and implementation of standardized policies and guidelines for all NNSA sites utilizing canine detection services.

We appreciate the IG's input and would like to thank the inspectors for their participation in follow-up meetings to help clarify the results of their work subsequent to the audit. If you have any questions regarding this response, please contact Dean Childs, Director, Internal Control, at (301) 903-1341.

Attachment



Printed with soy ink on recycled paper

Response to the Inspector General Draft Inspection Report Titled
“Alleged Improprieties Regarding the Canine Program at a
Department of Energy Nuclear Material Site”

Response to Report Recommendations

The Inspector General (IG) recommended that the Acting Administrator, National Nuclear Security Administration (NNSA), require the federal manager of the nuclear material site to:

Recommendation 1: Establish and implement canine program certification standards that equal or exceed certification standards of a certified state or federal government law enforcement agency (LEA) canine program, as required [by Department of Energy (DOE) Order 473.3, *Protection Program Operations*, Attachment 2, Annex 3, *Canine Program*].

Management Response: Concur

The Management and Operating (M&O) contractor will benchmark the site’s canine program against several existing state or federal LEA canine programs to determine if its current program meets or exceeds those standards. Based on the results of that evaluation, NNSA will either: (1) Maintain current standards as meeting the requirements of the order; (2) Direct the contractor to bring its standards in line with the benchmarked program; or (3) request an “equivalency” through the existing deviation process if more appropriate. **The estimated completion date is June 30, 2013.**

Recommendation 2: Develop and implement processes designed to ensure that canine performance testing, training and independent annual certification are conducted and documented consistent with contract requirements and best practices.

Management Response: Concur

The M&O’s Risk Management Group has developed, and is currently circulating for signatures, a requirements document that outlines the basis for canine operations on site and the expectations for the various duties performed by the canines. Based on this requirements document, the M&O program manager for the canine program is working with their Performance Testing Department, Risk Management Group, Protective Force, the canine subcontractor, and the Protective Force Plans Department to establish and document acceptance test and no notice performance test protocols. The canine program manager is also rewriting the canine subcontract Statement of Work (SOW) to incorporate the appropriate language as it applies to training and documentation expectations. In addition, the canine program manager has developed “Certification Protocols” and implemented procedures to ensure appropriate oversight of canine certifications to ensure the integrity of the certifications and that appropriate documentation is generated and delivered to the M&O. **The estimated completion date is May 31, 2013.**

Recommendation 3: Determine an acceptable level of performance for the canine teams and establish and implement policies and procedures that reflect performance expectations.

Management Response: Concur

The M&O will ensure that all performance expectations, including Human Scent Detection (Tracking), are clearly identified in a requirements document such as the one mentioned above in recommendation 2. **The estimated completion date is May 31, 2013.**

Recommendation 4: Ensure that all required explosive and narcotic testing/training aids are acquired, maintained, and used, as required.

Management Response: Concur

The M&O will continue to review current processes and best practices as they apply to explosive testing/training aid procurement, storage, and maintenance, and determine appropriate modifications if necessary. **The estimated completion date is June 30, 2013.**

Recommendation 5: Ensure that procedures are developed and implemented to assure that canines do not work beyond their physical capability to perform assigned duties.

Management Response: Concur

The field office will ensure that the new contract includes canine physical capability criteria and that the M&O's applicable documentation (e.g., Post Orders) includes concise instructions to the canine handlers that clearly identifies the acceptable number of screenings and searches per hour, and clearly defines the difference between a "screen" and a "search. **The estimated completion date is April 30, 2013.**

Recommendation 6: Provide additional guidance on performing and prioritizing oversight of security work performed by subcontractors using the risk-based approach.

Management Response: Concur

As noted in recommendation 2, the M&O Risk Management Group has developed, and is currently circulating for signatures, a requirements document that outlines the basis for on-site canine operations and the expectations for the various duties performed by the canines. This requirements document will provide the additional guidance requested in this recommendation. **The estimated completion date is May 31, 2013.**

Technical Comment

Page 6, Paragraph 2, “Contract and Risk Management Issues” - NNSA does not agree with the IG’s association of the canine program’s lack of review of its training and certification records with the circumstances that led to the July 28, 2012, Y-12 Protected Area incursion by protesters. NNSA does not believe that the risk ranking for the canine program is the key issue. Federal and contractor officials must provide effective review and oversight commensurate with the ranking of the programs, and the basic review of training and certification records should have been performed even if the program was not considered high-risk. Therefore, the statements that the training and certification records were not reviewed because the canine program was not a high-risk area are invalid, even if the officials who made those statements believed that this was a correct interpretation of the oversight requirements.

As such, NNSA does not question the validity of the IG’s criticism of canine program oversight in this specific circumstance. However, we believe that the characterization of a flawed risk ranking program overstates the basic issue that we need to better identify and prioritize our review/oversight activities. Also, as noted earlier, we do not believe that the unrelated circumstances of the security breach are relevant or necessary, and we request this paragraph be deleted or the rewritten to focus exclusively on the cited canine program oversight deficiencies.

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