



Fraternal Order of Police United States Park Police Labor Committee

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The Honorable Mark Lee Greenblatt
U.S. Department of the Interior
Office of Inspector General
1849 C Street NW – Mail Stop 4428
Washington, D.C. 20240
Fax: [REDACTED] (Attention: Intake Management Unit)

April 6, 2022

Re: Report of Gross Negligence in Staffing at the Presidio, Washington, D.C. and New York Field Office – Public Endangerment – Request for Investigation.

Dear Inspector General Greenblatt:

It pains the Federal Law Enforcement Officers of the Fraternal Order of Police - U.S. Park Police Labor Committee (USPPFOP), the bargaining unit of police officers of the U.S. Park Police (USPP) to have to report to you that the National Park Service (NPS) and the USPP have engaged in gross negligence and mismanagement at great risk to the safety of the public due to understaffing of sworn personnel. We ask for an immediate investigation into the mismanagement of the USPP and NPS in hiring sufficient USPP personnel. This matter has also been referred to Congress and local officials who must plan for the lack of law enforcement protections.

Despite the best efforts by the USPPFOP to address these issues within the NPS and USPP before members of the public get injured, the lack of adequate law enforcement staffing has gotten so bad that it is not even safe for visitors to visit the Presidio, in the Speaker of the House's own congressional district. This is also the case in the National Parks in Washington, D.C. and New York. Basically, NPS and USPP management have failed to hire adequate law enforcement personnel to cover shifts, exposing the public in these areas to safety concerns. They have done this knowing the likely results of sworn personnel shortages. NPS and USPP have also completely ignored proposals by our Union to mitigate our serious retention problem. We would ask that this investigation be expedited in light of the risk to the public and be submitted to oversight personnel above the NPS and USPP because of their role in the gross negligence and mismanagement of staffing levels.

This is a case of gross negligence and mismanagement that puts the public at risk each and every day until it is fixed. The gross negligence and mismanagement caused by the NPS and USPP has been ongoing consistently over multiple administrations, under both parties, to a point where the public is simply not safe in the areas that the USPP is required to protect, defend and serve in San Francisco, Washington, DC and New York.

The USPPFOP has come to have a great respect for diligent and hard work of the OIG and their past record of eliminating “fraud, waste, abuse and mismanagement” within the Department of Interior. For the safety of the public, please conduct a thorough investigation of the gross negligence and mismanagement in staffing levels of sworn personnel of the USPP. The USPPFOP will assist you in your investigation in any way possible. There are plenty of witnesses and documents which demonstrate the failures of NPS and USPP to ensure the protection of the public.

Current Unsafe Staffing Levels of the USPP Caused by Gross Negligence and Mismanagement

Previous average staffing for the three Field Offices of the USPP has usually been at the approximate size of 639 law enforcement officers, which is still below the number of officers needed to perform their required functions. Presently, the USPP, as of March 2022, has only 494 sworn officers (lower than the size of the Force in 1975). This leaves a deficit of 165 law enforcement officers from being able to perform minimum functions. As a result, as of February 20, 2022, USPP Chief of Police Pamela Smith made the decision to cancel all sign off-days for USPP law enforcement officers to try to fill the massive holes in even bare minimum law enforcement coverage. Despite cancelling all sign off days, the USPP still does not meet minimum staffing levels almost every single day.

Can you imagine the current situation where a USPP officer is unable to plan to take their 2 days off of work for a family visit to their parents because they might be called into work on immediate notice? Or being unable to ever visit a loved one that is sick due to this indefinite policy. Under the current staffing system, every officer is basically on call, all the time and there is no end in sight. The massive staffing shortage has caused the USPP to institute this policy effective February 22, 2022 to continue through the foreseeable future. This alone has the potential for the USPP to lose a significant portion of their existing sworn personnel. To add insult to injury, officers are contacted on their personal cellphones to be called in on a moment’s notice. Furthermore, supervisors inappropriately send sensitive government documents to officers’ personal cell phones through text message and other digital data.

The USPP is in such a precarious situation that the USPP is currently unable to protect the public visiting the Presidio, the parks in Washington, DC and those in New York City (Battery Park, Statute of Liberty Park, etc). There has been a significant uptick in vandalism, “smash and grab” robberies, and other crimes in the Presidio while officer staffing has gone from 83 to 33 sworn officers. Additionally, because the officers’ scheduled days off are under threat of immediate cancellation, the 494 officers that remain are extremely overworked and subject to making the types of errors that occur when an individual is required to work non-stop without a break for 18 hours. Many officers have worked 18 hours straight consistently. As a result, when these officers respond to calls or requests for help, they may not always be at their best or even thinking clearly. Officers serving 18 hours in a row on duty leads to the potential for making mistakes in life and death situations - which again, the NPS and USPP management has not taken action to correct.

Of note, the USPP conducted a study in 2019 which discussed the major shortages in staffing at that time, but things have gotten dramatically worse since the report was finalized in 2020. However, still no action has been taken to address these issues by the NPS or USPP. (**Enclosure 1**). The attrition and retirement rate is only increasing. The USPP and NPS can no longer truthfully state that the National Parks in San Francisco, Washington, D.C. or New York City are safe for the public.

The USPP and NPS are well aware of these staffing deficiencies and are ultimately going to be responsible for visitors who are left unprotected, injured, or even die as a result of the lack of USPP officer staffing. In addition, the USPP and NPS are leaving themselves open to serious liability from members of the public that allege they were unable to get help, timely help, or where an officer made mistakes because something occurred at the end of an 18-hour shift due to lack of staffing by senior management. In other words, the USPP and NPS must immediately get staffing levels up to at least basic levels or should honestly advise those visiting the Presidio, the National Parks in Washington, DC and New York City, that they must take their chances during their visit and may not receive timely law enforcement assistance if needed. There is no time for NPS to hire additional consultants, as they have done, but take no action. Action must be taken to immediately hire needed personnel to protect the public.

This egregious lack of staffing is the highest form of gross negligence and mismanagement. There are multiple documents, studies and evidence of knowledge on the part of the USPP and NPS about this lack of staffing and a simple unwillingness to do anything to protect the public.

A. The Presidio, in the Speaker's District is the Most Understaffed USPP Facility and Unable To Presently Protect Public Presidio Visitors Properly

The San Francisco Field Office (SFFO) of the USPP, whose job it is to protect and defend the Presidio is on the verge of collapse. The Presidio resides within the Speaker of the House's congressional district. Not long ago, the SFFO staffing level was at least acceptable at 83 sworn officers, but is now down to 33 officers, while still trying to cover the same functions. Break-ins and vandalism is on the increase in the Presidio and the remaining officers have been discouraged by supervisors from responding on some occasions to calls for assistance. It is suspected that the Speaker is being misinformed about the safety of the Presidio to the public by the NPS or USPP. Essentially, the SFFO is barely hanging on with staffing shortages and unable to respond to many calls or crimes that occur on or around the Presidio.

The situation is so terrible that officers must work on days off and frequently endure 18-hour shifts to cover for the lack of personnel. Even with these unacceptable mitigating factors, minimum staffing is rarely reached daily. USPP is still below minimum staffing levels almost every single day.

B. The National Parks in the District of Columbia are Not Sufficiently Protected Due to Officer Staffing.

Much like the SFFO, the size of the USPP Force in Washington, DC cannot meet the public

need for protection. Visitation to the District of Columbia increased approximately 84% between 1990 and 2016, from 33 million visitors to 61 million visitors in 2016. There was no increase in USPP Officers, but rather a continuing drop in staffing levels that has left the public vulnerable. Since the 2020 report, sworn personnel in District of Columbia area has dropped to 331 sworn personnel. Of note, the USPP now has less officers today than they did in 1975. Enclosure 1 at page 3 shows that the NPS is experiencing record amounts of visitation, but that nothing is being done to ensure minimum staffing levels.

We are at the point where there are only one or two officers assigned to an area, and one takes a sick day – it leaves an entire patrol area uncovered. Officers frequently volunteer to stay past their regularly scheduled 12-hour shift because they feel they cannot abandon their colleague who is scheduled to work alone on the following shift. That Officer ultimately stays on shift up to 20 hours in some cases, no matter how exhausted. There is no effort by management of the USPP or NPS to even try to fix the problem, even though it endangers the lives of the public when law enforcement calls cannot be responded to in a timely fashion (or sometimes not at all).

Thank you again for your review of these serious issues. If you have any questions, please do not hesitate to contact me at [REDACTED] to discuss this matter in more detail or arrange to interview the witnesses that we believe would be helpful in investigating this matter. I would recommend that you start with witnesses, including myself, Rebeca Rodriguez, the USPPFOP's San Francisco Executive Chief Steward, and Jonathan Chu, the USPPFOP's New York Executive Chief Steward.

OIG Standards to Investigate

The Inspector General Act of 1978 provides that “[t]he Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.” Webster's Third International Dictionary defines gross negligence as "total or nearly total indifference of the consequences of an act."

Not only is there great risks to the public and USPP officers in the failure to provide minimum staffing, but the NPS and USPP maintain huge liability for those injured as a result of the failure to act in fixing staffing levels. The USPP and NPS has been aware of the severe understaffing for many years, as addressed in Enclosure 1 and OIG Report 21-0171 (involving dispatchers) and has taken no serious steps to address the issue which could give rise to intentional failure to perform a manifest duty (keeping the Agency adequately staffed) in reckless disregard of the consequences and has created a high degree of risk of physical harm. Understaffing has resulted in excessive overtime usage and officers are working for far longer than typically expected of federal law enforcement. The excessive overtime and understaffing leads to situations where employees are more likely to make mistakes.

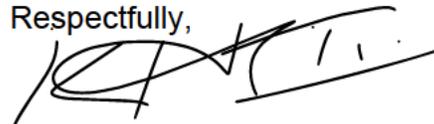
When there is an increase in officer mistakes due to mandated overtime, that can increase Agency exposure to civil, administrative, or criminal complaints for actions taken on the job. Federal

law enforcement officers and the USPP is at risk of being held accountable for actions taken in the dangerous environments resulting in harm to the public or the officers working directly under USPP directives that could have otherwise been prevented if there was adequate staff. The preventable mistakes will undoubtedly lead to wasteful spending in settling lawsuits because the NPS and USPP know that they do not have the staffing to protect the public, without warning them.

CONCLUSION

We respectfully ask that you investigate the understaffing of sworn personnel immediately so that no member of the public or USPP officer suffers endangerment to their safety. We also ask that you report your findings not only to the NPS and USPP, but the Members of Congress and local officials that we have copied because the outcome affects the public safety of their constituents. Thank you for your time in this matter.

Respectfully,



Kenneth Spencer, Chairman
U.S. Park Police Labor Committee

cc: Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives
Honorable Nicole Malliotakis
Honorable Eleanor Holmes Norton
Honorable London Breed, Mayor of San Francisco
Honorable Muriel Bowser, Mayor of the District of Columbia
Honorable Eric Adams, Mayor of New York City
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