



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

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### **DOJ OIG Releases Procedural Reform Recommendation for the U.S. Marshals Service Concerning Statutory Whistleblower Protections for Employees of Federal Contractors**

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a Procedural Reform Recommendation (PRR) for the U.S. Marshals Service (USMS). The DOJ Office of the Inspector General (OIG) releases PRRs when, through its investigative work, it identifies a systemic weakness in Justice Department operations, programs, policies, procedures, or practices, and has a recommendation to address the identified problem.

Today's PRR arose out of an investigation into a complaint of reprisal by former employees of a USMS contractor. Although the OIG did not substantiate reprisal in this investigation, the OIG concluded that the contractor's written policies were inconsistent with statutory whistleblower protections for employees of contractors found in 41 U.S.C. § 4712. Specifically, § 4712 protects, among others, employees of a U.S. government contractor or subcontractor from reprisal for disclosures of wrongdoing to certain government officials, yet the contractor's internal policy, and the USMS contract itself, prohibited any discussions with government officials outside of the employee's chain of command without prior authorization. Additionally, management officials for the contractor and a USMS witness told the OIG during the investigation that the former employees acted inappropriately and violated the contractor's policies and performance standards under the contract when they made their disclosures outside their chain of command and directly to USMS management.

The OIG found that the contractor's policy could chill whistleblowing, and that it violates the whistleblower protections in § 4712. Any similar term in a USMS contract would have the same negative effect.

The OIG has therefore recommended that the USMS should ensure that its contractors, subcontractors, and grantees inform their employees in writing of the rights and remedies provided by § 4712, as required by the law. The OIG has further recommended that the USMS examine its contracts to ensure that the contracts include no terms that are inconsistent with federal whistleblower protections.

Today's PRR is available under "Recent Reports" on the OIG's website and at the following link: <https://oig.justice.gov/reports/2018/i16001875.pdf>.

Further information about the applicable law and its requirements is available in a brochure prepared by the OIG and available at <https://oig.justice.gov/hotline/docs/NDAA-brochure.pdf>.

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