



INVESTIGATIVE REPORT

U.S. Census Bureau

Unsubstantiated Allegations that
the Philadelphia Regional Office
Manipulated the Unemployment
Survey Leading up to the 2012
Presidential Election to Cause a
Decrease in the National
Unemployment Rate

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Chapter I: Introduction

On October 30, 2013, the Office of Inspector General (OIG) received information from Complainant, a U.S. Census Bureau employee, through a web hotline complaint. Complainant alleged that the Census Bureau's Philadelphia Regional Office falsified data on the American Housing Survey (AHS) and the Current Population Survey (CPS). Several weeks later, on November 18, 2013, media reports alleged that the Philadelphia Regional Office had "faked" the national unemployment survey (i.e., CPS) in the months leading up to the 2012 presidential election in order to artificially decrease the unemployment rate. Since that time, media reports have made a variety of allegations regarding widespread falsification in the Philadelphia Regional Office, also alleging that the office, along with Census Bureau headquarters management, covered up data falsification. In addition to the OIG, the U.S. House of Representatives, Committee on Oversight and Government Reform, initiated an investigation based on these allegations.

The 2013 allegations are related to an earlier OIG investigation from 2011 (Case Number 11-0135). In 11-0135, Complainant and another Census Bureau employee, Key Witness, alleged that they were directed to falsify CPS data by their supervisor, Subject 1, and that the falsification was covered up by Subject 1 and his supervisor, Subject 2. Case 11-0135 did not include allegations related to the 2012 presidential election as the allegations involved a period before 2012. Subjects 1 and 2 denied knowledge of or involvement with any data falsification. OIG's investigation did not substantiate any of the allegations, and the case was closed on June 3, 2011. The Report of Investigation was sent to the Census Bureau so that it could consider taking any administrative actions deemed necessary or appropriate. The Census Bureau did not take any administrative action against Subjects 1 or Subject 2. As a result of repeated data falsification confirmed by the Census Bureau, Key Witness was terminated from employment in August 2011.

In conducting the current investigation, OIG re-considered the allegations from Case 11-0135. OIG re-interviewed all of the witnesses and significantly expanded the scope of that investigation. In addition, OIG thoroughly investigated the new allegations of survey falsification in the Philadelphia Regional Office and alleged manipulation of the unemployment rate prior to the 2012 presidential election.

Under the Inspector General Act of 1978, as amended, OIG is authorized to carry out both investigations and audits to "promote economy, efficiency, and effectiveness in the administration of, and . . . prevent and detect fraud and abuse in . . . [the Department's] programs and operations." Through its investigative and audit findings and recommendations, OIG helps protect and strengthen Department of Commerce programs and operations. As part of our mission, we conduct criminal and administrative investigations that involve employees, management officials, and affected Departmental programs and operations.

OIG's Office of Investigations worked jointly with OIG's Office of Audit and Evaluation to investigate these allegations of data falsification in the Census Bureau's Philadelphia Regional Office.

I. Executive Summary

In October 2013, OIG received information alleging that management in the U.S. Census Bureau's Philadelphia Regional Office instructed staff to falsify survey responses on the AHS and the CPS. Following this complaint, additional allegations were presented in various media publications, which reported widespread data falsification in the Census Bureau's Philadelphia Regional Office.

OIG thoroughly investigated these allegations, and found no evidence that management in the Philadelphia Regional Office instructed staff to falsify data at any time for any reason. Further, we found no evidence of systemic data falsification in the Philadelphia Regional Office. Addressing allegations raised in the media, we found no evidence that the national unemployment rate was manipulated by staff in the Philadelphia Regional Office in the months leading up to the 2012 presidential election. To accomplish this, our analysis concluded that it would have taken 78 Census Bureau Field Representatives working together, in a coordinated way, to report each and every unemployed person included in their sample as "employed" or "not in labor force" during September 2012, an effort which likely would have been detected by the Census Bureau's quality assurance procedures. Moreover, our analysis shows that the drop in the unemployment rate at that time is consistent with other indicators, including payroll estimates by Moody's Analytics and Automatic Data Processing (ADP).

As part of our investigation, we reviewed the Census Bureau's processes for identifying and taking action when data falsification is uncovered, and found that the quality assurance process in place creates the potential for conflicts of interest because the same supervisors who manage staff (and could direct the falsification of survey data) are responsible for reporting instances when their staff falsifies data. To remedy this situation, we recommend that the Census Bureau implement an independent system to check for falsification, similar to the one used during the Decennial Census. We also found that the CPS procedural manuals and training materials are outdated, inconsistent, and do not discuss prohibitions and serious consequences for falsifying survey data, and we recommend that they be corrected to include information about detecting and dealing with falsification when it occurs.

Our investigation also found that Census Bureau employees suspected of falsifying data are sometimes allowed to continue working while their surveys are being examined, in part due to advice from the Department's Office of General Counsel. To avoid repeated falsification, we recommend that the Census Bureau implement a policy that prohibits employees suspected of falsification from collecting survey data while concerns about potential falsification are being examined. We also recommend that the Census Bureau implement a mechanism to communicate instances of data falsification with agencies on whose behalf surveys are being conducted.

II. Scope and Methodology

OIG conducted over 100 interviews of current and former Census Bureau employees in the Philadelphia Regional Office, headquarters, and other Regional Offices. These interviews included:

- Complainant, Senior Field Representative
 - OIG had extensive communications with Complainant throughout the course of this investigation and provided multiple opportunities for Complainant to describe her allegations and provide substantiation. This included a recorded and transcribed interview, at least ten telephone conversations, and several email communications. Complainant was advised on numerous occasions to provide OIG with evidence or documentation in her possession to support her allegations. OIG reviewed all documentation provided by Complainant.
- Key Witness, former Field Representative
 - Key Witness was identified by the Census Bureau as a repeated data falsifier. He alleged that his supervisor, Subject 1, instructed him to falsify survey data. OIG conducted a recorded and transcribed interview of Key Witness.
- Philadelphia Regional Office management who were alleged to have directed or orchestrated falsification: Subject 1 (Survey Supervisor Office), Subject 2 (Program Coordinator), and Fernando Armstrong (Regional Director)
 - OIG conducted a recorded and transcribed interview of each of the subjects, as well as several follow-up interviews of each subject.
 - Polygraph examinations of the subjects were also conducted.
- Witnesses to the alleged falsification instructions identified by the complainant
- Current and former Philadelphia Regional Office senior management during the relevant time period
- 50 Philadelphia Regional Office field staff. In these interviews, field staff were asked whether they had ever been pressured or ordered to cut corners to complete a survey or to violate Census policy.
- All current Philadelphia Regional Office Program Coordinators (the supervisory position held by Subject 2) and Survey Statisticians Office (the supervisory position held by Subject 1). In these interviews, the supervisors were asked whether they had ever been pressured or ordered to cut corners to complete a survey or to violate Census policy, as well as instances of suspected falsification by their subordinates.
- Various other current and former Philadelphia Regional Office staff, both in the field and in the office, deemed relevant to the investigation
- Representatives from Census Bureau headquarters Field Division, Human Resources, Employee Relations Branch, Legal, and Information Technology
- Chief of the Demographic Statistical Methods Division

- Survey Directors for the CPS and the Consumer Expenditure (CE) Survey
- The Division Chief for Labor Force Statistics, the Division Chief for Data Development and Publications, and supervisory statisticians at the Bureau of Labor Statistics (BLS)
- Survey Statisticians from each of the Regional Offices
- New York Regional Office Director

The following documents were reviewed:

- Documents and notes provided by Complainant
- Key Witness and Complainant's personnel files and falsification reports
- Report of Investigation, Equal Opportunity Complaint of Key Witness
- Emails regarding the August 2013 AHS
- Census Bureau training materials, policies for interviewing procedures, quality control and assurance processes, and performance assessment
- Various other documents deemed relevant to the investigation

The following data were analyzed:

- CE and CPS audit trails for cases worked by Key Witness
- Labor force case outcomes (e.g. *unemployed*, *employed*, *not in labor force*) for interviews conducted by Key Witness
- Statistical analysis performed by the Census Bureau related to how falsification could impact the national unemployment rate
- CPS quality control reports, providing reinterview results by region
- CPS workload report for Field Representatives in the Philadelphia Regional Office
- CPS audit trails for cases completed by Subject 1
- Reinterview cases worked by Subject 1 and Subject 2
- Reinterview results for Field Representatives who were suspected of falsifying data during August and September 2012
- Labor force case outcomes (e.g. *unemployed*, *employed*, *not in labor force*) for employees suspected of falsifying data during August and September 2012

- BLS Current Employment Statistics data
- ADP/Moody's Analytics employment report data

III. Organization of the Report

Chapter 2 of this Report provides background information, including a programmatic overview of the Census Bureau, an overview of the relevant legal and policy authorities, and the allegations to be resolved. Chapter 3 addresses allegations of survey falsification in the Census Bureau's Philadelphia Regional Office. Chapter 4 contains our observations and findings related to Census Bureau falsification policies. In Chapter 5, we discuss other observations from our investigation. Chapter 6 contains our recommendations to the Census Bureau as a result of the findings in this investigation.

Appendix A contains legal authorities. Appendix B is a table providing information about selected Census Bureau surveys. Appendix C contains the subjects' comments to this Report.

Chapter 2: Background

I. U.S. Census Bureau: Programmatic Overview

According to the Census Bureau, its mission is to:

serve as the leading source of quality data about the nation's people and economy. We honor privacy, protect confidentiality, share our expertise globally, and conduct our work openly. We are guided on this mission by scientific objectivity, our strong and capable workforce, our devotion to research-based innovation, and our abiding commitment to our customers.¹

As prescribed in the Constitution of the United States, during each year that ends in a zero (e.g., 2010, 2020), the Census Bureau counts the population of the United States in order “to apportion seats in the House of Representatives and to determine state legislative district boundaries.”² This is referred to as the “Decennial Census.” The Census Bureau also conducts numerous ongoing household and business surveys, as well as other scheduled surveys and censuses,³ which are managed by staff at Census Bureau headquarters in Suitland, Maryland;⁴ the Bureau’s six regional offices in Atlanta, Chicago, Denver, Los Angeles, New York, and Philadelphia;⁵ and three call centers in Maryland, Indiana, and Arizona.⁶ Census Bureau headquarters staff manage the development of the Census Bureau’s surveys, including creating and managing maps, survey content and methodology, sample design and selection, and analyses.⁷ Many of the Census Bureau’s surveys are reimbursable surveys that are sponsored or paid for by other agencies, which may have input into the survey design and analyses⁸—the Current Population Survey is one such survey. See table I (next page) for the Census Bureau’s total budget authority and workforce.

Census Bureau data are used by federal and state governments to help distribute more than \$400 billion in resources every year to local, state, and tribal governments.⁹ Census Bureau

¹ U.S. Census Bureau, *About Us: Mission Statement*, <http://www.census.gov/aboutus/mission.html> (last visited Apr. 3, 2014).

² U.S. Census Bureau, *Frequently Asked Questions: How Are Census Data Used*, <https://ask.census.gov/faq.php?id=5000&faqlid=979> (last visited Apr. 3, 2014) [hereinafter *Census Website: FAQ on Data*]; see also U.S. Constitution, Art. I, § 2.

³ See U.S. Census Bureau, *About Us: About What We Do*, <http://www.census.gov/aboutus/> (last visited Apr. 3, 2014).

⁴ U.S. Census Bureau, *About Us: Who We Are*, <https://www.census.gov/aboutus/who.html> (last visited Apr. 3, 2014).

⁵ See U.S. Census Bureau, *Regional Offices: Census Bureau Regional Office Boundaries*, <http://www.census.gov/regions/> (last visited Apr. 3, 2014) [hereinafter *Census Website: Regional Offices*].

⁶ See U.S. Census Bureau, *National Processing Center: Contact the National Processing Center*, <http://www.census.gov/npc/contactus.html> (last visited Apr. 3, 2014).

⁷ OIG Communication with Associate Director of Field Operations, U.S. Census Bureau, March 25, 2014 [hereinafter *Associate Director of Field Operations Communication*].

⁸ *Id.*

⁹ *Census Website: FAQ on Data, supra.*

data are also used by private sector businesses to help make decisions about market demand and characteristics of the labor force, as well as by policy makers to assess the impact of governmental programs and to help plan economic development, including the placement of schools, hospitals, job training centers, grocery stores, restaurants, car dealerships, and other businesses.¹⁰

Table I. U.S. Census Bureau's Budget Authority and Employees

	FY 2013	FY 2014	FY 2015 ^a
Total Budget Authority	\$940,110,000	\$1,280,391,000	\$1,554,863,000
Full-Time-Equivalent Funded Positions	10,107	9,868	11,211

Source: U.S. Census Bureau

^a The President's budget request.

The Census Bureau conducts a number of household surveys—the Current Population Survey is one of the Bureau's major ongoing surveys and is sponsored jointly by the Census Bureau and the Bureau of Labor Statistics.¹¹ Initiated in 1940 by the Works Progress Administration and originally known as the “Monthly Report of Unemployment,”¹² the CPS is the “primary source of labor force statistics for the population of the United States.”¹³ Data collected by the CPS provide BLS with the numbers used to generate the national unemployment rate; the CPS also “provides data on a wide range of issues related to employment and earnings.”¹⁴ Additionally, the CPS gathers “extensive demographic data” that illustrate both national labor market conditions, as well as those of various population groups.¹⁵ The Census Bureau also conducts a number of other major household surveys, including the American Housing Survey¹⁶ and the Consumer Expenditure Survey¹⁷ (see appendix B for a selection of additional Census Bureau

¹⁰ *Id.*; see also, e.g., U.S. Census Bureau, *Current Population Survey: A Joint Effort Between the Bureau of Labor Statistics and the Census Bureau*, <http://www.census.gov/cps/> (last visited Apr. 3, 2014) [hereinafter *Census Website: CPS*].

¹¹ *Id.*

¹² U.S. Census Bureau, *Current Population Survey: History of the Current Population Survey*, <http://www.census.gov/cps/about/history.html> (last visited Apr. 3, 2014) [hereinafter *Census Website: CPS History*].

¹³ *Census Website: CPS*, *supra*.

¹⁴ *Id.*; see also *Census Website: CPS History*, *supra*.

¹⁵ *Census Website: CPS*, *supra*; see also *Census Website: CPS History*, *supra*.

¹⁶ See U.S. Census Bureau, *American Housing Survey: About*, <http://www.census.gov/programs-surveys/ahs/about.html> (last visited Apr. 3, 2014). Sponsored by the U.S. Department of Housing and Urban Development (HUD), the AHS has collected housing and demographic data from both occupied and vacant housing units since 1973. *Id.* AHS data are used “to monitor supply and demand, as well as changes in housing conditions and costs, in order to assess housing needs[,] . . . advise the executive and legislative branches in the development of housing policies[,] and] . . . improve efficiency and effectiveness and design housing programs appropriate for different target groups.” *Id.*

¹⁷ See Bureau of Labor Statistics (BLS), *Consumer Expenditure Survey*, <http://www.bls.gov/cex/> (last visited Apr. 3, 2014) (“The survey data are collected for the BLS by the U.S. Census Bureau.”). Sponsored by BLS, the CE collects “information on the buying habits of American consumers.” *Id.* CE data are used to update the Consumer Price

surveys). The allegations in this investigation concern ongoing household surveys and do not implicate the Decennial Census.

Census Bureau interviewers collect survey data by one of two methods: 1) Field Representatives conduct Computer Assisted Personal Interviews (CAPI) by visiting sampled households to interview a household member in person or arranging a telephone interview at another time; and (2) call center interviewers conduct Computer Assisted Telephone Interviews with household members by telephone.¹⁸

Field Organization and Regional Office Management Structure

In 2012, the Census Bureau reorganized its field structure, which had been in place since 1961.¹⁹ The reorganization included closing six of the twelve Regional Offices (Boston, Charlotte, Dallas, Detroit, Kansas City, and Seattle) and changing its Regional Office management structure by creating new work-from-home supervisory positions.²⁰ According to the Census Bureau, the purpose of this reorganization was to take advantage of technological advancements (e.g., virtual office technology) and enhance the performance of its field staff while reducing costs, but not altering what the Census Bureau considers the “core of its data collection effort, the professional interviewer staff” (i.e., the Field Representative).²¹ Field Representative duties remain unchanged; however, the Census Bureau added supervisors in the field, reducing the ratio of Field Representatives to supervisors.²² For a comparison of the previous Regional Office management structure to the current structure, see figure 1 on next page.

Index. *Id.*; see also U.S. Census Bureau, *Los Angeles Region: Consumer Expenditure Survey*, http://www.census.gov/regions/los_angeles/www/programs_surveys/surveys/ce.php (last visited Apr. 3, 2014).

¹⁸ Computer Assisted Telephone Interviewing is almost always reserved only for the ACS and the CPS; most other surveys use only CAPI; the New York Housing Vacancy survey uses a paper questionnaire. *Associate Director of Field Operations Communication*, *supra*.

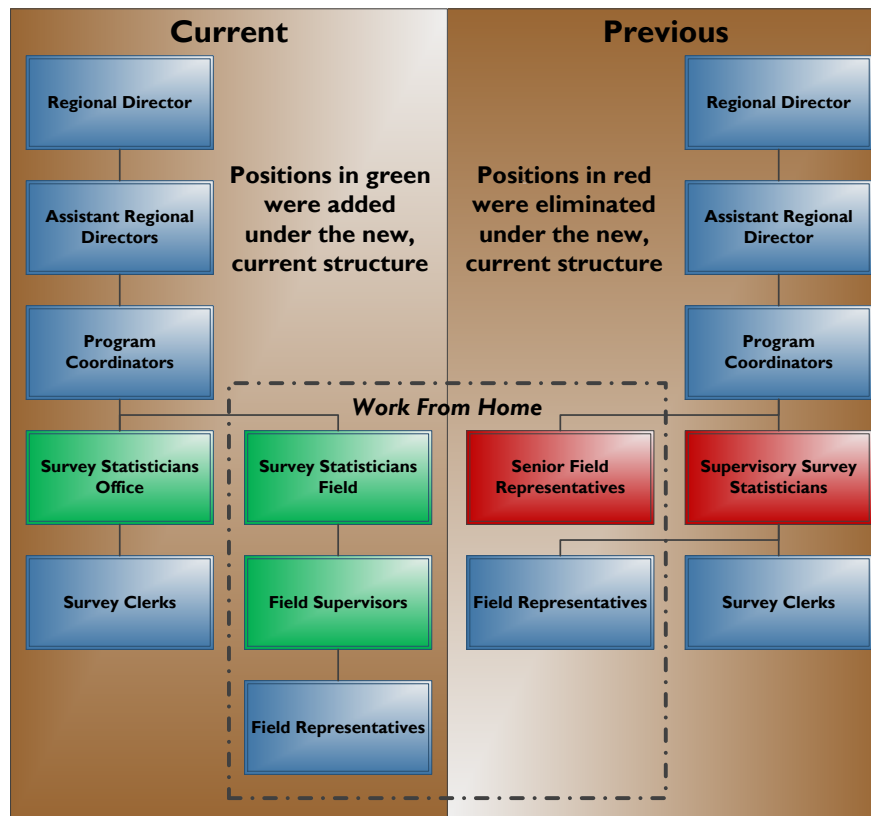
¹⁹ U.S. Census Bureau, *U.S. Census Bureau Regional Office Realignment* (undated), http://www.census.gov/regions/pdf/RO_realignment_OnePager_FINAL.pdf (last visited Apr. 3, 2014) [hereinafter, *Census Office Realignment*].

²⁰ *Id.*; U.S. Census Bureau, *General Questions and Answers (Q&As) on Field Realignment* (undated) http://www.census.gov/regions/pdf/General_QAs_FINAL.pdf (last visited Apr. 3, 2014).

²¹ *Census Office Realignment*, *supra*, 3.

²² See U.S. Census Bureau, New York Regional Director, *Update on Census Bureau Field Activities*, New Jersey State Data Center, Network Meeting (June 19, 2013) [hereinafter *Update on Census Bureau Field Activities*], slide 10.

Figure 1. Current and Previous Regional Office Management Structure



Source: OIG analysis of U.S. Census Bureau information

Regional Office management includes one Regional Director, two Assistant Regional Directors, and several Program Coordinators.²³ All survey data are collected by Regional Office staff.²⁴ The employees most directly responsible for data collection include Survey Statisticians Office who work in the Regional Office; Survey Statisticians Field who work from home; Field Supervisors who work from home; and Field Representatives who work from home.²⁵ Although these employees work from home—meaning they do not have an office at any Census Bureau location—most of their work consists of interviewing survey respondents by visiting households in their geographic area. Nationwide, there are approximately 60 Survey Statisticians Office, 48 Survey Statisticians Field, and 600 Field Supervisors who manage and supervise groups of approximately 8,000 Field Representatives.²⁶ Philadelphia Regional Office Program Coordinators and Survey Statisticians Office and Field manage survey operations in

²³ *Id.*

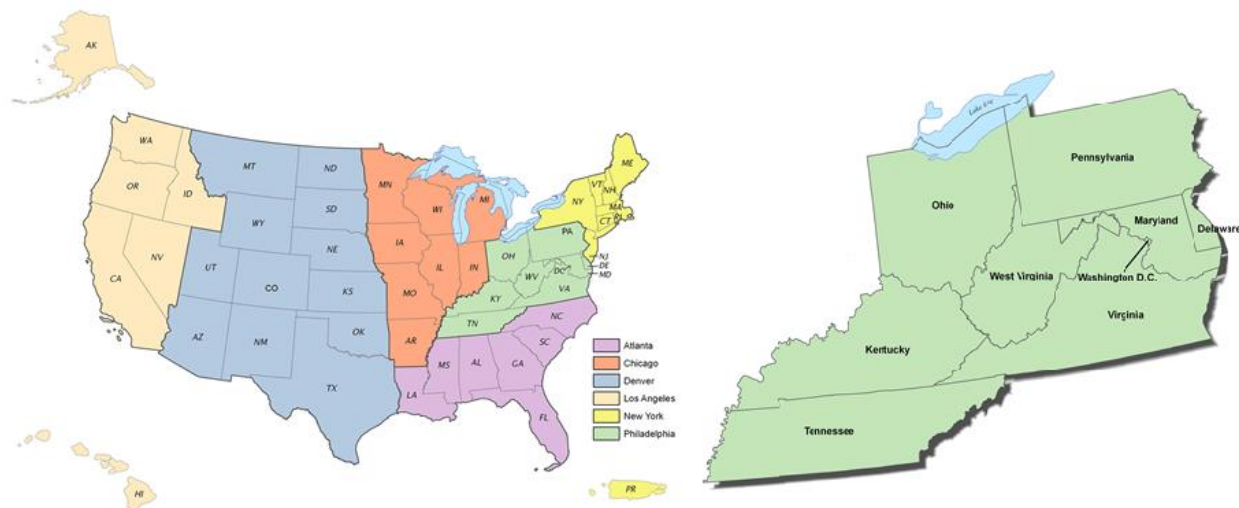
²⁴ *Id.*

²⁵ *Id.* at slides 10-14.

²⁶ U.S. Census Bureau, *Use of Virtual Desktop Infrastructure for Work at Home Staff* (March 19, 2013); Email from Associate Director of Field Operations, U.S. Census Bureau, to OIG (March 31, 2014) (on file with OIG) [hereinafter *Associate Director of Field Operations Email*].

Delaware, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.²⁷ See figure 2 for a map of the current Regional Office boundaries.²⁸

Figure 2. Current Census Bureau Regional Office Boundaries (left) and the Philadelphia Regional Office Geography (right)



Source: U.S. Census Bureau

A Survey Statistician Office typically manages the workload for one survey at a time, which includes making assignments and ensuring that all work is completed on time. Survey Statisticians Office also hire and train new Field Representatives, supervise quality assurance, and conduct survey analytics and analyses.²⁹

Each Survey Statistician Field supervises the Field Supervisors within a smaller part of the region, known as a Survey Statistician Field Area. These areas are largely determined by population density and usually include several counties.³⁰ Each Survey Statistician Field Area is further divided into Field Supervisor Areas that include entire or partial counties, depending on geographic makeup and population density.³¹ Each Field Supervisor usually manages all Field Representatives who work in his or her area.³² While a Survey Statistician Office usually only

²⁷ Census Website: *Regional Offices*, *supra*.

²⁸ U.S. Census Bureau, *Census Bureau Regional Office Boundaries: New Structure as of January 2013* (undated) http://www.census.gov/regions/pdf/new_ro_map_final.pdf (last visited Apr. 3, 2014); U.S. Census Bureau, *Philadelphia Region*, <http://www.census.gov/regions/philadelphia> (last visited Apr. 3, 2014).

²⁹ OIG Interview of Los Angeles Regional Office Survey Statistician Field, U.S. Census Bureau [hereinafter *Los Angeles Survey Statistician Field Interview*].

³⁰ *Id.*

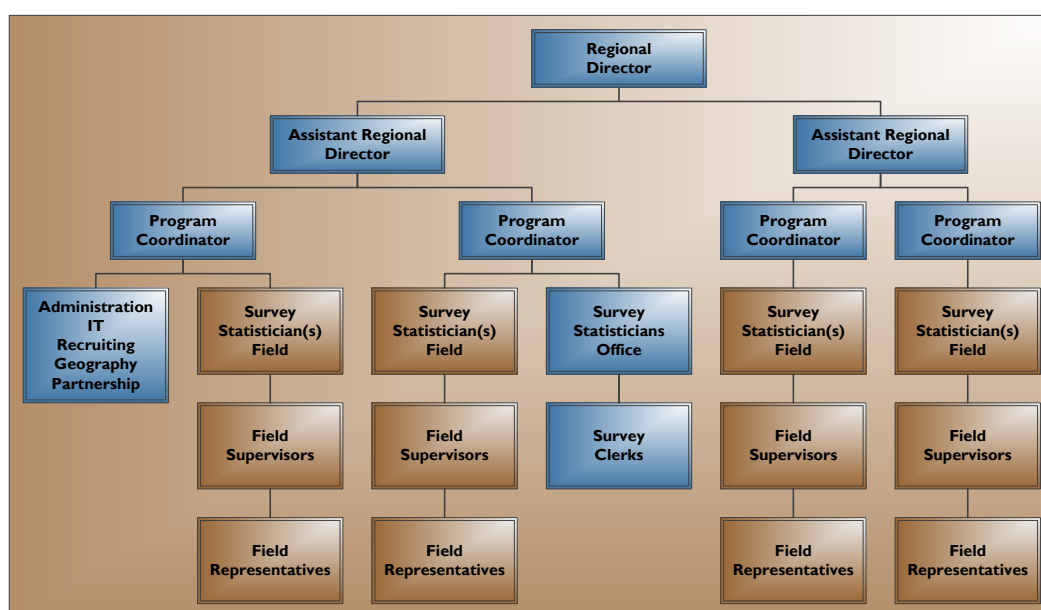
³¹ *Id.*

³² *Id.*

works on one survey, Survey Statisticians Field and Field Supervisors generally work on all active surveys within their specific geographic areas.³³ Field Representatives may work on one or more surveys, depending on availability and skill.³⁴

In the Philadelphia region, each of the four Program Coordinators supervises at least one Survey Statistician Field.³⁵ One Program Coordinator supervises the Regional Office support staff.³⁶ Another Program Coordinator supervises all of the Survey Statisticians Offices.³⁷ Each Survey Statistician Office manages one or several survey clerks, whose main role is to provide technical assistance to field staff (*i.e.*, Field Representatives, Field Supervisors, Survey Statisticians Field), such as locating addresses and respondents with the use of automated tools and mapping software (see figure 3).³⁸

Figure 3. Current Philadelphia Regional Office Management Structure



Source: U.S. Census Bureau

Employees who hold positions in blue boxes work in the Regional Office; employees who hold positions in brown boxes work from home.

³³ See *id.*

34 *Id.*

³⁵ Associate Director of Field Operations Email, *supra*.

36 *Id.*

³⁷ *Id.*

³⁸ Los Angeles Survey Statistician Field Interview, *supra*.

The Field Representative position can either be a temporary or permanent position.³⁹ Each Field Representative agrees to the conditions of employment, which include a “mixed-tour work schedule [that] provides for periods of full-time, part-time, and/or intermittent work to accommodate fluctuating workloads.”⁴⁰ Field Representatives are paid hourly based on the amount of time worked during each bi-weekly pay period.⁴¹ A recent recruitment bulletin provides the salary range for Field Representatives hired in the Philadelphia region as \$12.07 – \$16.73 per hour at the GS-03 level and \$13.55 – \$18.78 per hour at the GS-04 level.⁴² The number of hours a Field Representative works each pay period depends on survey workloads in the Field Representative’s area.⁴³ Field Representatives must be available to work flexible hours to accommodate afternoon, evening, and weekend work.⁴⁴

Survey Data Collection

Census Bureau survey interview periods vary: data collection on the CE spans the entire month,⁴⁵ while CPS data collection occurs over a ten-day period, beginning during the week of the 19th each month.⁴⁶ Prior to the beginning of each interview period, Survey Statisticians Office assign all of the upcoming cases to the Field Representatives.⁴⁷ Each Field Representative’s assignment includes a number of cases within the specific area in which they were hired to work.⁴⁸ Each case includes an address or description of a structure believed to be a housing unit.⁴⁹ Assignments are transmitted, through the Census Bureau’s secured server, to the Field Representative’s Census Bureau-issued laptop computer.⁵⁰ It is then up to the Field Representative—with support from Regional Office staff (i.e., Survey Statisticians Office and survey clerks) and the Field Representative’s Field Supervisor and Survey Statistician Field—to complete that assignment on time and according to the response-rate and production-rate standards unique to the geographic location of each case.⁵¹

³⁹ Field Representative Recruiting Bulletin No. 29-FR-001 (May 21, 2013) [hereinafter *Field Representative Recruiting Bulletin*].

⁴⁰ U.S. Census Bureau, *Recruitment Bulletin 1* (Jan. 10, 2014), <http://www.census.gov/regions/philadelphia/www/jobs/pdf/PH%20Recruitment%20Bulletin%20-%20Grade%203%20and%204.pdf> (last visited Apr. 4, 2014) [hereinafter *Recruitment Bulletin*] (No. PH-14-001).

⁴¹ See, e.g., *id.* (showing the hourly rate for the Field Representative position advertised).

⁴² *Id.*

⁴³ *Field Representative Recruiting Bulletin*, *supra*.

⁴⁴ See *Recruitment Bulletin*, *supra*, at 2.

⁴⁵ See, e.g., U.S. Census Bureau, *Chicago Region: Consumer Expenditure Survey*, http://www.census.gov/regions/chicago/www/programs_surveys/surveys/ce.php (last visited Apr. 4, 2014).

⁴⁶ See, e.g., U.S. Census Bureau, *Chicago Region: Current Population Survey*, http://www.census.gov/regions/chicago/www/programs_surveys/surveys/cps.php (last visited Apr. 4, 2014).

⁴⁷ *Associate Director of Field Operations Communication*, *supra*.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

For household surveys, the process that leads to an interview (or noninterview⁵²) begins when the Field Representative receives his or her assignment, which consists of a list of addresses (and, depending on the survey, names and/or phone numbers) where the Field Representative is expected to interview a household member.⁵³ Next, the Field Representative makes an initial personal visit to the household that ends with: (1) a complete or partial interview, which entails the respondent answering all or some of the survey questions;⁵⁴ (2) an unsuccessful contact attempt—no eligible household member was home or available;⁵⁵ (3) a noninterview, stemming from either the inability to locate an eligible household member or a refusal from an eligible household member;⁵⁶ or (4) another type of noninterview, such as a demolished household or a vacant or seasonal household.⁵⁷

If the Field Representative conducts a partial interview or encounters an unsuccessful contact situation, he or she must attempt to obtain contact information and schedule a time to complete the interview over the telephone or in person.⁵⁸ If the Field Representative completes the interview, the survey data that the Field Representative entered into the laptop are transmitted securely to headquarters for processing.⁵⁹ If an eligible household member refuses to complete an interview, the Field Representative is instructed to contact his or her Field Supervisor to discuss the case and determine how to proceed.⁶⁰

Any case that a Field Representative is unable to complete because (1) all eligible household members refused to participate or (2) the Field Representative was unable to locate an eligible household member during the interview period results in a type-A noninterview.⁶¹ These types of noninterviews negatively impact a Field Representative's performance because they are included in the formula used to calculate response rates.⁶²

⁵² Noninterviews fall into one of three categories: (1) Type-A noninterviews are housing units that are occupied by persons eligible for interview but information has not been obtained, due to refusal, no one is home, all eligible persons are temporarily absent or other circumstances that prevent an interview; (2) Type-B noninterviews are housing "[u]nits which are either unoccupied or which are occupied solely persons not eligible for interview;" these types of units are vacant, occupied by persons who have a usual residence elsewhere, or are occupied by military personnel only; and (3) Type-C noninterviews are ineligible for interview because they no longer qualify as housing units because, for example, the unit was demolished or converted to commercial use. U.S. Census Bureau, *Current Population Survey: Field Representative's Job Aid Booklet 2013 and 2014*, 27 (Nov. 1, 2012) [hereinafter *CPS Booklet*].

⁵³ *Associate Director of Field Operations Communication, supra.*

⁵⁴ *Id.*; U.S. Census Bureau, *Current Population Survey: Quality Data at the Right Time for the Best Value (Instructor Guide)*, 4-8-53 (Rev. Jan. 2013) [hereinafter *CPS: Instructor Guide*].

⁵⁵ *Associate Director of Field Operations Communication, supra.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

Quality Assurance

The Census Bureau's quality assurance for survey data includes reinterview, which is a follow-up interview with a household that was previously interviewed as part of regular survey data-collection operations.⁶³ Through reinterview, the Census Bureau measures error in survey data that stems from three sources: (1) interviews that are not conducted according to proper procedure, (2) instances of data falsification, and (3) response error that arises from specific questions on the survey.⁶⁴ Reinterview varies slightly for each survey, but the primary purpose of CPS reinterview is to identify Field Representatives who are not following proper interviewing procedures as well as those Field Representatives who may be intentionally falsifying or misclassifying survey data.⁶⁵

There are three types of CPS reinterview: (1) Quality Control reinterview, which is randomly selected by Census Bureau headquarters and is conducted on 2 percent of the CPS workload; (2) Response Error reinterview, which is also randomly selected by Census Bureau headquarters and is conducted on 1 percent of the CPS workload; and (3) Supplemental Quality Control reinterview, in which a supervisor is able to select a Field Representative for reinterview who the supervisor suspects may not be following procedures or is possibly falsifying survey data.⁶⁶ Both of the Quality Control types of reinterview help detect and deter noncompliance with proper procedures and identify Field Representatives who may be falsifying survey data; Response Error reinterview is used to evaluate CPS questions and assess the response error of specific CPS questions.⁶⁷

When selected for Quality Control reinterview, inexperienced Field Representatives (those with less than five years' experience) have five cases selected, while experienced Field Representatives have eight. However, inexperienced Field Representatives are selected more frequently for Quality Control reinterview than their experienced colleagues.⁶⁸ Under the new, reorganized field structure, the Field Representative's Field Supervisor typically conducts reinterview.⁶⁹

Both Quality Control reinterview and Supplemental Quality Control reinterview employ the use of a reinterview instrument on the reinterviewer's laptop.⁷⁰ Quality Control reinterview

⁶³ See generally U.S. Census Bureau, *Current Population Survey Office Manual* (Mar. 2010) [hereinafter *CPS Office Manual*].

⁶⁴ See *id.* at 10-2.

⁶⁵ See *id.*

⁶⁶ See *id.* at 10-2 to 10-6.

⁶⁷ *Id.* at 10-2 to 10-4.

⁶⁸ *Census CPS Office Manual, supra*, at 10-4 to 10-5.

⁶⁹ See Email from Assistant Division Chief for Evaluation and Research, Field Division, U.S. Census Bureau, to OIG (Jan. 13, 2014) (on file with OIG) [hereinafter *Assistant Division Chief for Evaluation and Research, Field Division Email 1*].

⁷⁰ See U.S. Census Bureau, *Current Population Survey CAPI: Reinterviewer's Manual* (Apr. 2013).

does not ask the same questions as in the initial interview.⁷¹ Rather, the reinterview instrument includes questions that are used to verify that the Field Representative actually visited the household or conducted the original interview over the telephone; the instrument also includes questions about the accuracy of the original interview and the characteristics of the original interviewer.⁷² Finally, the instrument allows the reinterviewer to probe the respondent to detect possible falsification.⁷³

If a reinterviewer notes a discrepancy in a case—that is, the reinterview conflicts with the data originally collected by the Field Representative or the household members deny that an interview occurred—the Survey Statistician Office sends a “Five-Day Letter” to the Field Representative asking the Field Representative to explain the discrepancy.⁷⁴ The letter gets its name because the Field Representative has five days to respond to the alleged discrepancy.⁷⁵ If the Survey Statistician Office is satisfied with the Field Representative’s response, no further action is taken.⁷⁶ If the Field Representative fails to respond or the Survey Statistician Office is not satisfied with the Field Representative’s response, the Survey Statistician Office begins an investigation process which includes a *Field Representative Data Falsification Followup and Quality Assurance Form* (Form 11-163), a document the Survey Statistician Office uses to investigate the suspected instance and record pertinent information.⁷⁷ During the investigative process, the Survey Statistician Office may determine that the Field Representative falsified data, find that the investigation was inconclusive, clear the Field Representative of falsification but confirm that the Field Representative failed to follow survey procedures, or clear the Field Representative of any wrongdoing.⁷⁸ The investigative process ends when the supervisor completes all relevant sections of Form 11-163 and the Regional Director approves the final decision and action based on the merits of the suspected falsification and findings of the investigation.⁷⁹ A number of actions can be proposed, including (1) a proposal to remove the Field Representative due to confirmed falsification or other reasons, (2) a formal warning and supplemental reinterview and/or observation of the Field Representative, (3) a decision to retrain the Field Representative, (4) allow the temporary assignment to expire, or (5) to not issue an action

⁷¹ See *id.* at 3-6.

⁷² See *id.*

⁷³ See *id.*

⁷⁴ OIG Interviews of Los Angeles Regional Office CPS Survey Statistician Office, New York Regional Office CPS Survey Statistician Office, Chicago Regional Office CPS Survey Statistician Office, Philadelphia Regional Office CPS Survey Statisticians Office, and Denver Regional Office CPS Survey Statistician Office [hereinafter *OIG Interviews of Survey Statisticians Office*].

C⁷⁵ See *id.*

⁷⁶ See *id.*

⁷⁷ *Census CPS Office Manual*, *supra*, at 10-23 to 10-24.

⁷⁸ See U.S. Census Bureau Form 11-163, *Field Representative Data Falsification Followup and Quality Assurance Form* [hereinafter *Form 11-163*].

⁷⁹ *Id.*

because the Field Representative resigned or was cleared of falsification.⁸⁰ The supervisor uses Form 11-163 to record the final action.⁸¹

Performance

A Field Representative's performance is largely based on how many interviews he or she conducts each interview period and how efficiently those interviews are completed.⁸² Field Representatives are assessed on how many interviews they can complete relative to noninterviews (e.g., household respondent refusal or the inability to locate an eligible household member at an occupied housing unit).⁸³ For many surveys, different response-rate standards apply to the geographic location of each case a Field Representative works. Cases fall into one of three "clusters" which represents how difficult an interview may be to obtain in that area.⁸⁴

A Field Representative is also assessed by how much time he or she spends working on each completed case.⁸⁵ Each survey has specific production standards (measured in minutes per case) by which Field Representatives are evaluated.⁸⁶ Unlike response-rate standards that are clustered and consistent across the regions, production standards are stratified within each region according to the expected necessary length of time to pursue and complete an interview in each unique geographic area.⁸⁷ There are six possible strata: Metropolitan Areas (MA) that are "highly urban"; Urban areas (A) and Suburban areas (B), which are classified as "suburban to low density urban"; and Rural areas (C), (D), or (E), with C being "less rural" and E being "most rural."⁸⁸ According to the Census Bureau, its goal when establishing clusters is to develop Field Representative performance standards that are equitable and reflect the difficulties of the various interviewing environments while ensuring that Field Representatives working in similar environments would be held to the same performance standards across the country.⁸⁹

⁸⁰ *OIG Interviews of Survey Statisticians Office, supra; Form 11-163, supra.*

⁸¹ See *Census CPS Office Manual, supra*, at 10-23 to 10-27.

⁸² U.S. Census, Bureau, ROAM 2013-37 National Performance Standards (Apr. 19, 2013) [hereinafter *National Performance Standards*].

⁸³ *Id.*

⁸⁴ See Memorandum from Chief, Field Division, U.S. Census Bureau, to All Regional Directors (Apr. 19, 2013) (on file with OIG) (discussing "Procedures for Implementing the National Performance Standards for Response Rates").

⁸⁵ FYs 2013 and 2014 CPS Production Standards (Minutes/Case) as entered in CARMN [hereinafter *CPS Production Standards*]; *National Performance Standards, supra*.

⁸⁶ See, e.g., U.S. Census Bureau, *FY 2013/2014 CPS Production Standards (Minutes/Case)* (undated).

⁸⁷ Email from Assistant Division Chief for Evaluation and Research, Field Division, U.S. Census Bureau, to OIG (Feb. 26, 2014) (on file with OIG) [hereinafter *Assistant Division Chief for Evaluation and Research, Field Division Email II*]; *CPS Production Standards, supra*.

⁸⁸ See, e.g., *id.*; see also *Assistant Division Chief for Evaluation and Research, Field Division Email II, supra*.

⁸⁹ *Id.*

Progress reviews for Field Representatives take place at approximately the midpoint of each fiscal year.⁹⁰ Final performance reviews occur near the end of each fiscal year.⁹¹ In addition to response-rate and production standards, which are performance standards used to evaluate Field Representatives on the “Interviewing, Listing and Sampling” critical element, Field Representatives are rated on their “Customer Service,” “Production and Cost,” and “Administrative and Automation Activities.”⁹² At the final performance review, supervisors apply a rating level to each critical element, and each critical element is weighted to arrive at a final score upon which the Field Representative’s final performance rating is based.⁹³

II. Legal and Policy Overview

The U.S. Census Bureau is governed by Title 13 of the United States Code.⁹⁴ Title 13 provides authority for the work the Census Bureau does, as well as protection for the information it collects from individuals and businesses.⁹⁵ “The Census Bureau collects information to produce statistics.”⁹⁶ “Private information is never published,” and “Census Bureau employees are sworn to protect confidentiality.”⁹⁷ Pursuant to Title 13, Census Bureau employees who falsify survey data are subject to felony prosecution, with penalties of up to five years in prison, a fine of \$2,000, or both.⁹⁸

The Census Bureau is also guided by its own policies and manuals. The Bureau produces standardized training materials for all surveys. The materials are designed to ensure that every Survey Statistician Office, Survey Statistician Field, Field Supervisor, and Field Representative working on a survey follows the same procedures anywhere in the country.

For example, the CPS utilizes an instructor’s guide⁹⁹ and a supervisor’s script¹⁰⁰ to lead initial classroom training for all new hires on the survey. Newly hired Field Representatives use a general workbook¹⁰¹ and a final exercise workbook¹⁰² during classroom training. Initial CPS

⁹⁰ See, e.g., U.S. Census Bureau, *The Field Representative Performance Plan* (Rev. Aug. 2012).

⁹¹ See, e.g., *id.*

⁹² See, e.g., *id.*

⁹³ See, e.g., *id.*

⁹⁴ See U.S. Census, *History: Title 13, U.S. Code*, https://www.census.gov/history/www/reference/privacy_confidentiality/title_13_us_code.html (last visited Apr. 6, 2014).

⁹⁵ See *id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ 13 U.S.C. § 213.

⁹⁹ See, e.g., CPS: *Instructor Guide*, *supra*.

¹⁰⁰ See, e.g., U.S. Census Bureau, CPS CAPI 277B, *Final Review Exercise, Supervisor’s Script – Moschetti Household*, CPS CAPI Initial Training (Rev. Jan. 2013).

¹⁰¹ See, e.g., U.S. Census Bureau, CPS CAPI 270A, *Classroom Workbook for CPS CAPI Initial Training* (Rev. Jan. 2013).

¹⁰² U.S. Census Bureau, CPS CAPI 277A, *Final Exercise CPS CAPI Initial Training* (Rev. Jan. 2013).

classroom training lasts four days;¹⁰³ new hires also complete an 8-hour self-study course prior to classroom training.¹⁰⁴ After completing all training requirements, new hires are observed in the field for one to two days during their initial interview period by Field Supervisors or Survey Statisticians Field.¹⁰⁵ During this period, a new Field Representative is observed doing every aspect of the job—from how to enter payroll data to troubleshooting technical problems with the laptop computer while in the field—including interviewing household respondents.¹⁰⁶

III. Allegations to be Resolved

The allegations raised by Complainant, Key Witness, and the media can generally be broken down into the following questions. The details of each allegation, as well as our factual findings, analysis, and conclusions for each question, can be found in chapter 3.

- Did Subject 1 instruct subordinates to falsify survey data?
- Did Subject 1 change subordinate survey responses to manipulate data, and did he or Subject 2 prevent falsification reports from being reported to Census Bureau headquarters?
- Did any alleged data falsification on the Current Population Survey in the Philadelphia Regional Office have a measurable impact on the unemployment rate leading up to the 2012 presidential election?
- Did Philadelphia Regional Office Director Fernando Armstrong direct falsification on the American Housing Survey in order to meet performance goals?
- Are there any indications of systemic survey data falsification in the Philadelphia Regional Office?

¹⁰³ U.S. Census Bureau, *CPS CAPI 270, Training Guide for CPS CAPI Initial Training* (Rev. Jan. 2013) [hereinafter *CPS CAPI 270*], Instructions-8.

¹⁰⁴ U.S. Census Bureau, *CPS CAPI 271, Preclassroom Self-Study for CPS CAPI Initial Training* (Rev. Jan. 2013) [hereinafter *CPA CAPI 271*].

¹⁰⁵ See U.S. Census Bureau Form 11-62A, ON-THE-JOB TRAINING AND INDUCTION CHECKLISTS FOR N1, N2 AND N3 [hereinafter *On-The-Job Training & Induction Checklists*].

¹⁰⁶ *Id.*

Chapter 3: Results of Investigation into Survey Falsification Allegations

I. Our investigation found no evidence supporting the allegation that Subject I instructed his subordinates to falsify survey data

Complainant and Key Witness alleged that their supervisor, Subject I, instructed them to falsify Current Population Survey responses in July 2010. Subject I has consistently denied ever instructing Complainant or Key Witness to falsify data.

A. *Factual Background*

Key Witness was a Field Representative in Washington, DC, which is part of the Philadelphia Regional Office.¹⁰⁷ Complainant is a Senior Field Representative in the Washington, DC metro region.¹⁰⁸ Subject I is a Survey Statistician Office in the Philadelphia Regional Office. Although the official title of Subject I's position changed with the Census Bureau reorganization, he has remained in the same position throughout his tenure at the Census Bureau.¹⁰⁹ Subject I has worked on a variety of surveys over the years, including, but not limited to, the CPS and the AHS.¹¹⁰

Although Key Witness, Complainant and Subject I all described Complainant as Key Witness's first-line supervisor,¹¹¹ Senior Field Representatives did not have any official supervisory duties.¹¹² It was a common misconception that Senior Field Representatives were supervisors and many acted as such and served as *de facto* supervisors for Field Representatives. The evidence supports that this was the case with respect to

¹⁰⁷ OIG Investigative Record Form ("IRF"): Interview of Key Witness, Former Field Representative, U.S. Census Bureau, Attach. I at Tr. 608-09 [hereinafter *OIG IRF: Key Witness Interview*].

¹⁰⁸ See OIG IRF: Interview of Complainant, Senior Field Representative, U.S. Census Bureau, Attach. I at Tr. 52-57 [hereinafter *OIG IRF: Complainant Interview*]. Although the Senior Field Representative position was eliminated as part of the 2012 Census Bureau reorganization, some field staff, including Complainant, remain in Senior Field Representative positions, either because they declined or were not selected for the Field Supervisor position. OIG Case Note 69, Communication with Fernando Armstrong.

¹⁰⁹ OIG IRF: Interview of Subject I I, Survey Statistician, U.S. Census Bureau, Attach. I at Tr. 115-35 [hereinafter *OIG IRF: Subject I Interview I*].

¹¹⁰ *Id.* at Tr. 184-242.

¹¹¹ *OIG IRF: Key Witness Interview, supra*, at Attach. I at Tr. 961-63; *OIG IRF: Complainant Interview, supra*, at Attach. I at Tr. 453-59, 839-42; *OIG IRF Subject I Interview I, supra*, at Attach. I at Tr. 145-49.

¹¹² See U.S. Census Bureau, Recruiting Bulletin (June 19, 2013) (No. NYRO-12-36061-002).

Complainant and Key Witness. Both Key Witness and Complainant reported to Subject I.¹¹³

Between July 22 2010, and March 2, 2011, Key Witness received eight Five-Day Letters noting discrepancies in his survey assignments (see table 2).¹¹⁴

Table 2. Key Witness's Five-Day Letters

Date	Interview Period and Survey
July 20, 2010	May 2010 Consumer Expenditures Diary
July 22, 2010	June 2010 Consumer Expenditures Quarterly
August 24, 2010	June 2010 Consumer Expenditure Diary
August 24, 2010	July 2010 Consumer Expenditure Quarterly
August 31, 2010	August 2010 Current Population Survey
September 29, 2010	August 2010 Consumer Expenditure Quarterly
February 9, 2011	January 2011 Current Population Survey
March 2, 2011	February 2011 Current Population Survey

Source: U.S. Census Bureau

In total, the Five-Day Letters identified discrepancies in 15 cases. Nine of the cases involved falsification, where the survey respondent reported during reinterview that he or she had not spoken with Key Witness.¹¹⁵ In two cases, the survey respondent

¹¹³ *OIG IRF: Subject I Interview I, supra*, at Attach. I at Tr. 145-60 (stating that because Key Witness reported to Complainant and Complainant reported to Subject I, Subject I was Complainant's first-line supervisor and Key Witness's second-line supervisor).

¹¹⁴ Memorandum from Supervisor I, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (July 20, 2010) (May 2010 CE Diary Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 1*]; Memorandum from Supervisor I, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (July 22, 2010) (June 2010 CE Quarterly Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 2*]; Memorandum from Supervisor I, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Aug. 24, 2010) (Reinterview of June 2010 CE Diary Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 3*]; Memorandum from Supervisor I, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Aug. 24, 2010) (Reinterview of July 2010 CE Quarterly Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 4*]; Memorandum from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Aug. 31, 2010) (Reinterview of August 2010 CPS Survey Work) (on file with OIG) [hereinafter *Five-Day Letter 5*]; Memorandum from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Sept. 29, 2010) (Reinterview of August 2010 CE Quarterly Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 6*]; Memorandum from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Feb. 9, 2011) (Reinterview of January 2011 CPS Survey Work) (on file with OIG) [hereinafter *Five-Day Letter 7*]; Memorandum from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (March 2, 2011) (Reinterview of February 2011 CPS Survey Work) (on file with OIG) [hereinafter *Five-Day Letter 8*].

¹¹⁵ See *Five-Day Letter 1, supra*; *Five-Day Letter 2, supra*; *Five-Day Letter 4, supra*; *Five-Day Letter 5, supra*.

reported in reinterview that Key Witness's interview was ten minutes long, when, according to the Five-Day Letter, the average time to complete the survey at issue is 70 minutes¹¹⁶ (an indication that at least some of the data for that respondent may have been falsified). The remaining four cases involved Key Witness not using his Census Bureau laptop during the interview to input the survey data and other failures to follow interview procedures.¹¹⁷

Key Witness responded to the Five-Day Letters, offering explanations as to why he purportedly acted appropriately in each identified instance of the alleged discrepancies.¹¹⁸ On August 31, 2010, in his response to the August 24, 2010 Consumer Expenditure Quarterly Five-Day Letter, Key Witness stated:

I find it interesting that I am being investigated for falsification in part because of the length of an interview. When in fact, I have been told by survey supervisor [Subject 1] to send in cases as completed interviews when I had not interviewed the household.¹¹⁹

On September 9, 2010, in response to the August 31, 2010 CPS Five-Day Letter, Key Witness further stated:

It is interesting that a legitimate completed interview of a household is being investigated when around July 26, 2010 I had been told by survey supervisor [Subject 1] to send in cases as completed interviews for that month when I had not interviewed

¹¹⁶ See *Five-Day Letter 4, supra*; *Five-Day Letter 5, supra*.

¹¹⁷ See *Five-Day Letter 3, supra*; *Five-Day Letter 6, supra*; *Five-Day Letter 7, supra*; *Five-Day Letter 8, supra*.

¹¹⁸ Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Supervisor 1, Program Coordinator, U.S. Census Bureau (July 26, 2010) (Response to CE May 2010 Diary Assignment) (on file with OIG) [hereinafter *Five-Day Letter 1 Key Witness Response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Supervisor 1, Program Coordinator, U.S. Census Bureau (July 26, 2010) (Response to CE Quarterly June 2010 Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 2 Key Witness Response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Supervisor 1, Program Coordinator, U.S. Census Bureau (Aug. 31, 2010) (Response to Reinterview of June 2010 CE Diary Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 3 Key Witness response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Supervisor 1, Program Coordinator, U.S. Census Bureau (Aug. 31, 2010) (Response to Reinterview of July 2010 CE Quarterly Survey Assignment) (on file with OIG) [hereinafter *Five-Day Letter 4 Key Witness Response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Subject 2, Program Coordinator, U.S. Census Bureau (Sept. 9, 2010) (Response to Reinterview of August 2010 CPS work) (on file with OIG) [hereinafter *Five-Day Letter 5 Key Witness Response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Subject 2, Program Coordinator, U.S. Census Bureau (Oct. 6, 2010) (Response to August 2010 CEQ Assignment) (on file with OIG) [hereinafter *Five-Day Letter 6 Key Witness Response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Subject 2, Program Coordinator, U.S. Census Bureau (Feb. 14, 2011) (Response to January 2011 Reinterview Memorandum) (on file with OIG) [hereinafter *Five-Day Letter 7 Key Witness Response*]; Memorandum from Key Witness, Field Representative, U.S. Census Bureau, to Subject 2, Program Coordinator, U.S. Census Bureau (March 9, 2011) (Response to February 2011 Reinterview) (on file with OIG). [hereinafter *Five-Day Letter 8 Key Witness Response*].

¹¹⁹ *Five-Day Letter 4 Key Witness Response, supra*.

the household that month. Further he stated that he would “cover it”, during the reinterview process.¹²⁰

Philadelphia Regional Office management reviewed Key Witness’s allegations in the fall of 2010 and concluded that Subject 1 had not given Key Witness any directions to falsify data.¹²¹

On October 7, 2010, Key Witness filed an Equal Employment Opportunity (EEO) complaint of employment discrimination on the basis of race and age and repeated these allegations of falsification against Subject 1.¹²² The Department of Commerce, Office of Civil Rights, subsequently opened an investigation. Although focused on whether the Census Bureau discriminated against Key Witness because of his race and age, the Office of Civil Rights investigator obtained sworn declarations from several third-party witnesses concerning Key Witness’s allegations of Subject 1 directing him to falsify survey data.¹²³

In June and July 2010, Complainant also received several Five-Day Letters regarding discrepancies in her survey responses.¹²⁴ Complainant responded to each of the alleged discrepancies, offering explanations as to why she acted appropriately in each identified instance of purported discrepancies.¹²⁵ On November 5, 2010, Complainant provided a written explanation to the Census Bureau’s Employee Relations Branch, alleging, among other complaints, that

[Subject 1] told me to falsify CPS data to “get Fernando [Armstrong] off his back”, he needed the numbers.” He also told me to tell my team members. I told him to tell them himself. He did. He told [Key Witness] to make cases interviews even if he didn’t interview anyone and he would cover him in reinterview. I told [Key Witness] repeatedly not to do it. I also told [Subject 1] not to do it and he stated that he “needed

¹²⁰ Five-Day Letter 5 Key Witness Response, *supra*.

¹²¹ See OIG IRF: Interview of Fernando Armstrong 1, Philadelphia Regional Office Director, U.S. Census Bureau, Attach. 1 at Tr. 623-51 [hereinafter *OIG IRF: Armstrong Interview 1*]; OIG IRF: Interview of Supervisor 2, Former Philadelphia Assistant Regional Director, U.S. Census Bureau, Attach. 1 at Tr. 260-90; see also U.S. Dep’t of Commerce Office of Civil Rights, Report of Investigation: Equal Opportunity Complaint of Key Witness, Complaint No. 10-63-03132, Ex. 29 (Apr. 2011) [hereinafter *Key Witness Equal Opportunity Report*] (email from Subject 1 to Fernando Armstrong, providing response to Key Witness’s allegations, dated Sept. 14, 2010).

¹²² *Key Witness Equal Opportunity Report*, *supra*, Ex. 2 (Oct. 7, 2010, Complaint of Employment Discrimination).

¹²³ See *Key Witness Equal Opportunity Report*, *supra*.

¹²⁴ Memorandum from Supervisor 1, Program Coordinator, U.S. Census Bureau, to Complainant, Senior Field Representative, U.S. Census Bureau (June 15, 2010) (May 2010 Survey of Income and Program Participation (SIPP) Assignment) (on file with OIG); Memorandum from Subject 2, Program Coordinator, U.S. Census Bureau, to Complainant, Senior Field Representative, U.S. Census Bureau (July 22, 2010) (Reinterview of June 2010 CPS) on file with OIG).

¹²⁵ Memorandum from Complainant, Senior Field Representative, U.S. Census Bureau to Supervisor 1, Program Coordinator, U.S. Census Bureau (June 21, 2010) (SIPP Reinterview Discrepancies) (on file with OIG); Memorandum from Complainant, Senior Field Representative, U.S. Census Bureau to Subject 2, Program Coordinator, U.S. Census Bureau (July 25, 2010) (CPS Reinterview Discrepancies) (on file with OIG).

the numbers.” I inquired about [Subject 2] and he stated that “[Subject 2] would be okay, he would cover it also”. . . . [Subject 1] kept his end of the deal and covered [Key Witness] in reinterview.¹²⁶

The Employee Relations Branch referred Key Witness and Complainant’s allegations of survey data falsification to OIG on December 3, 2010.¹²⁷ OIG subsequently opened an investigation into Subject 1’s alleged falsification (Case Number 11-0135).

Key Witness was interviewed by OIG on January 20, 2011.¹²⁸ He admitted that on one or two occasions he recorded that he had interviewed a person whom he did not actually interview.¹²⁹ Key Witness also repeated his allegations regarding a July 26, 2010, conversation in which Subject 1 allegedly instructed Key Witness to falsify survey data, and Subject 1 stated that he would cover for Key Witness should he be caught.¹³⁰ In addition, Key Witness stated that he discussed the phone call with his immediate supervisor, Complainant, who allegedly told him that she was aware that Subject 1 intended to ask Key Witness to falsify data.¹³¹ Likewise, on January 21, 2011, Key Witness signed a sworn declaration in connection with his Office of Civil Rights complaint providing substantially the same account of Subject 1’s alleged instructions to falsify survey data.¹³²

Complainant was interviewed by OIG on January 21, 2011, and provided substantially the same information as in her November 5, 2010, report to the Employee Relations Branch.¹³³ Likewise, on February 15, 2011, Complainant signed a sworn declaration in connection with Key Witness’s Office of Civil Rights complaint also providing substantially the same information.¹³⁴ In a follow-up interview the next day, Complainant advised the Office of Civil Rights investigator that on July 27, 2010, Subject 1 left her a voicemail concerning Key Witness.¹³⁵ Complainant alleged that in the voicemail message, Subject 1 informed Complainant

¹²⁶ Memorandum from Complainant, Senior Field Representative, U.S. Census Bureau (undated) (on file with OIG) [hereinafter *Complainant Memorandum*] (emphasis in original).

¹²⁷ Hotline tip from Census Bureau Employee Relations Branch, Case No. 11-0135 (Dec. 3, 2010) (discussing possible falsification).

¹²⁸ OIG IRF: Interview of Key Witness, Field Representative, U.S. Census Bureau (Case No. 11-0135) [hereinafter *OIG IRF: Key Witness 2011 Interview*].

¹²⁹ *Id.* at 1.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² See *Key Witness Equal Opportunity Report*, *supra*, Ex. 8 (Jan. 21, 2011, Declaration of Key Witness).

¹³³ See OIG IRF: Interview of Complainant, Senior Field Representative, U.S. Census Bureau (Case No. 11-0135) [hereinafter *OIG IRF: Complainant 2011 Interview*].

¹³⁴ See *Key Witness Equal Opportunity Report*, *supra*, Ex. 10 (Feb. 15, 2011, Declaration of Complainant).

¹³⁵ See *id.* Ex. 10 at 6 (Investigator’s Memorandum Regarding Follow-up Interview of Complainant, dated Feb. 16, 2011).

that he had talked to Key Witness about sending in cases as complete, and reminded Complainant to tell her other team members to do the same.¹³⁶

Complainant stated that she let Supervisor 3, a Survey Statistician who was serving as a temporary Program Coordinator in the Philadelphia Regional Office, and EEO Counselor listen to the message.¹³⁷

Supervisor 3 and EEO Counselor provided sworn statements as part of the Office of Civil Rights investigation and each confirmed that Complainant played them a voicemail in 2010.¹³⁸ According to Supervisor 3:

In late summer of 2010, Complainant, Senior Field Representative, Philadelphia Regional Office, approached me and asked me to listen to a voicemail message that she had received. I am not sure if [Key Witness] was mentioned in the voicemail message that I listened to; however, I believe the voice on the message was the voice of [Subject I]. I do not recall his exact words and my interpretation of what I heard is [Subject I] was asking that if he ([Key Witness]) had cases where he had got interviews the previous month, that he ([Subject I]) would need the cases to be interviews for the current month. In my opinion, that implied falsification.¹³⁹

EEO Counselor advised the Office of Civil Rights investigator that sometime in 2010, Complainant “contacted her and requested that she listen to a voicemail message.”¹⁴⁰ According to EEO Counselor, “the voice in the message was a male voice,” identified himself as “[first name of Subject I]” and stated, “The numbers are needed because the survey numbers are down. Headquarters is requesting these numbers. I need you to get in contact with [Key Witness] and we need to push the numbers through.”¹⁴¹ EEO Counselor did not remember the male voice say anything along the lines of “sending in cases as complete cases.”¹⁴²

Subject I denied Key Witness and Complainant’s allegations to both OIG and Office of Civil Rights investigators.¹⁴³ Subject I claimed that he “made calls asking everyone to do whatever they can to get these interviews even if they got partial household information. In the conversation, I never mentioned falsification or re-interview”¹⁴⁴

¹³⁶ See *id.*

¹³⁷ See *id.*

¹³⁸ See *id.* Exs. 11, 12.

¹³⁹ *Id.* Ex. 11 (Feb. 16, 2011, Declaration of Supervisor 3).

¹⁴⁰ *Id.* Ex. 12 (Investigator’s Memorandum Regarding Interview of EEO Counselor, dated Feb. 16, 2011).

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ See OIG IRF: Interview of Subject I, Supervisory Survey Statistician (Case No. 11-0135) [hereinafter *OIG IRF: Subject I 2011 Interview*]; *Key Witness Equal Opportunity Report*, *supra*, Ex. 13 (Feb. 2, 2011, Declaration of Subject I).

¹⁴⁴ *Id.* at 2.

A Report of Investigation was prepared by the Office of Civil Rights investigator regarding Key Witness's EEO complaint.¹⁴⁵ The EEO investigation does not make any findings.¹⁴⁶ Rather, it compiles the evidence gathered during the investigation for later use at the adjudicatory phase.¹⁴⁷ After the investigation, Key Witness requested a hearing before an EEO administrative law judge; however Key Witness withdrew his complaint during the hearing and therefore no decision was made.¹⁴⁸

OIG's investigation in Case No. 11-0135 did not substantiate any of the allegations, and the case was closed on June 3, 2011.¹⁴⁹ The OIG's Report of Investigation was sent to the Census Bureau on June 30, 2011, so that it could consider taking any administrative actions deemed necessary or appropriate.¹⁵⁰ The Census Bureau did not take any administrative action against Subject I.¹⁵¹

The Census Bureau proposed Key Witness's removal from service on July 22, 2011, for falsifying survey data and failing to follow Census Bureau procedures.¹⁵² Key Witness was ultimately removed from his position (*i.e.*, terminated) effective August 25, 2011.¹⁵³

All of the witnesses to this allegation (*i.e.*, Subject I instructing Key Witness and Complainant to falsify in 2010) were interviewed again by OIG in 2013 or 2014 in connection with this investigation. OIG also conducted additional investigative work, including over 100 additional interviews of Census Bureau personnel and a review of relevant data, policies, and documents.

Key Witness and Complainant provided substantially the same account of their purported conversations with Subject I and his alleged voicemail message for Complainant.¹⁵⁴ Complainant added the allegation that Subject I stated, "I got them in reinterview," which she understood to mean that Subject I was "going to cover them in

¹⁴⁵ Key Witness Equal Opportunity Report, *supra*.

¹⁴⁶ OIG Case Note 78, Receipt of Information from Chief Investigator, Office of Civil Rights, Department of Commerce.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ See OIG Report of Investigation, Case No. 11-0135 (June 2, 2011).

¹⁵⁰ Memorandum from OIG to Human Resources Specialist, U.S. Census Bureau (Case No. 11-0135) (June 30, 2011) (on file with OIG) (sending Report of Investigation to U.S. Census Bureau).

¹⁵¹ Email from Employee Relations Branch, U.S. Census Bureau to OIG (Case No. 11-0135) (Sept. 22, 2011) (on file with OIG).

¹⁵² Letter from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (July 22, 2011) (on file with OIG). As the letter notes, the Census Bureau had previously issued Key Witness a letter proposing to remove him from his position as a Field Representative on October 26, 2010. That letter was withdrawn.

¹⁵³ Letter from U.S. Census Bureau to Key Witness, Field Representative, U.S. Census Bureau (Aug. 24, 2011) (on file with OIG).

¹⁵⁴ See OIG IRF: Key Witness Interview, *supra*, at Attach. I at Tr. 50-71, 266-294; OIG IRF: Complainant Interview, *supra*, at Attach. I at Tr. 493-816.

reinterview.”¹⁵⁵ When asked for his recollection of the voicemail that Complainant played for him in 2010, Supervisor 3 stated that his memory was fresher when he gave a statement in 2011 regarding that voicemail and that OIG should rely on that statement.¹⁵⁶ EEO Counselor stated that while she recalled Complainant playing her a voicemail, she did not remember the specifics.¹⁵⁷ Although EEO Counselor recalled that the voicemail had some connection to falsification, she was uncertain if the voicemail mentioned falsification or if the connection to falsification was due to statements made to her by Complainant.¹⁵⁸

Subject I again denied the allegations. Regarding the alleged voicemail he left for Complainant, Subject I confirmed that he left voicemail messages for Complainant (and other subordinates) encouraging them to complete surveys, but denied that any messages directed or encouraged falsification.¹⁵⁹ Subject I informed OIG that in his voicemail to Complainant, he may have stated that he expected interviews from the previous month to be interviews this month.¹⁶⁰ However, Subject I stated that this simply reflects his expectation that since the Field Representative was able to obtain an interview from the same household the previous month, the Field Representative should be able to do it again because there is an eligible household member who has already voluntarily participated in the survey.¹⁶¹ Subject I stated that he did not believe that this was improper, and he did not suggest that Key Witness, Complainant, or anyone else falsify their interviews.¹⁶² Subject I denied making any statements regarding using reinterview to cover up any falsification.¹⁶³

Regarding the purported conversation with Key Witness, Subject I stated that the only reason he would have called Key Witness was if Key Witness had not transmitted his work or he was behind.¹⁶⁴ Specifically, he stated:

So the call would be to . . . make sure that if we're behind, he needs to get his work in . . . whatever it takes, get a partial interview, he needs to start, start turning work in. That's the gist of the whole conversation . . . it's nowhere, anywhere in that conversation where it says I want you to falsify data; I want you to send it in as

¹⁵⁵ OIG IRF: *Complainant Interview*, *supra*, at Attach. I at Tr. 799-813.

¹⁵⁶ OIG IRF: Interview of Supervisor 3 II, Survey Statistician, U.S. Census Bureau.

¹⁵⁷ OIG IRF: Interview of EEO Counselor, U.S. Census Bureau.

¹⁵⁸ *Id.*

¹⁵⁹ OIG IRF: Interview of Subject I III, Survey Statistician Office [hereinafter *OIG IRF: Subject I Interview III*].

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ OIG IRF: *Subject I Interview I*, *supra*, at Attach. I at Tr. 453-63.

completed interviews, not at all. We tell them to get as much as they can in an interview. So we get – some data is better than no data.¹⁶⁵

B. *OIG Analysis*

The evidence supports that Subject I left a voicemail message for Complainant in 2010. The statements of two independent, third-party witnesses (Supervisor 3 and EEO Counselor) provide corroboration to the existence of this voicemail and that the voice on the message was that of Subject I's. In addition, Subject I admits that he left voicemail messages for Complainant during this time period.

However, OIG is unable to confirm the precise contents of the voicemail message. Complainant did not retain the message nor was it ever provided in electronic form or transcribed for any third parties. As such, OIG is unable to analyze the contents of the message. The third-party witnesses who heard the voicemail message have varying recollections of its contents, but, importantly, neither recalls the message specifically directing falsification.

We did not find any evidence to support any oral conversations between Subject I and either Key Witness or Complainant where Subject I purportedly instructed his subordinates to falsify data. There are no recordings of any such conversations. Subject I denies the allegations made by Key Witness and Complainant, and his denial is supported by our investigation. OIG conducted extensive investigative activities to uncover whether there were other examples of falsification instructions by Subject I to any of his other subordinates in addition to the ones alleged. No other instances were identified. For example, OIG interviewed a sample of 50 field staff in the Philadelphia Regional Office. None of them reported ever being asked by a supervisor to falsify data.¹⁶⁶ Moreover, in the more than 100 interviews conducted by OIG as part of this investigation, no witnesses other than Key Witness or Complainant reported any falsification concerns relating to Subject I.

In sum, our investigation found no evidence supporting the allegation that Subject I instructed his subordinates to falsify data. OIG concludes that while Subject I did leave a voicemail message for Complainant in 2010, there is a lack of evidence to support any direct instruction to falsify data. At most, the voicemail message from Subject I appears to have been vague and poorly worded, which could have led to it being interpreted as an instruction to falsify survey data.

¹⁶⁵ *Id.* at Attach. I at Tr. 459-69.

¹⁶⁶ OIG IRF: Interviews of Philadelphia Regional Office Field Representatives and Field Supervisors [hereinafter *OIG IRF: Philadelphia Regional Office Field Staff Interviews*].

II. Our investigation found no evidence supporting the allegation that Subject 1 changed subordinate survey responses to manipulate data, or that Subject 1 or Subject 2 prevented falsification reports from being reported to Census Bureau headquarters

As explained in chapter 3.I, Key Witness alleges that Subject 1 stated that he would conceal Key Witness's data falsification. Specifically, Key Witness alleges that Subject 1 stated he would "cover it", during the reinterview process.¹⁶⁷ In addition, Complainant alleges that Subject 1 stated, "I got them in reinterview," and that he is "going to cover them in reinterview."¹⁶⁸ Complainant also alleges that Subject 1 told her not to worry because Subject 2, Subject 1's supervisor, was going to help cover up Key Witness's falsification.¹⁶⁹ Complainant further alleges that Subject 1 prevented falsification reports that she had written on Key Witness from reaching Census Bureau headquarters in an effort to cover up Key Witness's falsification.¹⁷⁰ Complainant further alleges that Subject 1 changed her work by recoding interviews and deleting notes.¹⁷¹

While it is unclear from Key Witness and Complainant's allegations what it means to "cover" or "g[e]t them" in reinterview, it appears to indicate an alleged statement by Subject 1 that he would take affirmative steps during the reinterview process to ensure that Key Witness's falsification would not be discovered. Theoretically, this could be accomplished by (1) altering Key Witness's survey data to comport with any inconsistencies found during reinterview; or (2) manipulating the reinterview process (i.e., Subject 1 personally conducting reinterviews, or involving other Philadelphia Regional Office employees in the cover up/conspiracy, and not reporting any inconsistencies found in Key Witness's survey data).

Additionally, Complainant claims that Subject 2 deleted her emails and tampered with her work in order to cover up the falsification and discredit her.¹⁷² Complainant further claims that messages, which she sent through the Census Bureau's Regional Office Survey Control (ROSCO) system to the CPS account, were deleted or never reached their intended recipients, and that Subject 2 monitored the CPS ROSCO account.¹⁷³ Census Bureau staff use ROSCO to electronically manage data collection activities. With ROSCO, staff can review regular and reinterview assignments, assign those cases, track survey progress, and close out survey

¹⁶⁷ Five-Day Letter 5 Key Witness Response, *supra*.

¹⁶⁸ OIG IRF: Complainant Interview, *supra*, at Attach. I at Tr. 799-813; Complainant Memorandum, *supra*.

¹⁶⁹ OIG IRF: Complainant 201 I Interview.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Email from Complainant, Senior Field Representative, U.S. Census Bureau, to EEO Counselor, U.S. Census Bureau (Oct. 3, 2010) (on file with OIG); Complainant Memorandum, *supra*, at 2.

¹⁷³ OIG Case Note 66, Receipt of Information from Complainant.

operations on their computers. Complainant also claims that Subject 2 had access to her emails and was the only person who had access.¹⁷⁴

Subjects 1 and 2 have denied any involvement in manipulating subordinate's survey responses, tampering with emails, or otherwise interfering with reports of falsification.¹⁷⁵

A. *Factual Background*

Subject 2 is a Program Coordinator in the Philadelphia Regional Office.¹⁷⁶

In 2010, Census Bureau field staff did not have traditional email accounts. Rather, they used an internal electronic communication system called "ROSCO" that "did not fully operate as email."¹⁷⁷ The Chief Information Officer for the Census Bureau explained, "The exchange of messages was limited to/from the Regional Office/Survey Supervisor/Clerk to an individual Field Representative or Group of Field Representatives."¹⁷⁸ From his or her laptop, a Field Representative "could compose and send a message to a . . . survey account or an All Supervisor account."¹⁷⁹ For example, a Field Representative could send a message to the CPS account. Multiple individuals had access to a survey's ROSCO account, including the Regional Director, Assistant Regional Directors, Program Coordinators, as well as the Survey Supervisors and survey clerks assigned to that survey.¹⁸⁰ The ROSCO system was mostly used by the survey clerks and Survey Supervisors.¹⁸¹ At no time did Subject 2 (or any single Philadelphia Regional Office employee) have exclusive access to the CPS ROSCO account.¹⁸²

¹⁷⁴ Complainant Memorandum, *supra*, at 2.

¹⁷⁵ See *OIG IRF: Subject 1 Interview I*, *supra*, at Attach. I at Tr. 1578-80; *OIG IRF: Subject 1 Interview III*, *supra*; *OIG IRF: Subject 1 2011 Interview*, *supra*; *OIG IRF: Interview of Subject 2 II*, Program Coordinator, U.S. Census Bureau [hereinafter *OIG IRF: Subject 2 Interview II*]; *OIG IRF: Interview of Subject 2*, Program Coordinator, U.S. Census Bureau (Case No. 11-0135).

¹⁷⁶ *OIG IRF: Interview of Subject 2*, Program Coordinator, U.S. Census Bureau [hereinafter *OIG IRF: Subject 2 Interview I*], Attach. I. at Tr. 125-26.

¹⁷⁷ See *OIG IRF: Interview of Chief Information Officer II*, U.S. Census Bureau 1-2 and attachments (attachments include responses by Chief, Technologies Management Office, Field Directorate, U.S. Census Bureau) [hereinafter *OIG IRF: Chief Information Officer Interview II*].

¹⁷⁸ *Id.* at 1.

¹⁷⁹ *Id.*

¹⁸⁰ *OIG IRF: Interview of Fernando Armstrong II*, Philadelphia Regional Office Director, U.S. Census Bureau [hereinafter *OIG IRF: Armstrong Interview II*].

¹⁸¹ *Id.*

¹⁸² *Id.*

The Census Bureau has since changed the field staff communications system. In June 2011, field staff obtained an official @census.gov email address to communicate with other Census Bureau employees.¹⁸³

B. *OIG Analysis*

OIG did not find any evidence to support allegations of Subject 1 or Subject 2 tampering with subordinate's survey responses or deleting their emails. To the contrary, there is evidence to support a finding that no such tampering occurred.

When a Field Representative enters survey data, the system generates an audit trail (also known as a "trace file"): each entry screen, field update, and entered value is logged by the system and time-stamped.¹⁸⁴ If a Census Bureau employee modifies survey data after the initial entry, the audit trail would list the specific fields that were updated.¹⁸⁵ A supervisor cannot login as a subordinate and change survey responses.¹⁸⁶ The reinterview process flagged 15 of Key Witness's cases as potential falsifications, including four CPS, nine CEQ, and two CED entries.¹⁸⁷ To determine whether any supervisors edited Key Witness's electronic survey responses to cover up falsification, OIG reviewed the audit trails for each of the 15 cases. For each case, we found that the data fields were only entered a single time. In other words, after Key Witness's initial entry, the audit trails do not indicate that Subject 1, Subject 2, or anyone else modified the data. If a supervisor modified the data collected by Key Witness, the modifications would have appeared in an audit trail. Additionally, we reviewed the audit trails for all of Subject 1's completed CPS cases during July and August 2010,¹⁸⁸ the dates alleged in the complaint, and did not find evidence that he altered Key Witness or anyone else's cases in an attempt to cover up falsification.

An alternative way for a supervisor to "cover" falsification would be to personally conduct reinterview on Key Witness's cases and approve the results even if evidence of falsification was found. During July and August 2010, the dates alleged in the complaint, Subject 2 did not conduct reinterview on any cases, and Subject 1 only conducted reinterview on 11 cases, none of which belonged to Key Witness.¹⁸⁹ Thus, we did not

¹⁸³ OIG IRF: Interview of Chief Information Officer, U.S. Census Bureau, Attach. 1 at 1 [hereinafter *OIG IRF: Chief Information Officer Interview 1*].

¹⁸⁴ Email summarizing call with Census Bureau Information Technology representative (Case No. 11-0135) [hereinafter *2011 IT Email*].

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ Key Witness CED and CEQ audit trails/trace files provided by CE Survey Director, U.S. Census Bureau (on file with OIG); Key Witness CPS audit trails/trace files provided by CPS Survey Director, U.S. Census Bureau (on file with OIG).

¹⁸⁸ Subject 1 CPS audit trails/trace files provided by CPS Survey Director, U.S. Census Bureau.

¹⁸⁹ U.S. Census Bureau, Reinterview Case History for Subjects 1 and 2 July-August 2010, provided by CPS Survey Director, U.S. Census Bureau (on file with OIG).

find evidence that Subject 1 and/or Subject 2 “covered” Key Witness’s cases during the reinterview process in this manner.

Further, OIG conducted extensive investigative activities to uncover other examples of supervisors altering survey responses. No other instances were identified. For example, OIG interviewed a sample of 50 field staff in the Philadelphia Regional Office. None of them reported any concerns of supervisors changing survey responses.¹⁹⁰

Complainant has been inconsistent and provided differing accounts of the events and circumstances regarding Subject 2 allegedly tampering with her emails to prevent her from reporting falsification concerns. Interviews of Census Bureau Information Technology personnel indicate that it was not possible for Subject 2—or anyone in Philadelphia Regional Office management—to access a field employee’s ROSCO account, edit their survey responses, or delete their email messages in 2010, nor is it possible now.¹⁹¹ Moreover, Subject 2 was not the only person who monitored the CPS ROSCO account.¹⁹² While he did check the account at times, numerous people had access, and this was a task primarily undertaken by clerks in the Philadelphia Regional Office.¹⁹³

In sum, our investigation found no evidence supporting the allegation that Subject 1 and/or Subject 2 manipulated subordinate’s survey data or tampered with their email to prevent reports of falsification.

III. Our investigation found no evidence supporting the allegation that the national unemployment rate was manipulated by the Philadelphia Regional Office in the months leading up to the 2012 presidential election

In a November 2013 media report, which cited an unnamed “reliable source,” it was alleged that the unemployment numbers from August to September 2012 were “manipulated” and that “the Census Bureau, which does the unemployment survey, knew it.”¹⁹⁴ In another media report, a source alleged that “there was a distinct impression in the Philadelphia office of the Census Bureau that someone wanted the unemployment rate to drop in the months before the

¹⁹⁰ OIG IRF: Philadelphia Regional Office Field Staff Interviews, *supra*.

¹⁹¹ OIG IRF: Chief Information Officer Interview II, *supra*, at Attach. 1 at 1; 2011 IT Email, *supra*.

¹⁹² See OIG IRF: Armstrong Interview II, *supra*.

¹⁹³ *Id.*; OIG IRF: Chief Information Officer Interview II, *supra*, at Attach. 2.

¹⁹⁴ John Crudele, *Census ‘faked’ 2012 election jobs report*, New York Post, Nov. 18, 2013, available at <http://nypost.com/2013/11/18/census-faked-2012-election-jobs-report/>; see also Sarah Portlock and Ben Casselman, *Investigation Planned Into Jobs Data Collection, but Systemic Manipulation Unlikely*, The Wall Street Journal, Nov. 19, 2013, available at <http://blogs.wsj.com/economics/2013/11/19/investigation-planned-into-jobs-data-collection-but-systemic-manipulation-unlikely/>.

2012 presidential election. . . . Messages like ‘we need the unemployment rate to stay low because it’s election time,’ were being disseminated by supervisors”¹⁹⁵

This allegation has never been repeated to OIG by any of the witnesses that were interviewed (including the Complainant).

A. *Factual Background*

To calculate the national unemployment rate, the Bureau of Labor Statistics takes the results of the Census Bureau’s CPS survey, performs basic data reliability tests—searching for outliers, oddities within categories, large shifts, etc.—and applies seasonal adjustments.¹⁹⁶ Seasonal adjustments account for the influences of school closings (e.g., summer employment), holidays (e.g., retail employment in December), and other recurring seasonal events that affect employment, enabling users of national employment statistics to readily make month to month comparisons.¹⁹⁷ After reviewing the data, BLS contacts the Census Bureau with any questions or concerns, resolves the discrepancies, and issues the unemployment numbers.¹⁹⁸

The reinterview process—described previously—is the primary method of quality control for CPS data. However, reinterview often takes place after the monthly CPS data are provided to BLS; on average, reinterview occurs eight days after the initial survey data are finalized.¹⁹⁹ If the reinterviewer determines that the original Field Representative may have falsified the data, the Census Bureau does not notify BLS of potential data errors as they happen.²⁰⁰

Instead, BLS expects a minimal amount of error; error is inherent in all surveys because they are based on a sample of the overall population. BLS reports that a 0.2 percentage point change in the national unemployment rate is statistically significant at a 90-percent confidence level.²⁰¹ In other words, if the unemployment rate moves from 7 percent in June to 7.2 percent in July, BLS is 90 percent confident that the true national unemployment rate increased. Error is introduced in two ways: sampling error and nonsampling error. Examples of nonsampling error include (1) Field Representative falsification; (2) respondents misinterpreting questions, providing incorrect information,

¹⁹⁵ John Crudele, *Something cheesy in Philly – and it isn’t steak*, New York Post, Jan. 27, 2014, available at <http://nypost.com/2014/01/27/something-cheesy-in-philly-and-it-isnt-steak/>.

¹⁹⁶ OIG interview of Chief, Division of Labor Force Statistics, BLS [hereinafter *OIG Interview of BLS Chief of Division Labor Force Statistics*].

¹⁹⁷ BLS, *Frequently Asked Questions*, http://www.bls.gov/dolfaq/bls_ques25.htm (last visited Apr. 3, 2014).

¹⁹⁸ *OIG Interview of BLS Chief of Division Labor Force Statistics*, *supra*.

¹⁹⁹ U.S. Census Bureau, 2011-2012 CPS Quality Control Report, received Nov. 25, 2013 (on file with OIG) [hereinafter *2011-2012 CPS QC Report*].

²⁰⁰ *OIG Interview of BLS Chief of Division Labor Force Statistics*, *supra*.

²⁰¹ BLS, *BLS Handbook of Methods* (rev. Apr. 17, 2003), available at http://www.bls.gov/opub/hom/homch1_f.htm [hereinafter *BLS Handbook*].

or failing to recall information; (3) proxy responders (persons who answer on someone else's behalf) providing inaccurate answers; and (4) interviewers failing to read survey questions appropriately.²⁰²

On September 7, 2012, BLS announced the "employment situation" for August 2012, which included job growth of 96,000 and a 0.1 percentage point decrease in the unemployment rate from 8.2 percent to 8.1 percent.²⁰³

On October 5, 2012, BLS announced the "employment situation" for September 2012, which included job growth of 114,000 and a 0.3 percentage point decrease in the unemployment rate from 8.1 percent to 7.8 percent.²⁰⁴

On November 2, 2012, BLS announced the "employment situation" for October 2012, which included job growth of 171,000 and a 0.1 percentage point increase in the unemployment rate, from 7.8 to 7.9 percent.²⁰⁵

The 2012 presidential election was held on November 6, 2012.

B. *OIG Analysis*

OIG did not find any evidence to support allegations that supervisors in the Philadelphia Regional Office manipulated, or attempted to manipulate, the unemployment rate prior to the 2012 presidential election. Nor did our investigation find any evidence to support that such manipulation is likely from a statistical perspective. OIG performed the following analyses: (1) reviewed Key Witness's case outcomes (e.g. *employed*, *unemployed*, *not in labor force*) to assess whether he had an unexpectedly low number of *unemployed* cases in his workload; (2) assessed whether it was theoretically possible for Field Representatives to artificially depress the unemployment rate through falsification; and (3) considered the likelihood of Field Representative falsification substantively affecting the national unemployment rate in September 2012, given the Census Bureau's quality assurance procedures, employment data trends, and interviews with more than 75 Philadelphia Regional Office employees.

Did Key Witness Attempt to Reduce the National Unemployment Rate through Falsification?

The individual identified as a repeated falsifier of survey data, Key Witness, was removed from employment at the Census Bureau in August 2011. Key Witness's

²⁰² U.S. Census Bureau, *Design and Methodology, Current Population Survey, Technical Paper 66*, 116, 120-21 (Oct. 2006) [hereinafter *Technical Paper 66*].

²⁰³ BLS, Employment Situation News Release (Sept. 7, 2012), available at http://www.bls.gov/news.release/archives/empisit_09072012.htm.

²⁰⁴ BLS, Employment Situation News Release (Oct. 5, 2012), available at http://www.bls.gov/news.release/archives/empisit_10052012.htm.

²⁰⁵ BLS, Employment Situation News Release (Nov. 2, 2012), available at http://www.bls.gov/news.release/archives/empisit_11022012.htm.

falsification could not have impacted the unemployment numbers more than a year later. Still, to assess whether Key Witness falsified his cases in a systematic direction (e.g., listing all cases as *employed*), OIG reviewed the CPS cases worked by Key Witness.²⁰⁶ During August and September 2010—the two months immediately following when Key Witness alleges he was instructed to falsify CPS data—Key Witness completed surveys for 64 individuals.²⁰⁷ Of those 64, he classified 29 as *employed*, 10 as *unemployed*, and 25 as *not in labor force*. In other words, Key Witness did not appear to falsify his cases in an attempt to decrease the unemployment rate—he entered 10 of his 39 in labor force cases (26 percent) as *unemployed*, nearly twenty percentage points higher than the national average.²⁰⁸

Is it Possible to Reduce the National Unemployment Rate through Falsification?

It is theoretically possible, though unlikely, that a large number of Field Representatives working in concert could depress the unemployment rate through falsification. On average, a CPS Field Representative contacts 30 respondents each month.²⁰⁹ In August and September 2012, roughly 2.4 of those 30 respondents would have been *unemployed*, given that the unemployment rate was approximately 8 percent.²¹⁰ In other words, the vast majority of an average Field Representative's caseload is *employed*, and, as such, falsifying those cases as *employed* has no effect on the national unemployment rate; instead, to reduce the national unemployment rate, a Field Representative would need to incorrectly label his or her *unemployed* respondents as *employed*.²¹¹ To move the unemployment rate by 0.1 percentage points through falsification between August and September 2012, the Census Bureau estimates that a group of Field Representatives would need to improperly change 63 of their *unemployed* cases to *employed*. Given that an average Field Representative only has 2.4 *unemployed* cases, it would take 26 Field Representatives ($63/2.4=26.25$) changing all of their *unemployed* cases to *employed* to reduce the national unemployment rate by 0.1 percentage points.²¹² To move the unemployment rate from 8.1 percent to 7.8 percent through falsification between August and September 2012, it would have taken approximately 78 Field Representatives changing all *unemployed* cases to *employed*.²¹³ OIG and BLS reviewed the

²⁰⁶ U.S. Census Bureau, CPS Labor Force Status Case Outcome Report for Key Witness, August-September 2010 (on file with OIG).

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ OIG IRF: Review of CPS Workload Documents [hereinafter *OIG IRF: Review of CPS Workload Documents*].

²¹⁰ Memorandum from Chief, Demographic Statistical Methods Division, U.S. Census Bureau, to CPS Survey Director, U.S. Census Bureau, 6 (Feb. 25, 2014) (on file with OIG) (discussing preliminary findings from investigation of potential CPS data falsification) [hereinafter *CPS Falsification Memorandum*].

²¹¹ Alternatively, Field Representatives could have changed a similar number of unemployed cases to *not in labor force*.

²¹² *CPS Falsification Memorandum, supra*.

²¹³ OIG Interview of BLS Chief of Division Labor Force Statistics, *supra*.

analysis prepared by the Census Bureau and concluded that the methodology was sound and supported the Census Bureau's analysis.

What is the Likelihood Field Representative Falsification Depressed the September 2012 Unemployment Rate?

It would have taken a widespread, coordinated effort—approximately 78 Field Representatives—to artificially depress the unemployment rate by 0.3 percentage points in September 2012. To do so would require escaping detection from the Census Bureau's quality control measures. The Census Bureau conducted reinterview on 2,535 Field Representatives from February 2010 to June 2011 and 3,085 Field Representatives from July 2011 to September 2012.²¹⁴ Over those thirty months, the Census Bureau confirmed 35 of the 5,620 Field Representatives (0.62 percent) had falsified survey data.²¹⁵ Of those 35, two Field Representatives, neither of whom worked in the Philadelphia region, falsified CPS data during September 2012.²¹⁶ The Field Representatives completed interviews for a total of 25 individuals, listing 13 as *employed* and 12 as *not in labor force*.²¹⁷ While neither data falsifier had any *unemployed* cases, it would still take an additional 76 Field Representatives falsifying data in September 2012 by misclassifying *unemployed* respondents, while escaping detection from the reinterview process, to move the unemployment rate by 0.3 percentage points through falsification.²¹⁸

It cannot be assessed whether additional falsification escaped detection during reinterview; however, data trends also support that the drop in unemployment was not the result of falsification. The unemployment rate has not exceeded 7.9 percent since August 2012 and continued to fall after the presidential election (see table 3 on next page), meaning that, if the data were affected by falsification, undetected and systematic falsification would have had to continue for several months.²¹⁹ Since the unemployment rate declined after the presidential election, standing at 6.7 percent as of March 2014, it is even less likely that the trend was caused by data falsification.

²¹⁴ 2011-2012 CPS QC Report, *supra*.

²¹⁵ *Id.*

²¹⁶ U.S. Census Bureau, Labor Force Status Case Outcome Report for Field Representatives Who Falsified CPS Data During September 2012 (on file with OIG).

²¹⁷ *Id.*

²¹⁸ In addition, OIG obtained data from the Census Bureau on Field Representative falsification that occurred during August 2012. See August-September 2012 reinterview data received from CPS Survey Director, U.S. Census Bureau (on file with OIG). Five Field Representatives, including three from the Philadelphia Regional Office, were suspected of falsification in this month. See *id.* In August 2012, the unemployment rate was 8.1 percent; falsification during August 2012 could not have affected the subsequent 0.3 percentage points drop in September. Still, OIG reviewed the reinterview results for each Field Representative in order to assess whether falsification during August 2012 occurred with intent to reduce the national unemployment rate. OIG concluded (1) it was unlikely the Field Representatives falsified data in order to reduce the national unemployment rate and (2) there were too few falsified cases to substantively affect the unemployment rate.

²¹⁹ See BLS, *Labor Force Statistics from the Current Population Survey*, <http://data.bls.gov/timeseries/LNS14000000> (last visited Apr. 8, 2014) [hereinafter *BLS National Unemployment Rate*].

Table 3: National Unemployment Rate by Month

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
2012	8.2	8.3	8.2	8.2	8.2	8.2	8.2	8.1	7.8	7.9	7.8	7.8
2013	7.9	7.7	7.5	7.5	7.5	7.5	7.3	7.2	7.2	7.2	7.0	6.7
2014	6.6	6.7	6.7									

Source: Bureau of Labor Statistics

Alternative employment indicators independent from the CPS (and, in turn, independent from data collected by the Census Bureau) provide further confirmation of this trend. Instead of surveying individuals about their current employment status as is done in CPS, the BLS Current Employment Statistics (CES) program surveys businesses monthly about their number of nonfarm payroll workers.²²⁰ The CPS surveys individuals in order to determine the percentage of employed people in the United States, while the CES estimates aggregate employment, wages, and hours for several hundred industries.²²¹ According to CES, between August 2012 and December 2013, the number of employees on business payrolls increased each month (see figure 4 on next page).²²² Additionally, ADP, in collaboration with Moody's Analytics, publishes an independent employment report each month using payroll data from 20 percent of U.S. businesses.²²³ Overall, the ADP/Moody's payroll results closely mirror the CES—the results have a .96 correlation—and show a similar pattern: between August 2012 and December 2013, payroll employment increased every month.²²⁴ If the national unemployment rate decreased primarily as a result of falsification on CPS, it would be unlikely for both CES and the ADP/Moody's measure to show consistent monthly job growth.

²²⁰ BLS, *Technical Notes for the Current Employment Statistics Survey*, <http://www.census.gov/aboutus/mission.html> (last visited Apr. 7, 2014).

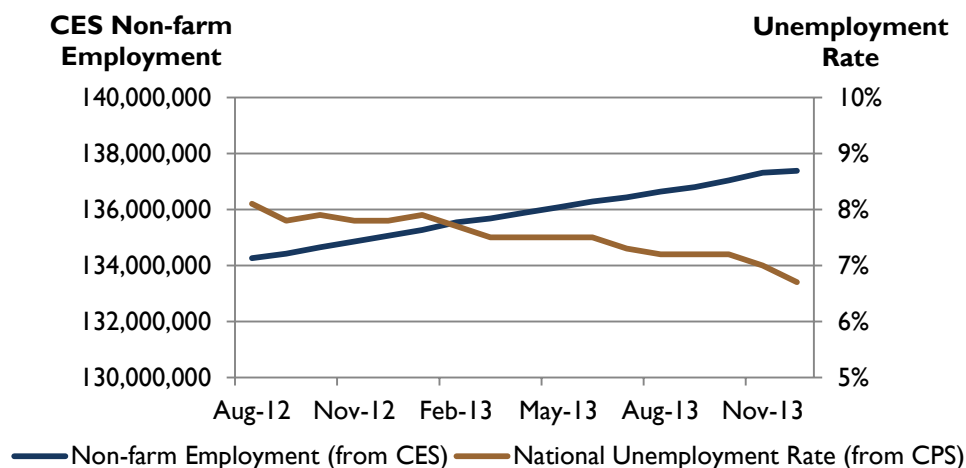
²²¹ *Technical Paper 66, supra*.

²²² See BLS, *Data Retrieval: Employment, Hours, and Earnings (CES)*, <http://www.bls.gov/webapps/legacy/cesbtab1.htm> (last visited Apr. 8, 2014) (total nonfarm, seasonally adjusted data retrieved) [hereinafter *BLS CES Historical Table*].

²²³ Moody's Analytics, *The ADP National Employment Report 3* (Oct. 2012).

²²⁴ Automatic Data Processing, Inc. (ADP) Research Institute, *National Employment Trends*, <http://www.adpemploymentreport.com/> (last visited Apr. 8, 2014) (National Resources, Historical Data retrieved).

**Figure 4: CES Non-farm Employment
Compared to the National Unemployment Rate**



Source: OIG analysis of BLS data²²⁵

In addition, OIG conducted more than 75 interviews of Philadelphia Regional Office employees at all levels, from senior management to field staff. No witness mentioned any concerns whatsoever about manipulating the unemployment rate or anything about the 2012 presidential election.²²⁶

In sum, our investigation found no evidence supporting the allegation that the national unemployment rate was manipulated by the Census Bureau's Philadelphia Regional Office management in the months leading up to the 2012 presidential election.

IV. Our investigation found no evidence supporting the allegation that Fernando Armstrong directed falsification on the American Housing Survey in order to meet performance goals

Complainant made allegations to OIG that the Philadelphia Regional Office falsified data on the AHS in August 2013.²²⁷ Complainant alleged that the Philadelphia Regional Office was behind its performance goals in the final week before the AHS closeout.²²⁸ Complainant alleged that Fernando Armstrong, Philadelphia Regional Office Director, removed Supervisor 4, Survey Statistician Office, and replaced him with Subject I, and that Subject I falsified the AHS survey

²²⁵ BLS CES Historical Table, *supra*; BLS National Unemployment Rate, *supra*.

²²⁶ See generally, e.g., OIG IRF: Philadelphia Regional Office Field Staff Interviews, *supra*; OIG IRF: Interviews of Philadelphia Regional Office Program Coordinators and Survey Statisticians Office [hereinafter OIG IRF: Philadelphia Regional Office Program Coordinators and Survey Statisticians Office Interviews].

²²⁷ OIG Hotline Complaint, dated Oct. 30, 2013 [hereinafter *Hotline Complaint*]; see also OIG IRF: Complainant Interview, *supra*, at Attach I at Tr. 108-20.

²²⁸ *Hotline Complaint*, *supra*; see also OIG IRF: Complainant Interview, *supra*, at Attach I at Tr. 108-20.

data to ensure that Mr. Armstrong and the Philadelphia Regional Office met performance goals.²²⁹ In her interview with OIG, Complainant reported that she did not have any firsthand knowledge of the alleged misconduct, but rather heard it from a “higher-up in the office” whom Complainant declined to name.²³⁰

Fernando Armstrong and Subject I denied any involvement in the alleged AHS falsification scheme.²³¹

A. *Factual Background*

Supervisor 4 is a Survey Statistician in the Philadelphia Regional Office.²³² Supervisor 4 previously worked in the Boston office, part of the New York Regional Office.²³³ In the summer of 2013, the New York Regional Office was having a staffing shortage on the AHS.²³⁴ The Chief of the Census Bureau’s Field Division requested that other Regional Offices send staff to help the New York Regional Office.²³⁵ In August 2013, Supervisor 4 was asked to go and assist the New York Regional Office on the AHS, specifically in the Boston metropolitan area (where he had previously worked) that was having the most significant staff shortage.²³⁶ Supervisor 4 was not the only Census Bureau employee who went to assist the New York Regional Office, people from all over the country came to help the New York region.²³⁷ For example, approximately 10-12 Field Representatives from the Philadelphia Regional Office were sent to help the New York Regional Office.²³⁸

²²⁹ Hotline Complaint, *supra*; see also OIG IRF: Complainant Interview, *supra*, at Attach. I at Tr. 108-20.

²³⁰ OIG IRF: Complainant Interview, *supra*, at Tr. 122-29.

²³¹ OIG IRF: Subject I Interview I, *supra*, at Attach. I at 320-22, 1572-74; OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 171-73.

²³² OIG IRF: Interview of Supervisor 4, Survey Supervisor, Philadelphia Regional Office, U.S. Census Bureau, Tr. 145-46 [hereinafter OIG IRF: Supervisor 4 Interview].

²³³ *Id.* at 123-24.

²³⁴ OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 1799-1810; see also OIG IRF: Interview of New York Regional Office Director, U.S. Census Bureau [hereinafter OIG IRF: New York Regional Office Director Interview].

²³⁵ OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 1799-1810. The New York Regional Office Director confirmed that the New York Regional Office requested assistance from the Philadelphia Regional Office with the AHS in the summer of 2013, and that Mr. Armstrong agreed to provide assistance. OIG IRF: New York Regional Office Director Interview, *supra*; see also OIG IRF: Review of Fernando Armstrong’s July 2013 – August 2013 Emails (discussions between Fernando Armstrong and New York Office Regional Director regarding the Philadelphia Regional Office sending staff to assist the New York Regional Office with the AHS).

²³⁶ OIG IRF: Supervisor 4 Interview, *supra*, at Attach. I at Tr. 167-73; OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 1814-21.

²³⁷ OIG IRF: Supervisor 4 Interview, *supra*, at Attach. I at Tr. 385-89.

²³⁸ OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 1814-21.

Subject I took over Supervisor 4's cases at the Philadelphia Regional Office when he left and wrapped up the AHS.²³⁹ Since Subject I was closing out the survey, all of the cases that were remaining after months of interviewing had to be closed.²⁴⁰ Therefore, in that respect, the number of completed cases increased, but that is part of the process when concluding a survey.²⁴¹

B. *OIG Analysis*

OIG did not find any evidence to support the allegation that Mr. Armstrong replaced Supervisor 4 with Subject I in order to falsify data on the AHS and meet performance goals.

The relevant witnesses provided OIG with a credible and verifiable explanation for Supervisor 4's work for the New York Regional Office in August 2013. For example, the New York Regional Office Director corroborated Mr. Armstrong's version of events concerning Supervisor 4 assisting the New York Regional Office. OIG also reviewed emails between the New York Regional Office, Philadelphia Regional Office, and Census Bureau Field Division management that verify these events.

In sum, our investigation found no evidence supporting the allegation that Mr. Armstrong directed falsification on the AHS in 2013.

V. Our investigation found no evidence supporting allegations of widespread survey data falsification in the Philadelphia Regional Office

Several media reports have made allegations of widespread survey data falsification in the Philadelphia Regional Office.²⁴² Complainant has also alleged widespread falsification.²⁴³

A. *Factual Background*

As a part of the reinterview process, the Census Bureau analyzed the work of 2,260 CPS interviewers from October 2007 to December 2008,²⁴⁴ 2,377 from January 2009 to

²³⁹ OIG IRF: Supervisor 4 Interview, *supra*, at Attach. I at Tr. 184-192; OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 1828-43.

²⁴⁰ OIG IRF: Armstrong Interview I, *supra*, at Attach. I at Tr. 1828-43.

²⁴¹ *Id.* at 1828-51.

²⁴² See, e.g., John Crudele, *Census may have used fishy numbers until Nov. '13*, New York Post, Mar. 10, 2014, available at <http://nypost.com/2014/03/10/census-may-have-used-fishy-numbers-until-nov-13/>; John Crudele, *Census doubters suggest curbstoning*, New York Post, Jan. 9, 2014, available at <http://nypost.com/2014/01/09/census-doubters-suggest-curbstoning/>.

²⁴³ Hotline Complaint, *supra*; see generally OIG IRF: Complainant Interview, *supra*, at Attach. I.

²⁴⁴ Memorandum from Chief, Demographic Statistical Methods Division, U.S. Census Bureau, to Chief, Demographic Surveys Division, U.S. Census Bureau, and Chief, Field Division, U.S. Census Bureau, 7 (Feb. 16,

April 2010,²⁴⁵ 2,535 from May 2010 to June 2011,²⁴⁶ and 3,085 from July 2011 to September 2012.²⁴⁷ Over that time period, the Census Bureau confirmed that 78 of those 10,266 Field Representatives (0.78 percent) had falsified survey data in at least one case.²⁴⁸

During the same time period, the Philadelphia Regional Office determined that 14 of the 889 Field Representatives (1.6 percent), a subset of the 78 of 10,266 Field Representatives in reinterview, had falsified survey data.²⁴⁹

B. *OIG Analysis*

Based on our investigation and analysis, we did not find evidence to support allegations of widespread falsification in the Philadelphia Regional Office. While OIG found instances of falsification by Philadelphia Regional Office field staff (and the Census Bureau acknowledges that there is some falsification), we did not find any evidence that survey falsification is systemic to the level of impacting the national unemployment rate or the accuracy of Census Bureau surveys such as the AHS or the CPS.

The Census Bureau's reinterview operation is in place to deter, detect and mitigate falsification. While the Philadelphia Regional Office has the second highest rate of confirmed falsifications across the Census Bureau regions, its annual falsification rates are not atypical.²⁵⁰ Of the approximately 1,200 Field Representatives working out of the Philadelphia region, reinterview examined 889 and concluded that 14 falsified data.²⁵¹ 14 confirmed falsifications over a 60-month period would be unable to substantively affect the CPS (see chapter 3.III).

2010) (Quality Control Reinterview Results from the 2007-2008 Current Population Survey) (on file with OIG) [hereinafter *2007-2008 CPS QC Report*].

²⁴⁵ Memorandum from Chief, Demographic Statistical Methods Division, U.S. Census Bureau, to Chief, Demographic Surveys Division, U.S. Census Bureau, and Chief, Field Division, U.S. Census Bureau, 6 (June 25, 2010) (Quality Control Reinterview Results from the 2009-2010 Current Population Survey) (on file with OIG) [hereinafter *2009-2010 CPS QC Report*].

²⁴⁶ Memorandum from Chief, Demographic Statistical Methods Division, U.S. Census Bureau, to Acting Chief, Demographic Surveys Division, U.S. Census Bureau, and Chief, Field Division, U.S. Census Bureau, 7 (May 10, 2012) (Quality Control Reinterview Results from the 2010-2011 Current Population Survey) (on file with OIG) [hereinafter *2010-2011 CPS QC Report*].

²⁴⁷ *2011-2012 CPS QC Report, supra*.

²⁴⁸ See generally *2007-2008 CPS QC Report, supra*; *2009-2010 CPS QC Report, supra*; *2010-2011 CPS QC Report, supra*; *2011-2012 CPS QC Report, supra*.

²⁴⁹ See generally *2007-2008 CPS QC Report, supra*; *2009-2010 CPS QC Report, supra*; *2010-2011 CPS QC Report, supra*; *2011-2012 CPS QC Report, supra*.

²⁵⁰ See generally *2007-2008 CPS QC Report, supra*; *2009-2010 CPS QC Report, supra*; *2010-2011 CPS QC Report, supra*; *2011-2012 CPS QC Report, supra*.

²⁵¹ See generally *2007-2008 CPS QC Report, supra*; *2009-2010 CPS QC Report, supra*; *2010-2011 CPS QC Report, supra*; *2011-2012 CPS QC Report, supra*.

OIG did not assess the quality of each region's reinterview process; thus, OIG cannot determine whether the Philadelphia Regional Office's higher than average rate of confirmed falsification is the product of greater than average Field Representative falsification or the result of a robust reinterview process that catches Field Representatives who falsify survey data at a better than average rate.

As discussed in chapters 3.I-3.IV, OIG extensively investigated allegations of Philadelphia Regional Office survey falsification regarding: (1) Subject 1 instructing subordinates to falsify; (2) the CPS leading up to the 2012 presidential election; and (3) the August 2013 AHS. OIG did not find any evidence to support any of these allegations.

As part of our investigation, OIG interviewed more than 50 Field Representatives and Field Supervisors, most Survey Statisticians, and senior management in the Philadelphia Regional Office. None of the field staff, aside from Key Witness and Complainant, reported ever being instructed to falsify.²⁵² At the Philadelphia Regional Office supervisory and management level, while most supervisors had encountered instances of field staff falsification in their tenure at the Census Bureau, none reported any concerns of systemic falsification or a culture of falsification in the Philadelphia Regional Office.²⁵³

In sum, our investigation found no evidence supporting allegations of widespread survey falsification in the Census Bureau's Philadelphia Regional Office.

VI. Use of Polygraph Examinations

OIG, with the assistance of another federal agency, conducted polygraph examinations of Subject 1, Subject 2, and Fernando Armstrong. Although generally inadmissible in federal court, polygraph examinations can be a beneficial investigative tool. The allegations of falsification in this investigation could not easily be substantiated solely through documents or witnesses. The polygraph examinations helped to shed light on whether the subjects may have been involved in the alleged falsification scheme. The subjects voluntarily agreed to the polygraph and did not have counsel present during the examination.²⁵⁴

Prior to the examination, each subject was interviewed by the polygraph examiner.²⁵⁵ Each of the subjects denied all allegations and stated that they never instructed anyone to falsify data and had never assisted in covering up data falsification.²⁵⁶

²⁵² OIG IRF: Philadelphia Regional Office Field Staff Interviews, *supra*.

²⁵³ See OIG IRF: Philadelphia Regional Office Program Coordinators and Survey Statisticians Office Interviews, *supra*.

²⁵⁴ OIG IRF: Polygraph Examination Reports for Fernando Armstrong, Philadelphia Regional Office Director, U.S. Census Bureau, Subject 2, Program Coordinator, U.S. Census Bureau, and Subject 1, Survey Statistician Office, U.S. Census Bureau.

²⁵⁵ *Id.* at Attach. 1 at 2, Attach. 2 at 2, Attach. 3 at 2.

²⁵⁶ *Id.*

During the examination, the subjects were asked questions regarding their involvement in falsifying survey data, planning or directing the falsification of survey data, and falsification of CPS data in 2012.²⁵⁷ Each of the subjects answered “no” to all questions.²⁵⁸ The polygraph examiner concluded that the subjects were not being deceptive when answering the questions.²⁵⁹

²⁵⁷ *Id.* at Attach. 1 at 2-3, Attach. 2 at 2-3, Attach. 3 at 2-3.

²⁵⁸ *Id.*

²⁵⁹ *Id.* at Attach. 1 at 2, Attach. 2 at 2, Attach. 3 at 2.

Chapter 4: Observations Related to Census Bureau Falsification Policies

During the course of our investigation, several observations were made concerning Key Witness, who was identified as an alleged repeated falsifier of survey data, and Census Bureau falsification policies. As discussed in chapter 3.1, Key Witness was written up by the Census Bureau for suspected falsification on numerous occasions, and admitted that he had falsified survey data when he was interviewed by OIG (though he only admitted to one or two occasions).

I. Survey supervisors do not consistently use the tools available to them for detecting and preventing survey data falsification

OIG reviewed Key Witness's monthly Current Population Survey workload from January 2010 through his termination in August 2011. Key Witness's CPS workload during this timeframe was as follows (see table 4).

Table 4. Key Witness's CPS Workload

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.
2010	99	89	95	82	74	82	70	17	61	0 ^a	0	24
2011	50	58	65	69	61	56	54	35 ^b				

Source: U.S. Census Bureau²⁶⁰

^a Key Witness did not work any CPS cases in October or November 2010 because of the falsification investigation conducted by the Philadelphia Regional Office, per its process.

^b Key Witness was terminated by the Census Bureau on August 25, 2011.

OIG reviewed the workload of all Philadelphia Regional Office Field Representatives who worked on the CPS during this timeframe. Assignment sizes varied, but Field Representatives completed, on average, approximately 30 cases during each interview period (see figure 5 on next page).²⁶¹ Key Witness's workloads of 99 cases in January 2010 and 95 cases in March 2010 were greater than any other Field Representative's workload during this time period.²⁶² Key Witness completed four of the 13 largest workloads during this timeframe.²⁶³ Having an abnormally large workload can be an indicator of potential falsification.

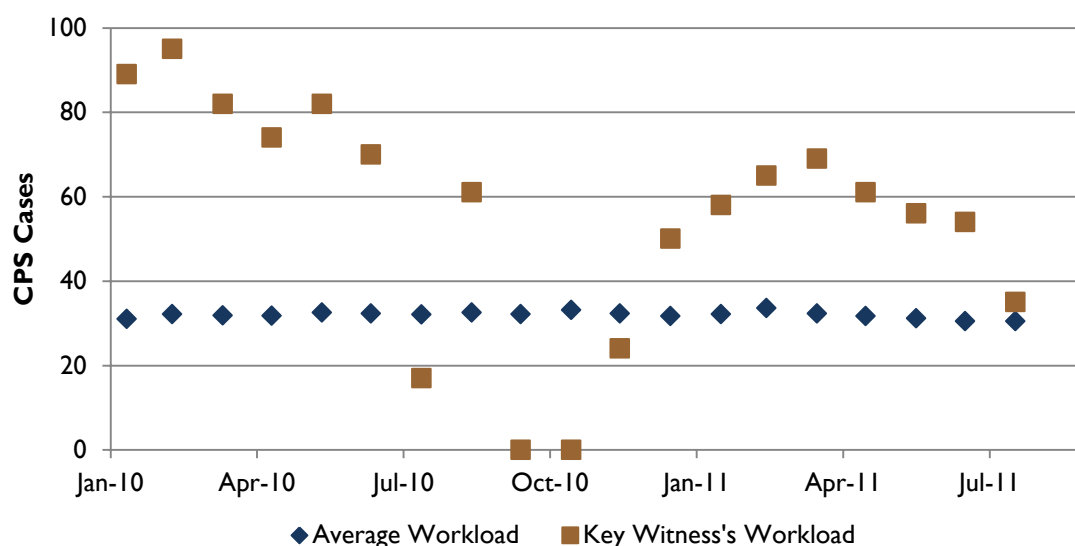
²⁶⁰ OIG IRF: Review of CPS Workload Documents, *supra*.

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Id.*

Figure 5: Average CPS Workload Compared with Key Witness's CPS Workload



Source: OIG analysis of Census Bureau data²⁶⁴

Subject I, the supervisor responsible for assigning Key Witness CPS cases during this timeframe, stated that he was unaware of why Key Witness had such a high workload.²⁶⁵ According to Subject I, he took over as Key Witness's supervisor in late 2009 and the assignment of cases had already been made by Key Witness's previous supervisor.²⁶⁶ Subject I explained that the Census Bureau tries to keep the same Field Representative assigned to his or her cases throughout the survey response period, especially during ongoing surveys such as the CPS where the same survey respondents are interviewed multiple times over a period of time.²⁶⁷

Supervisor 5, Key Witness's CPS supervisor prior to Subject I (from approximately December 2008 through December 2009), stated that he recalled Key Witness having a high CPS caseload, but that these cases were already assigned by Key Witness's previous supervisor, Supervisor 6.²⁶⁸ Supervisor 5 stated that he advised Subject 2 and a senior CPS supervisor, Supervisor 7,

²⁶⁴ *Id.*

²⁶⁵ OIG IRF: Interview II with Subject I, Survey Statistician Office, U.S. Census Bureau [hereinafter *OIG IRF: Subject I Interview II*].

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ OIG IRF: Interview of Supervisor 5, Former Survey Supervisor, U.S. Census Bureau.

about Key Witness's high caseload, but to Supervisor 5's knowledge, nothing was done to address this.²⁶⁹

Subject 2 does not recall anyone expressing concerns regarding Key Witness's caseload.²⁷⁰ Subject 2 explained that Key Witness had a larger than normal caseload, but that Key Witness's completion percentage was not abnormal and did not raise concerns.²⁷¹ Subject 2 does not recall any concerns about Key Witness falsifying survey data until it was identified during the reinterview process.²⁷²

Supervisor 7 stated that while she was never Key Witness's supervisor, she recalled him having an abnormally high CPS caseload.²⁷³ Supervisor 7 did not recall anyone raising concerns about Key Witness's caseload.²⁷⁴

Supervisor 6, Key Witness's CPS supervisor from approximately 2005 through November 2008, stated that she had no recollection of Key Witness's caseload.²⁷⁵ Supervisor 6 stated that she would remember if Key Witness had an abnormally large caseload and therefore does not believe that he did while she was his supervisor.²⁷⁶

In sum, relative to other Philadelphia Field Representatives, Key Witness carried a large caseload. OIG concludes that the evidence suggests Key Witness's assignment sizes should have raised red flags, whether with Subject 1 or Key Witness's previous supervisor(s). While Field Representative workloads do vary for legitimate reasons (e.g., rural versus urban assignment area), Key Witness's caseload was too high for too long not to have warranted closer attention.

The Census Bureau currently provides survey supervisors with tools to help them identify and prevent falsification. The Unified Tracking System collects paradata—or empirical measurements about the survey process—during and after data collection.²⁷⁷ The Contact History Instrument is an application in the survey instrument that captures information about each time a Field Representative attempts to contact a household. These tools allow supervisors to analyze specific information regarding a Field Representative's contact attempts

²⁶⁹ *Id.*

²⁷⁰ OIG IRF: Interview of Subject 2 III, Program Coordinator, U.S. Census Bureau [hereinafter *OIG IRF: Subject 2i Interview III*].

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ OIG IRF: Interview of Supervisor 7, Former Survey Statistician, U.S. Census Bureau.

²⁷⁴ *Id.*

²⁷⁵ OIG IRF: Interview of Supervisor 6 II, Survey Statistician Field, U.S. Census Bureau.

²⁷⁶ *Id.*

²⁷⁷ Chief, Technologies Management Office, Field Directorate, U.S. Census Bureau, PowerPoint Presentation, *Unified Tracking System – Cross Program Data Warehouse and Business Intelligence Project 2* (May 21, 2012) (on file with OIG).

with all households in the Field Representative's assignment that could potentially indicate falsification (e.g., an interview conducted after midnight).²⁷⁸ In our interviews with CPS Survey Statisticians Office, however, we found that some supervisors are not using these tools.²⁷⁹

II. Census Bureau employees suspected of falsifying data are sometimes allowed to continue working during the investigation

Key Witness received six Five-Day Letters between July and September 2010 for suspected data falsification and failure to follow Census Bureau procedures.²⁸⁰ Despite this, Key Witness continued to receive assignments during this time. On October 5, 2010, Subject 2 sent Key Witness a memorandum stating that

Beginning October 2010 you will not receive an assignment on CEQ, CED, or CPS until the investigation of you [sic] work is complete. You remain an employee of the U.S. Census Bureau and will be contacted regarding this issue once the investigation is completed.²⁸¹

The Philadelphia Regional Office proposed to remove Key Witness from his position on October 26, 2010²⁸² and did not give him any CPS assignments in October and November 2010.²⁸³ However, beginning again in December 2010, Key Witness continued to receive a steady workload until his termination in August 2011.²⁸⁴ This steady workload continued despite Key Witness receiving two additional Five-Day Letters in February and March 2011 for suspected data falsification and failure to follow procedures.²⁸⁵

A. Advice from the Department of Commerce Office of General Counsel has hindered the Census Bureau from removing survey work from suspected data falsifiers

Subject 1, the supervisor responsible for Key Witness's CPS assignments, stated that he was instructed by his supervisors, Subject 2 and Supervisor 2, former Assistant Regional Director for the Philadelphia Regional Office, to keep Key Witness's caseload at his average levels during the course of Key Witness's falsification investigation.²⁸⁶ Supervisor

²⁷⁸ *Id.* at 5-6; CPS CAPI 270, *supra*, at 1-6, 5-2.

²⁷⁹ OIG Interviews of Survey Statisticians Office, *supra*.

²⁸⁰ See Five-Day Letter 1, *supra*; Five-Day Letter 2, *supra*; Five-Day Letter 3, *supra*; Five-Day Letter 4, *supra*; Five-Day Letter 5, *supra*; Five-Day Letter 6, *supra*.

²⁸¹ Memorandum from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Oct. 5, 2010) (on file with OIG).

²⁸² See Letter from Subject 2, Program Coordinator, U.S. Census Bureau, to Key Witness, Field Representative, U.S. Census Bureau (Oct. 26, 2010) (on file with OIG).

²⁸³ OIG IRF: Review of CPS Workload Documents, *supra*.

²⁸⁴ *Id.*

²⁸⁵ See Five-Day Letter 7, *supra*; Five-Day Letter 8, *supra*.

²⁸⁶ OIG IRF: Subject 1 Interview II, *supra*.

2 and Subject 2 advised Subject 1 that a reduction in workload, and subsequently pay, could be considered punitive while an investigation was ongoing.²⁸⁷

Subject 2 stated that the instruction to put Key Witness back to work after he had taken away Key Witness's cases came from the Department's Office of General Counsel.²⁸⁸ Subject 2 stated that he did not speak directly with the attorneys, but rather the information was relayed to him by Supervisor 2 or Mr. Armstrong.²⁸⁹

Mr. Armstrong stated that until recent policy changes in 2014, the Office of General Counsel and/or the Census Bureau's Employee Relations Branch had not allowed the Philadelphia Regional Office to place an employee on administrative leave and pull his or her cases while the employee was being investigated for falsification.²⁹⁰ Mr. Armstrong stated that while this may explain Key Witness initially continuing to receive assignments after the suspected falsification (i.e., his assignments in July, August and September 2010), Key Witness received assignments again from December 2010 through August 2011 due to the fact that Key Witness had filed a complaint of employment discrimination.²⁹¹ Mr. Armstrong stated that he was informed that the action of taking away Key Witness's cases may have been viewed as retaliatory prior to the adjudication of Key Witness's employment discrimination case.²⁹² Mr. Armstrong stated that he received advice from the Office of General Counsel and/or the Employee Relations Branch that because of the time an investigation would take, he should return Key Witness to work status.²⁹³ Mr. Armstrong stated that there was a fear that Key Witness would allege that his removal from work was "progressive discipline."²⁹⁴

The Chief of the Census Bureau's Employee Relations Branch stated that Key Witness's removal process took a particularly long time—over a year from the first Five-Day Letter—because Key Witness made an allegation that he was directed to commit falsification by a supervisor.²⁹⁵ After receiving this information, and based upon instructions from the Office of General Counsel, the Employee Relations Branch

²⁸⁷ *Id.*

²⁸⁸ *OIG IRF: Subject 2 Interview III, supra.*

²⁸⁹ *Id.*

²⁹⁰ *OIG Case Note 74, Discussion with Fernando Armstrong [hereinafter Case Note 74].*

²⁹¹ *Id.* Key Witness contacted the Equal Employment Opportunity Office on August 10, 2010, with allegations that he was being accused of falsifying information due to his race, and that management was continually accusing him of falsification in retaliation for filing his discrimination complaint. See *Key Witness Equal Opportunity Report, supra*, Ex. 1 (Letter from Chief, Equal Employment Opportunity Program, to Key Witness dated Sept. 24, 2010). Key Witness filed a complaint on October 7, 2010. *Id.* Ex. 2 (Oct. 7, 2010, Complaint of Employment Discrimination).

²⁹² *Case Note 74, supra.*

²⁹³ *OIG IRF: Interview of Fernando Armstrong III, Philadelphia Regional Office Director, U.S. Census Bureau [hereinafter OIG IRF: Armstrong Interview III].*

²⁹⁴ *Id.*

²⁹⁵ *OIG IRF: Interview of Chief, Employee Relations Branch, U.S. Census Bureau 2 [hereinafter OIG IRF: Chief, Employee Relations Branch].*

suspended their removal process pending resolution of these allegations by OIG.²⁹⁶ Once the previous OIG investigation (11-0135) was completed, the removal process was restarted and Key Witness was removed effective August 25, 2011.²⁹⁷

A senior attorney in the Employment and Labor Law Division, Office of General Counsel, stated that his office's records indicate that two attorneys in his group provided advice to the Census Bureau on potential disciplinary action against Key Witness, but they both are no longer employed by the Department of Commerce.²⁹⁸ Documents provided to OIG by the Office of General Counsel did not include any record of advice from the Office of General Counsel to the Census Bureau to suspend its removal proceedings and/or return Key Witness to work status.²⁹⁹ OIG has not located any records of advice or instructions from the Office of General Counsel in approximately December 2010 for the Census Bureau to give Key Witness his work back.

OIG located March 2011 emails between Philadelphia Regional Office management, the Employee Relations Branch, and the Office of General Counsel concerning Key Witness. In these emails, Philadelphia Regional Office management complain about how long the process has taken, that Key Witness has continued to fail reinterview, and that they would like to pull Key Witness's work.³⁰⁰ Despite these complaints, Key Witness continued to receive cases until he was terminated from his position at the Census Bureau on August 25, 2011.³⁰¹

B. Regional Office falsification policies are inconsistent

The Chief of the Census Bureau's Employee Relations Branch also informed OIG that during the process of investigating an employee for falsification, there is not a standardized Census Bureau policy on what the temporary status of the accused employee should be.³⁰² Each Regional Office is free to set its own policy.³⁰³ The Regional Office has the ability to place an employee on administrative leave (based on an average

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ OIG IRF: Review of Documents from Employment and Labor Law Division, Office of General Counsel, Department of Commerce.

²⁹⁹ *Id.*

³⁰⁰ See Emails between Philadelphia Regional Office Management, U.S. Census Bureau Employee Relations Branch, and the Department of Commerce Office of General Counsel (on file with OIG).

³⁰¹ See OIG IRF: Review of CPS Workload Documents, *supra*.

³⁰² OIG IRF: Interview of Chief, Employee Relations Branch, *supra*, at 2.

³⁰³ *Id.*

of the last six weeks of pay), give the employee two hours of pay a week per the terms of the employment agreement, or suspend the employee without pay.³⁰⁴

OIG learned from speaking with CPS Survey Statisticians Office in each of the six Regional Offices that procedures related to falsification vary by region and that Field Representatives who are being investigated for falsification are allowed to continue to collect survey data during the investigative process. OIG found that one region removes all survey work from the Field Representative upon issuance of the Five-Day Letter.³⁰⁵ However, if the Field Representative disputes the claim but the Survey Statistician Office still suspects that falsification occurred and chooses to pursue the investigative process, the Field Representative is allowed to return to work.³⁰⁶ In this region, the Field Representative is allowed to conduct interviews up to the point that the Employee Relations Board approves his or her termination due to confirmed data falsification.³⁰⁷ The practice in this region is to allow the suspected Field Representative to continue to work in order to establish a trend of falsification.³⁰⁸ In speaking with staff from the other regions, we found that the treatment and management of a Field Representative suspected of falsification is largely left to the supervisor's discretion—typically, a Field Representative suspected of falsification has his or her survey work taken away from them at some point in the process, but it varies from the issuance of the five-day letter, to when the Survey Statistician Office receives the Field Representative's response to the letter, to the completion of the investigative process and proposed final action against the Field Representative.³⁰⁹ In most regions, the suspected Field Representative's ability to continue to work during the process is determined on a case-by-case basis.³¹⁰

OIG concludes that the evidence suggests Key Witness should not have been allowed to continue working on surveys subsequent to multiple reports of his falsifying survey data. There are no uniform Census Bureau policies on this topic, nor is there any consistency in how the Regional Offices handle instances of suspected falsification. Key Witness should not have been allowed back in the field and given new survey assignments simply because he made allegations of a supervisor directing falsification and/or employment discrimination. This creates a perverse incentive for Census Bureau employees to file false complaints when suspected of falsification (or other misconduct) to delay any action being taken against them. Even if Key Witness could not be terminated while OIG's investigation was pending, there were other options available rather than sending Key Witness back out in the field with new survey assignments.

³⁰⁴ *Id.*

³⁰⁵ *OIG Interviews of Survey Statisticians Office, supra.*

³⁰⁶ *Id.*

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ *Id.*

III. The quality assurance operation in the Regional Office is not independent, creating potential conflicts of interest

For ongoing survey operations (e.g., CPS), within each Regional Office there is a single set of managers and supervisors (i.e., Program Coordinators, Survey Statisticians Office, Survey Statisticians Field, and Field Supervisors) who are responsible for both regular interview operations and reinterview operations.³¹¹ Managers and supervisors are, at least in part, assessed based on the performance of the Field Representatives under their supervision.³¹² Reinterview assesses the quality of interviews conducted by those Field Representatives.³¹³ This arrangement lacks internal controls and creates potential conflicts of interest by asking a supervisor to review the work of Field Representatives on whose performance (at least partially) that supervisor's performance is assessed.

The quality assurance operation conducted during the Decennial Census, in which data collection and reinterview duties are segregated, is more appropriate and eliminates the potential conflicts of interest that ongoing survey operations introduce by asking supervisors to manage both data collection and reinterview. Each Local Census Office included a parallel, but separate, organization of office and field staff who were responsible for quality assurance.³¹⁴ The independent nature of regular and reinterview operations during Decennial field work removed opportunities for conflicts of interest. See figure 6 (next page) for a depiction of the difference between Regional Office and Decennial Census quality assurance operations.

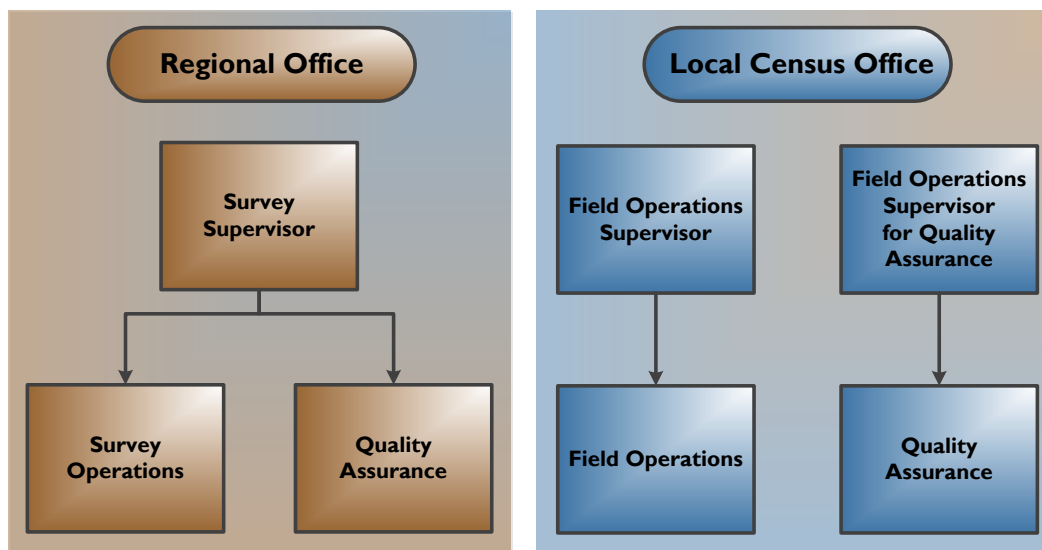
³¹¹ See Chapter 2.I, Field Organization and Regional Office Management Structure, and Survey Data Collection, *supra*.

³¹² See *id.* at Field Organization and Regional Office Management Structure, Survey Data Collection, and Performance, *supra*.

³¹³ See *id.* at Quality Assurance, *supra*.

³¹⁴ See U.S. Census Bureau, *2010 Census Nonresponse Followup – Enumerator Manual* 17, 110 (July 2009) [hereinafter *Census Nonresponse Followup Enumerator Manual*].

Figure 6. Regional Office (Ongoing Surveys) Quality Assurance Compared with Local Census Office (Decennial Census Operations) Quality Assurance



Source: OIG analysis of Census Bureau information

IV. Current Population Survey procedural manuals and training materials are outdated, inconsistent, and do not discuss falsification

Certain Census Bureau policies and manuals have not been updated to reflect the reorganized Regional Office field structure that was finalized in January 2013. More than a year later, Regional Office staff still use outdated materials to manage survey operations and train new hires. For example, the CPS office manual has not been updated since 2010 and refers to the now defunct Senior Field Representative position;³¹⁵ the CPS reinterviewer's self-study has not been updated since 2012;³¹⁶ and the CPS preclassroom self-study refers to the defunct Senior Field Representative position, does not differentiate between Survey Statistician Office and Survey Statistician Field, and instructs a new hire to call his or her "supervisor in the RO [Regional Office]"³¹⁷ when, under the new structure, a Field Representative should contact his or her Field Supervisor regarding any problems in the field.³¹⁸ Additionally, the CPS reinterviewer's manual was updated in April 2013, yet it still uses the obsolete terms: "SFR [Senior Field Representative]" and "RO [Regional Office] supervisor" and states that "CPS reinterview must be conducted by a Supervisor, SFR [Senior Field Representative], or Supervisory Clerk,"³¹⁹ when reinterview is conducted by a Field Supervisor or a Survey

³¹⁵ CPS Office Manual, *supra*.

³¹⁶ See generally U.S. Census Bureau, *Current Population Survey CAPI Reinterview – Reinterviewer's Self-Study* (rev. Nov. 2012).

³¹⁷ CPS CAPI 271, *supra*.

³¹⁸ Update on Census Bureau Field Activities, *supra*.

³¹⁹ See U.S. Census Bureau, *Current Population Survey CAPI 252, Reinterviewer's Manual 9* (Apr. 2013).

Statistician Field.³²⁰ Finally, the on-the-job training form used to conduct initial observations for new hires was last updated in 2011 and refers to the defunct Senior Field Representative position.³²¹ At the very least, these outdated materials cause extra work for trainers and confusion during the training process for new hires; at worst, the outdated materials and erroneous and conflicting instructions can lead to wasted time in the field and even errors in data collection.

The CPS materials, which the Census Bureau uses to train new hires, do not mention the prohibition against data falsification and its consequences, though the materials do instruct Field Representatives to remind respondents of the possibility of a follow-up visit for reinterview.³²² The materials do, however, include numerous references to the Census Bureau's confidentiality policy.³²³ Moreover, every Census Bureau employee is required to swear an oath of office "not [to] disclose any information . . . to any persons[,] either during or after [your] employment."³²⁴ As evidenced by the focus on confidentiality, the Census Bureau has ample opportunity to discuss data falsification and its consequences with new hires, yet it chooses not to do so.

In contrast to ongoing survey Field Representatives, Decennial enumerators (*i.e.* Field Representatives) who worked on Census 2010 operations were given clear and explicit definitions of what constituted falsification, instructions to not falsify data, as well as clearly stated consequences for intentionally falsifying data:

Data falsification is intentionally and deliberately entering wrong information. . . .

You must **not submit falsified work under any circumstances**. If you willfully falsify information . . ., you can be found guilty of perjury . . . and may be fined up to \$250,000 and/or imprisoned up to five years. You may be removed from federal service and prohibited from future federal employment.³²⁵

Additionally, Decennial Census supervisors were instructed, in the case of confirmed falsification or failure to follow census procedures, to terminate that employee's employment with the Census Bureau and reassign all of that employee's remaining work.³²⁶

³²⁰ Assistant Division Chief for Evaluation and Research, *Field Division Email 1*, *supra*.

³²¹ *On-The-Job Training & Induction Checklists*, *supra*.

³²² *CPS CAPI 270*, *supra*.

³²³ *Census CAPI Training Guide*, *supra*; *Census CAPI Preclassroom Self-Study*, *supra*.

³²⁴ U.S. Census Bureau, *Appointment Affidavits* (Sept. 13, 2006).

³²⁵ *Census Nonresponse Followup Enumerator Manual*, *supra*, at 1-7 (emphasis in original).

³²⁶ U.S. Census Bureau, *Nonresponse Followup – Crew Leader Manual 87* (Aug. 2009).

Chapter 5: Other Observations

During the course of our investigation, several other allegations and observations were made warranting discussion in this Report.

I. Census Bureau communications with field staff

Philadelphia Regional Office field staff expressed concerns regarding a high-pressure environment and management communications.

A. *Factual Background*

During our interviews of Philadelphia Regional Office field staff, many employees reported intense pressure from management to complete interviews in short periods of time, and that management expectations were unrealistic.³²⁷ Field staff also reported concerns, and provided inconsistent answers, on how to handle and classify partial and non-interviews, as well as a lack of knowledge of the relevant Census Bureau policies.³²⁸

B. *OIG Analysis*

Having clear communications with employees is an important function of effective management. Moreover, managing efficiency and striving for increased employee productivity is a key responsibility of management at not only the Census Bureau, but at any government agency. However, the means of communicating expectations appears to have caused confusion, and perhaps may be misinterpreted, by certain field staff. The evidence suggests that instructions for completing surveys are ambiguous and may be taken by field staff to get results at any cost. Further, the evidence suggests Philadelphia Regional Office field staff is not sufficiently informed on how to appropriately handle and classify partial and non-interviews.

II. Department of Commerce Office of General Counsel handling of employees who are witnesses to Congressional investigation

Complainant alleged that the Department's Office of General Counsel inappropriately publicized her name as a witness to the Congressional investigation. Complainant further alleged that the Office of General Counsel attempted to coach her in preparation for her Congressional interview and interfered with Congressional requests for her to produce documents.

³²⁷ *OIG IRF: Philadelphia Regional Office Field Staff Interviews, supra.*

³²⁸ *See id.* at Attach. I (various interview worksheets).

A. *Factual Background*

On November 22, 2013, the House Committee on Oversight and Government Reform sent a letter to John H. Thompson, Director, U.S. Census Bureau, requesting that the Census Bureau make seven current and former Census Bureau employees available for transcribed interviews.³²⁹ Complainant informed OIG that a copy of this letter was provided by the Office of General Counsel to all seven employees on the list, which includes her supervisors and are the same supervisors that she has levied accusations against.³³⁰ OIG verified with several other Census Bureau employees on the interview list that they had received the letter from the Office of General Counsel containing all of the names.³³¹

According to Complainant, the Office of General Counsel attempted on several occasions to meet with her prior to her Congressional interview.³³² OIG inquired of the Office of General Counsel its intentions in requesting to meet with Complainant and the other witnesses.³³³ An Office of General Counsel representative informed OIG that they wished to speak to these individuals to prepare them for the interviews and because most of them have never appeared before Congress.³³⁴

Complainant informed OIG that after Congress requested certain documents at her interview, an attorney present from the Office of General Counsel advised that it would be best for her not to provide the documents to Congress.³³⁵ However, Complainant further informed OIG that on the next day, an Office of General Counsel representative called her and informed her that it would be okay for Complainant to provide the documents to Congress.³³⁶ Complainant later provided a different account to OIG—that the Office of General Counsel had not called her and told her it was okay to provide documents.³³⁷ Complainant stated that she had not withheld any documents from Congress.³³⁸

³²⁹ Letter from U.S. House of Representatives Comm. on Oversight & Gov't Reform to the Honorable John H. Thompson, Director, U.S. Census Bureau (Nov. 22, 2013) (on file with OIG).

³³⁰ OIG Case Note 31, Communication with Complainant [hereinafter *OIG Case Note 31*]; OIG Case Note 36, Communication with Complainant [hereinafter *OIG Case Note 36*].

³³¹ See OIG IRF: Review of Emails from the Office of General Counsel to Fernando Armstrong, Philadelphia Regional Office Director, U.S. Census Bureau, Subject 2, Program Coordinator, U.S. Census Bureau, and Subject 1, Survey Statistician Office, U.S. Census Bureau.

³³² *OIG Case Note 31, supra*; *OIG Case Note 36, supra*.

³³³ OIG Case Note 32, Communication with Office of General Counsel.

³³⁴ *Id.*

³³⁵ OIG Case Note 56, Communication with Complainant.

³³⁶ *Id.*

³³⁷ OIG IRF: Complainant Interview, Case No. 14-0212, Attach. I at Tr. 3162-95.

³³⁸ *Id.*

B. OIG Analysis

This allegation is outside the purview of this Report. Complainant has filed separate complaints with OIG and another entity with appropriate jurisdiction regarding the Office of General Counsel's handling of this matter. Moreover, there is still a pending, open Congressional investigation into the allegations of falsification at the Census Bureau.

OIG notes that the Census Bureau (and any Department of Commerce bureau) should fully comply and not interfere with any government entity that has oversight responsibility.

Chapter 6: Recommendations

Based on our investigative findings, OIG makes the following recommendations to the U.S. Census Bureau.

1. ***Implement a reporting mechanism for confirmed data falsifications to survey sponsors.*** Currently, for instance, the Census Bureau does not notify the Department of Labor's Bureau of Labor Statistics about specific instances of Current Population Survey falsification. Irrespective of whether falsification has a statistical impact on survey results, BLS and other survey sponsors have cognizance and should be informed in the interest of transparency and full disclosure.
2. ***Implement a formal policy that prohibits employees suspected of falsification from collecting survey data during the investigative process.*** Under current Census Bureau policies, employees suspected of falsifying data are sometimes allowed to continue working during the falsification investigation. A policy prohibiting suspected data falsifiers from collecting survey data will prevent them from submitting additional inaccurate survey results.
3. ***Update procedural manuals and training materials to reflect current Regional Office field structure and inform Field Representatives about survey data falsification and the consequences of committing falsification.*** Materials used by the Census Bureau to conduct day-to-day survey operations and train new employees include references to obsolete Regional Office supervisory arrangements and positions. Training materials for new employees do not discuss survey falsification. Educating new employees about survey data falsification and emphasizing the consequences of falsification may discourage Field Representatives from falsifying survey data.
4. ***Implement an independent quality assurance process for all survey operations.*** The Census Bureau assesses supervisor performance, at least in part, by the work of a supervisor's Field Representatives, and the quality assurance process (*i.e.*, reinterview) assesses the quality of the Field Representatives' work. Currently, the same Regional Office supervisor is responsible for both the interview process and the quality assurance process, creating a potential conflict of interest. During the last Decennial Census, quality assurance employees and supervisors were independent from other operations, reducing the risk of conflicts of interest.
5. ***Ensure that all survey supervisors tasked with detecting and preventing survey data falsification are properly utilizing all available tools to safeguard against such misconduct.*** While the Census Bureau currently has tools available for identifying potentially falsified cases, supervisors rely primarily on the quality assurance process. For example, the Contact History Instrument provides the time of day Field Representatives attempt to contact respondents. Interviews conducted late at night (*e.g.*, after midnight) are at a greater risk for falsification.

- 6. *Implement internal controls to effectively monitor and limit Field Representative workloads in order to reduce the risk of falsification.*** To further reduce the risk for survey data falsification, supervisors should scrutinize workloads and staffing levels to avoid assigning atypically large workloads to Field Representatives.

OIG recently learned that Census Bureau management is working to address some of these concerns, which were raised during the course of our investigation.

Appendix A: Legal Authorities

13 U.S.C.

United States Code, 2010 Edition

Title 13 - CENSUS

CHAPTER 7 - OFFENSES AND PENALTIES

SUBCHAPTER I - OFFICERS AND EMPLOYEES

Sec. 213 - False statements, certificates, and information

§213. False statements, certificates, and information

(a) Whoever, being an officer or employee referred to in subchapter II of chapter I of this title, willfully and knowingly swears or affirms falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this title, shall be guilty of perjury, and shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) Whoever, being an officer or employee referred to in subchapter II of chapter I of this title—

(1) willfully and knowingly makes a false certificate or fictitious return; or

(2) knowingly or willfully furnishes or causes to be furnished, or, having been such an officer or employee, knowingly or willfully furnished or caused to be furnished, directly or indirectly, to the Secretary or to any other officer or employee of the Department of Commerce or bureau or agency thereof, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information provided for in this title—

shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Appendix B: Selected Census Bureau Surveys

Table B-1. Selected Reimbursable and Bureau-Sponsored Household Surveys

<i>Reimbursable Household Surveys</i>		Field Representatives ^b	FY 2015 Obligation (\$ in millions)
<i>American Housing Survey^a</i>	Sponsored by the U.S. Department of Housing and Urban Development, the AHS has collected housing and demographic data since 1973 to monitor supply and demand, changes in housing conditions and costs, as well as to advise the executive and legislative branches in the development of housing policies.	3828	\$54.5
<i>Current Population Survey</i>	Jointly sponsored by the Census Bureau and the Bureau of Labor Statistics, the CPS is the primary source of labor force statistics in the United States. CPS data help generate the national unemployment rate and illustrate both national labor market conditions, as well as those of various population groups.	2561	\$53.0
<i>National Crime and Victimization Survey</i>	Sponsored by the Department of Justice's Bureau of Justice Statistics, the NCVS reports on the amount and kinds of crime that household members encounter during a six-month period.	1033	\$30.4
<i>Consumer Expenditure Survey</i>	Sponsored by the Bureau of Labor Statistics, the CE collects information on the buying habits of American consumers to update the Consumer Price Index.	776	\$28.7
<i>National Health Interview Survey</i>	Sponsored by the Department of Health and Human Services' National Center for Health Statistics, the NHIS collects information about household members' illnesses, injuries, and impairments, as well as the kind of health services they receive.	1061	\$25.4
<i>National Ambulatory Medical Care Survey</i> <i>National Hospital Ambulatory Medical Care Survey</i>	Sponsored by the Centers for Disease Control and Prevention, the NAMCS and the NHAMCS provide objective, reliable information about the provision and use of ambulatory medical care services in the United States.	650	\$13.7
Other Reimbursable Work			\$109.9
Total Reimbursable Obligations			\$315.0

Census Bureau Sponsored Household Surveys		Field Representatives^b	Estimated FY 2015 Obligation (\$ in millions)
<i>American Community Survey</i>	Conducted monthly since 2005 in every county nationwide to collect timely demographic, social, economic, and housing data. The ACS enables the Bureau to release annual population and housing estimates for areas with at least 65,000 residents. Every three years, the Bureau releases the same information for areas with at least 20,000 residents, and in 2010, the Bureau released the first estimates at the Census tract and block level—the most precise geographic level available. The ACS replaced the decennial census long form, providing the same comprehensive information in a timelier manner.	2,679	\$234.4
<i>Survey of Income and Program Participation</i>	As the premier source of information about income and participation in government assistance programs, SIPP data provide for the examination of various government and private policies; help evaluate annual and sub-annual income dynamics; movement into and out of government transfer or assistance programs; and effects of changing family and social situations for individuals and households. These data provide a comprehensive look at how the nation's economic well-being changed over time.	347	\$45.4

Source: OIG analysis of U.S. Census Bureau information

^a Last conducted in 2013 and will be conducted again in 2015

^b Numbers are not unique; many Field Representatives work on more than one survey

Appendix C: Subject Comments

OIG provided the subjects an opportunity to review and comment on portions of the Report that pertain to them. Mr. Armstrong and Subject 2 informed OIG that they did not have any comments.³³⁹

Subject 1 informed OIG that he only had comments regarding Chapter 4.³⁴⁰ Subject 1 commented that there is nothing in Chapter 4 that states that the Senior Field Representative “is the one who ok’s and adds/subtracts work from her field representatives.”³⁴¹ According to Subject 1, each month Senior Field Representatives “would receive paper forms with each of their team members pre determined workloads. [Senior Field Representatives] had the ability to add or remove cases from one team member to another which happened all the time.”³⁴²

³³⁹ See Fernando Armstrong and Subject 2’s comments to Report excerpts provided to OIG.

³⁴⁰ Subject 1’s comments to Report excerpts provided to OIG.

³⁴¹ *Id.*

³⁴² *Id.*