

WHAT INFORMATION WAS DESTROYED---WE WILL NEVER KNOW

## **OIG Shredding Report: Dale Jones' Document Destruction Was Not Routine**

WASHINGTON - Feb. 18, 2011 (Saving Seafood) Saving Seafood has obtained from multiple sources the [unreleased April 2, 2010 report](#) of the Commerce Department Office of the Inspector General (OIG) on Destruction of NOAA Office of Law Enforcement (OLE) Documents During an Ongoing OIG Review. The report describes document destruction by former OLE Director Dale Jones while his office was under investigation and while litigation was ongoing. Senior NOAA officials have downplayed the significance of the shredding incident, stating that "no destruction of agency records before their scheduled retention took place", however the OIG report found "Such office-wide document destruction was not a routine function for OLE; rather, the Director and Deputy Director told us this was the first such exercise in their ten-plus years with OLE."

On Wednesday, reporter Armen Keteyian referred to the destruction of documents at NOAA as a "shredding party" on the [CBS Evening News with Katie Couric](#).

The report "found that [former] Director [Dale] Jones, along with certain senior and administrative staff, undertook this document destruction without regard to the careful, deliberate management of records required by federal regulation and Department of Commerce (DOC) policy." Although Mr. Jones is no longer involved with law enforcement, he remains an employee of NOAA with a six-figure salary.

Last June, Saving Seafood requested a copy -- complete or redacted -- of the April 2 report from both NOAA and the Office of the Inspector General (OIG). NOAA indicated they had no objection to releasing it, but stated that as a publication of the OIG, the decision is not theirs. The OIG advised Saving Seafood that due to privacy concerns, it was their decision not to release the report.

### ***From the findings of the Inspector General:***

"We determined that in October 2009, Director Jones approved the shredding of OLE headquarters documents, office-wide, which was carried out when a truck from a mobile document destruction company arrived on November 20, 2009, and spent an hour shredding multiple large bags of documents on the street outside OLE headquarters. From what we were able to determine, about six of OLE headquarters' 40 employees participated, with Director Jones contributing the majority of documents shredded, consisting of the contents of 140-plus files from his office, which he estimated to be 75-80% of his total files. Such office-wide document destruction was not a routine function for OLE; rather, the Director and Deputy Director told us this was the first such exercise in their ten-plus years with OLE."

"We found that Director Jones, along with certain senior and administrative staff, undertook this document destruction without regard to the careful, deliberate management of records required by federal regulation and Department of Commerce (DOC) policy. Such non-compliance is particularly troubling given OLE's obligation to ensure the proper management of its own records-especially as a federal law enforcement agency that enforces recordkeeping violations by the fishing industry it regulates. Moreover, the shredding occurred in the face of OIG's ongoing review of OLE, which required OLE to provide us with numerous records, and also during ongoing litigation. As such, the shredding implicates an appearance of impeding both the OIG review and the litigation. OLE's senior management had an obligation to ensure retention of the agency's records while under OIG review, 2 as well as during the pendency of litigation. We note that we did not find sufficient evidence to establish that the shredding was intended to obstruct our ongoing review of OLE, although it posed an adverse impact to our ongoing review."

"The shredding was done without the responsible OLE officials vetting it with their superiors in NMFS and NOAA, consulting NMFS' designated Records Management Official or NOAA's Office of General Counsel, or informing OIG in advance. Any or all of these would have been prudent steps that could have prevented the shredding. In hindsight, Director Jones and Assistant director DuBois expressed regret for not recognizing the problems with the shredding before it was carried out Deputy Director Spurrier admitted that a reason he chose not to shred anything was because he recognized it posed an appearance issue given OIG's ongoing review of OLE; however, he said he did not think to alert the Director to this risk, which he now regrets."

"Assistant Director Paternii, while advising in retrospect that such shredding would not occur again given the same set of circumstances, refused to answer the question of whether he should have recognized at the time that the shredding was problematic, commenting that records management was not his area of responsibility. The Director, Deputy Director, and Assistant Director DuBois each answered this question in the affirmative. Assistant Director Paterni's refusal was made despite a Department of Commerce (DOC) directive requiring employees to be fully cooperative and forthcoming with the OIG."

[Read the complete OIG report on Dale Jones' document shredding](#)