

Qualitative Assessment Review Guidelines

for

Federal Offices of Inspector General

**President's Council
on Integrity and Efficiency**

**Executive Council
on Integrity and Efficiency**

September 2004

ACKNOWLEDGEMENTS

These guidelines originally were developed by a team of criminal investigators from the following Offices of the Inspector General: Department of Education, Department of Transportation, and the Environmental Protection Agency. The guidelines have been revised by a team of investigative managers from the following Offices of the Inspector General:

- Department of Defense
- Environmental Protection Agency
- Federal Trade Commission
- General Services Administration
- Department of Health and Human Services
- National Aeronautics and Space Administration
- National Credit Union Administration
- National Labor Relations Board
- Office of Personnel Management
- Small Business Administration
- Treasury Inspector General for Tax Administration
- Tennessee Valley Authority
- U.S. Postal Service

The following references were reviewed during the development of this document:

1. The Inspector General Act of 1978, as amended.
2. *Quality Standards for Investigations* (December, 2003) issued by the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE).
3. "Investigative Peer Review" (January 1997) issued by the Inspector General Criminal Investigator Academy.
4. *Quality Standards for Federal Offices of Inspector General* (October 2003) issued by the President's Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE).
5. "Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority" (December 8, 2003) issued by the Office of the Attorney General, United States Department of Justice.
6. The Memorandum of Understanding between the Offices of Inspector General, the Criminal Division of the Department of Justice, and the Federal Bureau of Investigation.
7. "Quality Assurance Review Guide for Investigations" (July 1995) issued by the Department of Agriculture Office of Inspector General.

8. "Guide for Conducting External Quality Control Reviews of the Audit Operation of Offices of Inspector General" (February, 2002) issued by the PCIE Audit Committee.

**An electronic version of this guide can be located on the web at:
<http://www.ignet.gov/pande/standards/2002investguide.pdf>.**

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PREFACE

This document includes standards and guidance for conducting external quality assurance reviews of the investigative operations of federal Offices of Inspector General (OIG). It was developed by the Investigations Committee of the President's Council on Integrity and Efficiency (PCIE) to establish an independent external review process to:

1. Ensure general and qualitative standards adopted by OIGs comply with the requirements of the *Quality Standards for Investigations* adopted by the PCIE/ECIE.
2. Ensure adequate internal safeguards and management procedures exist within OIGs who exercise law enforcement powers pursuant to Section 6(e) of the Inspector General Act and the United States "Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority."

This Guide may be adapted for internal reviews within the PCIE and ECIE communities. While the Guide is designed primarily for use in OIGs that have personnel in the 1811 job series, it also provides guidance for reviewing investigative processes and records maintenance in any OIG investigative operation.

The guidance is advisory and is not intended to supplant a review team's professional judgment about the approaches to take or the specific procedures to be performed.

GENERAL CONSIDERATIONS

1. Applicability. This guide applies to qualitative assessment reviews (QAR) for investigative operations of federal OIGs. The following questionnaires and checklists were developed to assist in conducting the review of an organization.

- Appendix A is a profile sheet of administrative data about the organization being reviewed.
- Appendix B is a questionnaire to assess whether adequate internal safeguards and management procedures exist within those Offices of Inspector General that exercise law enforcement powers pursuant to Section 6(e) of the Inspector General Act and the United States “Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority.”
- Appendix C is a questionnaire to assess compliance with the general and qualitative standards outlined in the PCIE/ECIE *Quality Standards for Investigations*.
- Appendix D is a questionnaire used to sample closed investigative case files when testing the degree of compliance with the Attorney General Guidelines and/or the Quality Standards mentioned above.
- Appendix E is a copy of the “Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority.”
- Appendix F is a listing of internet links to the Attorney General directives and guidelines
- Appendix G includes sample formats for reporting QAR findings.

2. Background. This guide is based, in part, on the Inspector General Act of 1978 (as amended), the PCIE and ECIE *Quality Standards for Investigations*, (December, 2003) and the “Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority” (December 8, 2003.)

The Inspector General Act of 1978 (as amended) and the Inspector General Act Amendments of 1988 established statutory offices of inspector general (OIGs) in nearly 60 federal establishments and entities, including all cabinet departments and the largest federal agencies, smaller boards, commissions, corporations, and foundations.

The *Quality Standards for Investigations* were developed by the President’s Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency. The Standards contain three general standards and four qualitative standards. The general standards (Qualifications, Independence,

and Due Professional Care) apply to investigators and the organizational environment in which they perform. The qualitative standards (Planning, Execution, Reporting, and Information Management) apply to the management functions and processes that investigators perform.

The “Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Powers” govern the exercise of statutory police powers by Inspectors General and eligible employees and the role of federal prosecutors in providing guidance in the use of sensitive criminal investigative techniques.

- 3. Objectives of the Investigative Qualitative Assessment Review Program (QAR).** The overall objective of a QAR is to determine whether internal control systems are in place and operating effectively to provide reasonable assurance that professional investigative standards are being followed. This assessment program is intended to be positive and constructive rather than negative or punitive.
- 4. Management and Oversight of QAR Program.** The PCIE Investigations Committee has responsibility for overall management and oversight of the QAR process. The committee will resolve all issues that cannot be mutually agreed upon by the QAR team and any office being reviewed.

The Chairperson of the PCIE Investigations Committee is responsible for arranging a matching process to ensure that an OIG is subject to a QAR no less than once every three years. The selection of assessment partners should be made through a random process such as a lottery or a rotating roster of participants. The QAR schedule should be distributed on an annual or biennial basis to allow appropriate lead-time for OIGs to plan their participation.

The function of the QAR is considered inherently governmental. The process should be handled within the Inspector General (IG) community and not contracted externally.

- 5. Review Team Staffing and Qualifications.** Conducting a QAR review requires considerable professional judgment and leadership. The QAR team will consist of a team leader with appropriate investigative background and experience. It is recommended (but not mandated) that the team leader be at or above the GS-15 grade level (or equivalent). The rest of the team will consist of OIG investigators and an administrative support staff from one or more OIGs.

The team size and composition may vary depending on a number of factors including, but not limited to: the size and geographic dispersion of the OIG being reviewed; changes in organizational structure, control, and leadership; and the number, type, and importance of reports issued at each field location or satellite office.

If the organization under review handles classified information, members of the assessment team must have the appropriate level of security clearance(s) to permit a complete QAR without undue impact on the quality of the review.

- 6. Independence.** The review team members should meet the independence standards in the *Quality Standards for Federal Offices of Inspector General* and the *Quality Standards for Investigations*. To avoid any appearance of bias, care should be taken to ensure that the QAR team members do not have personal or professional relationships with the officials in the OIG being reviewed. Specifically, the QAR team members should not be former employees of the OIG organization. The OIG managing a QAR cannot review an office that conducted its most recent QAR.
- 7. Confidentiality and Security.** The QAR team should safeguard all privileged, confidential, national security or classified information in compliance with applicable laws, regulations, and professional standards.

All matters discussed, materials assembled, documents prepared, and reports generated through an external QAR should, at a minimum, be treated as proprietary information and maintained appropriately. To the extent possible, privileged and confidential information such as names and other personally identifying information should not be recorded in reports issued by the QAR team. The team leader must ensure that the team complies with relevant professional guidance on the use, protection, and reporting of information such as classified material, Internal Revenue Service tax information, and protection of grand jury material and information.

It is possible that the review team may not be granted access to sensitive material because of legal restrictions. If this situation occurs, the review team should review *the system* related to the maintenance and protection of information to determine the adequacy of established procedures. Discussion among review team members of any information obtained during an external review is limited to a need-to-know basis.

- 8. Due Professional Care.** The review team should strive to achieve quality performance by exercising due professional care and sound professional judgment in planning, performing, and reporting the results of the review.
- 9. Self-Inspection Programs.** Some OIGs have a periodic internal self-inspection program. The OIG being reviewed is not required to furnish a copy of the self-inspection report to the QAR team. The OIG under review may provide a complete self-inspection report, or portions of the self-inspection findings, to the QAR team. The self-inspection report and other findings may be reviewed by the QAR team to gather information about the OIG's compliance with applicable policies, procedures, and standards.

The use of self-inspection results as evidence can reduce the burden on the QAR team. However, it is not intended that the QAR team's final opinion on the adequacy of an investigative program be based solely on evidence

provided in an internal self-inspection. (Depending on the circumstances, the QAR team may find it more efficient not to review the self-inspection reports and go directly to reviewing available policies, procedures, and other available information. This may be the case when (1) the design of the self-inspection program is unlikely to produce reports that are useful to the QAR team or (2) the investigative operation is small enough that a number of policies, procedures, or available files and records can be reviewed in the time allotted to obtain the needed support for the required assurances).

PLANNING AND PERFORMING THE INVESTIGATIVE QUALITATIVE ASSESSMENT REVIEW

As stated above, the objective of a qualitative assessment review is to determine whether the internal safeguards and management procedures are in place and operating effectively to provide reasonable assurance that established policies, procedures, and applicable investigative standards are being followed. In making this determination, the QAR team will analyze existing policies and procedures, conduct interviews with selected management officials and the investigative staff, and sample closed investigative files and other administrative records, as warranted.

The scope of the review may be limited or expanded based on the agreement of the reviewed organization and the QAR team leader. Completion of the QAR process using Appendix A, Appendix B (if applicable), Appendix C, and Appendix D constitutes the requirements for a complete review.

1. Scope.

Appendix A – This section is an organizational profile of the office being reviewed.

Appendix B – If applicable, this section of the QAR meets the requirement of statutory law enforcement implementation. The scope of a review using Appendix B cannot be limited. (Note: An OIG that received statutory law enforcement powers under legislation other than Section 6 of the IG Act may be reviewed in accordance with its criteria.)

Appendix C – This portion of the QAR process supplements Appendix B for conducting a complete QAR. Appendix C tests an office's general conformity with the *Quality Standards for Investigations*.

Appendix D – This portion of the QAR is a checklist for sampling closed investigative files for their compliance with applicable law enforcement standards and the *Quality Standards for Investigations*.

2. Approach. Review team members should be knowledgeable of all facets of an investigation and use prudent judgment when evaluating compliance with the Inspector General Act, the *Quality Standards for Investigations*, applicable law enforcement guidelines, and OIG policies and procedures.

2. Pre-Site Review Steps. The organization being reviewed should complete Appendix A, Appendix B (if applicable), and Appendix C, citing references to pertinent policies and procedures. This documentation should be furnished to the QAR team for analysis before a site visit begins. The review team should always consider obtaining and reviewing relevant policy and procedural documentation to save time on-site.

Examples of references and other documentation that should be available for the review team to examine when the on-site review is conducted include:

- a. **Manuals, Policy Statements, and Handbooks** – pertinent documents describing the operational policies and procedures.
- b. **Semiannual Reports to Congress** – at least the four most recent semiannual reports to Congress. (The semiannual reports will provide information regarding the nature and volume of investigative work being performed. The reports may also assist the review team in identifying closed case files to be reviewed.)
- c. **A copy of the office’s last PCIE/ECIE Quality Assessment Report and a summary of the corrective action taken in response to QAR findings.**
- d. **Closed Case Inventory** – a listing of the cases closed during the past 12 months. (This listing should include information such as the case identifiers; dates the investigations were opened and closed; case types, e.g., employee integrity or procurement fraud; referral dates; disposition; types of action taken; hours charged; and grade levels of the investigators.)
- e. **Self-Inspection Report (Optional)** – a copy or appropriate portions of the self-inspection or evaluation reports conducted by the organization within the past two years or the most recent report.

Requests for information should be submitted to the OIG being reviewed approximately 60 to 90 days before the on-site review begins.

- 4. Working Environment.** Before beginning the on-site work, the QAR team leader should arrange with the reviewed agency to have adequate workspace for the review team. The Assistant Inspector General for Investigations (AIGI), or a designee, should facilitate the coordination of logistics for the QAR team and obtaining requested materials.
- 5. Review Schedule.** The QAR will be scheduled by mutual agreement between the review team and the agency to be reviewed. The size of the organization or level of detail of the review may impact the time required to complete a review.

The goal of the review team should be to complete a qualitative assessment in as little time as may be required. Therefore, the following timeframes are provided as general guidance:

Action Item	Recommended Timeframe
Appointment of QAR team leader and selection of review team.	Approximately 90 days before a site review
Conduct pre-site review and request necessary information from office being reviewed.	Approximately 60 to 90 days before the on-site review begins
Conduct on-site review and exit briefing.	5 to 10 days on site
Complete the draft QAR report and submit the draft report to the reviewed office for comment.	30 days after completing the on-site review
Allow offices being reviewed to comment on the draft report.	15 working days

6. **Entrance Briefing.** An entrance briefing will be conducted with the IG in charge of the office being reviewed. The senior investigations field office staff from each office reviewed should be invited to attend the entrance briefing. This meeting provides an opportunity to outline the objectives of the QAR; review the methodology, and express any areas of management concern.

7. **Sample Selection.** It may be prohibitive in terms of time and resources for the review team to examine each field location and the entire population of OIG records to answer specific items in the appendices.

The selection of field locations (satellite offices) included in the review involves the exercise of considerable professional judgment. The review team should strive to include offices that are representative of the OIG with greater weight given to locations with a lower level of centralized control. If prior internal inspections show a locations had problems in the past, the team may want to review a sample of the location's work to assure that corrective actions have been implemented and, if so, if they were effective.

Factors to be considered in selecting the field location(s) to be reviewed include the following:

- Number, size, and geographic dispersion of field offices
- Changes in organizational structure, control, and leadership
- Number, type, and importance of reports issued by location
- Degree of centralized control over field locations
- Results of prior internal inspection reports or other external reviews
- The need to verify the results of internal inspection reports

Due to the sensitive and dynamic nature of active investigations, it is recommended that the review team sample closed cases during the QAR (see Appendix D). In determining the number of closed cases in the sample, it should be kept in mind that the objective of the QAR is to obtain evidence regarding the performance of the OIG *overall*, not each individual office. Therefore, team leaders should not feel that they need to select a certain number of reports at each location. Rather, the sample should be representative of the major types of investigations performed by the OIG staff at the location.

The following guidance is furnished to assist the review team in determining the number of closed cases selected in the sample:

Number of Cases Closed In the Last 12 Months	Minimum Number of Closed Cases In the Sample
0 – 100 Cases	20 Closed Cases
101 – 500 Cases	30 Closed Cases
500 (or more) Cases	50 Closed Cases

The review team must apply a no-advance notice policy in advising the OIG of the closed case files selected for review during the on-site visit, if legally possible.

Sampling may also be used to perform some of the following review steps.

- a. A sample from the staff of criminal investigators may be selected to assure that they meet the basic qualifications for investigators.
 - b. A sample of training profiles or the equivalent may be selected to assure that agents maintain their investigative and law enforcement skills.
- 8. Exit Conference.** The review team should prepare and present the preliminary findings of the review to the IG and other members of the senior management team at the conclusion of the on-site visitation.

REPORTING REVIEW RESULTS (See APPENDIX G)

General. The findings of the QAR are reported in two separate documents: (1) an opinion letter and (2) a letter of suggested improvements.

- 1. Opinion Letter.** This letter is prepared by the QAR team and furnished to the IG of the reviewed organization. A copy of this letter is provided to the U.S. Attorney General if the organization has law enforcement powers pursuant to Section 6 of the IG Act. In an attachment to this letter, the QAR team must detail all major/reportable findings. The body of the letter contains information such as:
 - a. Scope of the review, including any limitations thereon, and any expansion of the review beyond the basic review guide, if applicable.
 - b. Description of the review methodology, including the field offices visited and a listing, by case number, of each investigative file reviewed.
 - c. The review team's opinion regarding the "**degree of compliance**" with PCIE/ECIE and applicable law enforcement standards.
 - d. An explanation of review team actions taken in response to the OIG's official comments to the draft report.

The "**degree of compliance**" should be characterized using the terminology below:

<i>Degree of Compliance</i>	<i>Explanation</i>
<i>Full Compliance</i>	<i>This is an Unqualified Opinion. No major deficiencies/reportable findings were identified during the review.</i>
<i>Substantial Compliance</i>	<i>This is a Qualified Opinion. Adequate controls existed to meet the standards and some minor deficiencies were noted during the review.</i>
<i>Noncompliance</i>	<i>This is an Adverse Opinion. There were a significant number of major and minor deficiencies noted during the review.</i>

- 2. Reportable Findings.** A reportable finding is defined as a significant systemic failure to conform to applicable professional standards. The decision to document a reportable finding should be supported by clear and convincing evidence of noncompliance with professional standards. If deficiencies were found in a limited number of case files or at one of several sites reviewed, they would not be considered systematic. The report should so indicate so as not to imply that the deficiencies were organization-wide and systematic. All reportable findings must be included in an attachment to the opinion letter.
- 3. Letter of Suggested Improvements.** The letter of suggested improvements is furnished to the IG of the reviewed office. Suggested improvements are minor deficiencies identified during the review and are furnished to point out areas that

need improvement. Isolated instances of policy or procedural nonconformity are included here. Additionally, a review team should identify poorly constructed office policies when the team believes the policy is inconsistent with professional standards. The team should not be reluctant to suggest that an office benchmark a policy against the policy of similar organizations. Any reference to the letter of suggested improvements should indicate that the matters discussed therein do not affect the overall opinion of the adequacy of internal safeguards and management procedures.

In keeping with the constructive nature of the QAR program, the team should report particularly noteworthy accomplishments found during the review to the PCIE Investigations Committee for dissemination. Examples of such items would be particularly creative and effective investigative procedures or particularly efficient and effective management procedures. Other OIGs may benefit from this information. This may be done in a separate letter from the team leader.

- 4. Views of Responsible Officials.** QAR findings should be both complete and fair. Exaggeration of a finding's significance should be avoided. One way to assure the objectiveness, accuracy, and completeness of the findings is to obtain the views of responsible officials. When apparent deficiencies are found during the review, the team must discuss the situation with the appropriate responsible official(s) designated by the reviewed OIG. All preliminary reportable findings must be presented during the review to the official(s) designated by the reviewed OIG. This action will help to avoid any misunderstandings and help assure that all facts are considered before a formal draft report is prepared.

The OIG being reviewed must be afforded an opportunity to comment on the formal draft report prior to the issuance of a final assessment report. All material facts provided by the reviewed organization should be considered by the review team to determine whether the initial comments included in the draft report should be revised. An explanation should be included in the final report as to what actions were taken in response to the official comments to a draft report.

- 5. Dispute Resolution.** The IG of the reviewed organization may refer a significant dispute about a draft finding to the PCIE Investigations Committee for review and resolution if the IG cannot resolve the matter with the QAR team. The OIG should provide the Investigations Committee: (a) a copy of the draft QAR report and attachments; (b) the reviewed organization's response to the draft QAR findings; and (c) a written summary of the material facts regarding the disagreement.

The Investigations Committee should work with the OIG being reviewed and the QAR team leader to resolve the dispute. A range of options are available to the Investigations Committee. For example, the Investigations Committee may elect to: (a) accept the QAR team's initial findings; (b) request the QAR review team conduct additional work to facilitate the resolution of the disagreement; (c) form a new QAR team tasked with conducting further review of the disputed findings, or (d) other options not specifically anticipated here.

As mentioned previously, the Investigations Committee should be furnished a copy of each final QAR report conducted in PCIE organizations. If the reviewed

organization receives an overall opinion rating of “noncompliance”, the organization must provide the Investigations Committee a detailed corrective action plan to bring the organization into compliance with professional standards. This plan will be made available to the U.S. Department of Justice, upon request. An organization receiving an overall noncompliance rating will not be allowed to conduct QAR reviews at other agencies until the corrective action plan has been developed and the Investigations Committee has approved its implementation.

6. **Final Reports.** A final QAR report will be issued to the IG of the reviewed office and to the Chairperson of the PCIE Investigations Committee. The IG responsible for conducting the QAR must submit a copy of the opinion letter to the U. S. Attorney General in accordance with Section 6(e)(7) of the IG Act (This requirement applies only to OIGs who receive their law enforcement authority pursuant to Section 6(c) of the IG Act.

Additionally, consistent with the *Quality Standards for Federal Offices of Inspector General*, OIGs should provide a copy of the final report resulting from the QAR to the head of the agency or department.

7. **Files Maintenance.** All files, records, notes, and memoranda or copies obtained from the office reviewed will be returned after issuing the final report. The OIG conducting the QAR should retain a copy of the final report and other information supporting the report findings

The OIG conducting the QAR will institute a record retention policy in accordance with guidelines established by the National Archive and Records Administration. All requests for access to the QAR files, to include Freedom of Information (FOIA) and Privacy Act (PA) requests, must be processed in consultation with the IG of the reviewed organization.

APPENDIX A

**QUALITATIVE ASSESSMENT REVIEW
ORGANIZATIONAL PROFILE**

OIG REVIEWED:

Name

Street Address of Headquarters
Office

City and State

KEY PERSONNEL & TELEPHONE NUMBERS:

Inspector General's Name

Telephone No.

AIGI's Name

Telephone No.

Deputy AIGI's Name

Telephone No.

Facilitator's Name (If designated)

Telephone No.

ORGANIZATION OF INVESTIGATIVE OFFICE ONLY:

Desk Officer(s) (DOs)? _____
State number

Number of managers/supervisors other than AIGI, Deputy, Dos _____
State Number

Number of attorneys/staff other than Special Agents conducting
Investigations _____
State Number

Number of special agents/investigators other than managers/supervisors, DOs

State Number

Organizational chart attached? _____
Yes or No

APPENDIX A

STAFFING OF INVESTIGATIVE OFFICE ONLY:

Other Investigative Office staff members (list by position classification and number of personnel).

Position Classification	Grade	Number of Personnel
GS-1811	5/7	
GS-1811	9	
GS-1811	11/12	
GS-1811	13	
GS-1811	14	
GS-1811	15	
GS-1811	SES	
Other Investigative Positions:		
TOTAL		

Person Completing Form

Telephone No.

Date of
Completion

APPENDIX B

**Questionnaire for Review of
Law Enforcement Powers Implementation**

PURPOSE. Appendix B is used to assess—

- (a) whether adequate internal safeguards and management procedures exist within an Offices of Inspector General exercising law enforcement powers pursuant to the Section 6(e) of the IG Act and
- (b) compliance with the “Attorney General Guidelines for Offices of Inspector General with Law Enforcement Authority”

APPENDIX B

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>A. COMPLIANCE WITH THE APPLICABLE ATTORNEY GENERAL GUIDELINES</p> <p>This section is used only for an OIG with law enforcement powers. The questions are based primarily on the requirements set forth in the Attorney General’s Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority. (See Appendix E of this Guide.)</p>					

APPENDIX B

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>B. LAW ENFORCEMENT TRAINING AND QUALIFICATIONS</p> <p>1. Has the OIG certified that individuals exercising law enforcement powers have completed Basic Criminal Investigator Course at Federal Law Enforcement Training Center (FLETC) or a comparable course of instruction?</p> <p>2. Is the OIG providing periodic refresher training to its agents in the following areas?</p> <p>a. Trial process?</p> <p>b. Federal criminal and civil legal updates?</p> <p>c. Interviewing techniques and policy?</p> <p>d. Laws of arrest, search, and seizure?</p> <p>e. Physical conditioning/ defensive tactics?</p>					

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>C. FIREARMS TRAINING AND QUALIFICATION REQUIREMENTS</p> <p>1. Have eligible individuals received initial and periodic firearms training and recertification in accordance with FLETC standards?</p> <p>2. Has the OIG Investigations Division received training (and adopted) the Department of Justice (DOJ) deadly force policy?</p> <p>3. Are eligible individuals completing quarterly firearm qualifications?</p>					
<p>D. ADHERENCE TO ATTORNEY GENERAL GUIDELINES</p> <p>1. Do eligible individuals carry their firearms while off-duty?</p> <p>2. If eligible individuals carry their firearms while off-duty, has the Inspector General determined a need based on operational or safety reasons?</p> <p>3. Is the OIG policy consistent with the Attorney General Guidelines and</p>					

<p>Memoranda on Procedures for the following:</p>					
<p>a. General Crimes?</p> <p>b. Racketeering Enterprise?</p> <p>c. Domestic Security?</p> <p>d. Terrorism Enterprise Investigations?</p> <p>e. Use of Confidential Informants</p> <p>f. Lawful Warrantless Interceptions of Verbal Communications?</p>					
<p>4. Is the OIG reporting all significant and credible allegations of abuse of authority (and disposition of matter) for eligible individuals receiving law enforcement powers under Section 6(e) (1) of the IG Act?</p>					
<p>E. NOTIFICATION AND CONSULTATION REQUIREMENTS</p> <p>1. Do OIG policies require expeditious notification of the Attorney General (AG) when there are reasonable grounds to believe there is a violation of federal criminal law?</p>					

2. Does the OIG policy require consultation with a federal prosecutor at an early stage of the criminal investigations?

F. USE OF SPECIALIZED INVESTIGATIVE PROCEDURES AND TECHNIQUES

1. Is the OIG following the requirement that it must consult with the FBI and an appropriate US Attorney's Office (or DOJ Criminal Division litigating component) when it is involved with the following:

- a. Interception of communications pursuant to 18USC Section 2510, et seq.
- b. Electronic surveillance using closed-circuit television when a warrant is required?

APPENDIX C

**Questionnaire for Review of Compliance with
PCIE/ECIE Quality Standards for Investigations**

PURPOSE. This questionnaire is based on the *Quality Standards for Investigations*, adopted by the PCIE and ECIE in December, 2003. The Quality Standards contain three general standards (Qualifications, Independence, and Due Professional Care) and four qualitative standards (Planning, Execution, Reporting, and Information Management).

Appendix C is applicable to all Offices of the Inspector General. It is used to review the level of conformity with the standards adopted in the PCIE/ECIE *Quality Standards for Investigations*.

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>A. STAFF QUALIFICATIONS</p> <p>This standard requires that individuals assigned to conduct the investigative activities must collectively possess professional proficiency for the task required.</p> <p>1. Education/Experience The standards state it is desirable that all newly appointed investigators possess a degree from an accredited four-year college. However, the standards state that, depending on the specific needs of the agency, allowances may be made to substitute job experience for a college education.</p> <p>a. Do all newly appointed investigators</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>possess a degree from a four-year college?</p> <p>b. Do those newly appointed investigators who lack a degree from a four-year college have appropriate substitute experience?</p> <p>2. Character - The standards state that a suitability determination should be made as to the investigator's character, reputation, trustworthiness, and overall fitness. A determination of suitability will be based on the results of a background investigation, including personal interviews, written inquiries and confirmations, record searches, and a review of the applicant's compliance with programs administered by the agency.</p> <ul style="list-style-type: none"> • Were background investigations conducted on all investigators? 					
<p>3. Physical Capabilities - The standards state that each investigative organization should develop job-related physical requirements in accordance with current statutes, regulations, and</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>agency policy to enable investigators to discharge their duties adequately, while promoting personal well-being.</p> <ul style="list-style-type: none"> • Has the organization developed physical requirements? <p>4. Fitness Program - The standards state that some organizations may wish to establish a fitness program for its investigative staff.</p> <p>a. Has this agency determined whether it should establish a fitness program for its investigative staff?</p> <p>b. Has this agency established a fitness program for its investigative staff?</p>					
<p>5. Age – The standards state that consideration must be given to minimum and maximum age requirements for entry-level positions in accordance with applicable statutes and regulations.</p> <p>a. Has the organization considered whether it should establish minimum and maximum age</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>requirements for entry-level positions?</p> <p>b. Has the organization established minimum and maximum age requirements for entry-level positions?</p>					
<p>B. <u>DUE PROFESSIONAL CARE</u></p> <p>This general standard requires that due professional care be used in conducting investigations and in preparing related reports. The standard requires a constant effort to achieve professional performance.</p>					
<p>Does the organization have policies, procedures, and systems in place to assure that:</p> <ol style="list-style-type: none"> 1. Investigations are conducted in a diligent and complete manner, and reasonable steps are taken to ensure that all appropriate criminal, civil, contractual, or administrative remedies are considered. 2. Investigations are conducted in accordance with applicable laws, rules, regulations, DOJ guidelines, and with 					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>due respect for the rights and privacy of those involved.</p> <p>3. The methods and techniques used in each investigation are appropriate for the circumstances and objectives.</p> <p>4. Investigations are conducted in a fair and impartial manner and with the perseverance necessary to determine the facts.</p> <p>5. Evidence is gathered and reported in an unbiased and independent manner in an effort to determine the validity of an allegation or to resolve an issue.</p>					
<p>6. Does the organization have policies to assure that investigators are aware of generally accepted standards of conduct for government employees and procedures to address noncompliance?</p> <p>7. Does the organization have a drug testing policy for investigative personnel?</p> <p>8. Does the organization comply with the provisions of the Lautenberg Amendment (if applicable)?</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
9. Does the organization have policies that require completion and reporting of investigations in a timely manner?					
10. Are the investigative report findings and accomplishments supported by adequate documentation in the case file?					
11. Does the organization have a policy dealing with union representation at subject and informational interviews?					
12. Does the organization have policies and procedures for receiving, identifying, storing, and preserving documentary and physical evidence?					
13. Does the organization have adequate procedures for maintaining the chain of custody for documentary and physical evidence?					
14. Are organizational policies and procedures for securing, storing, and disposing of federal grand jury information consistent with Rule 6(e) of the FRCP (if applicable)?					
15. Do organizational					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>policies and procedures require periodic inventory of accountable property such as credentials, specialized technical/ monitoring equipment, handguns, specialized weapons and ammunition (if applicable)?</p>					
<p>C. <u>PLANNING</u></p> <p>This qualitative standard provides that the investigative organization should establish organizational and case specific priorities and develop objectives to ensure that individual case tasks are performed efficiently and effectively.</p> <p>The guidelines state (p. 8) that organizations should prepare goal-oriented operational plans; that a basic, single-source planning document should present each organization's goals, allocation of resources, budget guidance, performance measures, and a guide for managers to implement these plans.</p> <p>1. Does the organization have such a planning document?</p>					
<p>The standard states that when a decision to initiate an investigation is made,</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>the organization should prepare, if appropriate, an investigative plan, as soon as possible.</p> <p>2. Does the organization promptly prepare individual case plans for its investigations?</p> <p>3. Do the individual case plans contain information deemed necessary by the <i>Quality Standards for Investigations</i>?</p>					
<p>D. EXECUTION</p> <p>This qualitative standard states that the investigative organization conduct investigations in a timely, efficient, thorough, and legal manner.</p> <p>1. The guidelines require that contemporaneous interview notes in a criminal investigation be retained at least until final disposition of the case.</p>					
<ul style="list-style-type: none"> • Are notes retained until final case disposition? <p>2. The guidelines state that two investigators should be present when conducting interviews in situations that are potentially hazardous or compromising.</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<ul style="list-style-type: none"> • Does organizational policy conform to this guideline? 					
<p>3. The guidelines state that requests for witness confidentiality should be considered and properly documented.</p> <ul style="list-style-type: none"> • Does organizational policy conform to this guideline? 					
<p>4. The guidelines state that the collection of evidence should be undertaken so as to ensure that all relevant material is obtained, the chain of custody is preserved, and the evidence is admissible in a subsequent proceeding.</p> <p>a. Does the organization have appropriate policies and procedures for the gathering and preservation of evidence?</p>					
<p>b. Does a sampling of closed case files show that there is compliance with the policies and procedures for the gathering and preservation of evidence?</p>					
<p>5. The guidelines state that investigative</p>					

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<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>activities should be documented in the case file in an accurate and complete manner.</p> <p>a. Does the organization have policies and procedures for the appropriate documentation of investigative results?</p> <p>b. Are investigative results being documented in a timely, accurate, and complete manner?</p> <p>6. The guidelines state that interviews, evidence collection, and other activities must be initiated, conducted, and reported in accordance with applicable laws, rules, and regulations, and consistent with due respect for the rights and privacy of those involved.</p>					
<p>a. Does the organization have clear written guidance on providing rights to interviewees and obtaining waivers?</p> <p>b. Does the organization have policies and procedures regarding the safeguarding of</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>privacy?</p> <p>7. Where applicable, does the organization have policies and procedures to safeguard grand jury information from unauthorized disclosure, as required by Rule 6(e) of the Federal Rules of Criminal Procedure?</p> <p>8. Where applicable, is grand jury information securely stored, properly marked, and properly disposed of? (Sample)</p> <p>9. Where applicable, is consensual monitoring conducted in accordance with the procedures established by the applicable Attorney General's guidance?</p>					
<p>10. Where applicable, does the organization have policies and procedures to assure the proper use of mail covers?</p> <p>11. The guidelines state (p.10) that supervisory reviews of case activities should occur periodically to ensure that cases are progressing in an efficient, effective, thorough, and legal manner.</p> <p>a. Does the</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>organization have policies requiring periodic case reviews?</p> <p>b. Is there documentation that periodic case reviews are being conducted?</p>					
<p>E. <u>REPORTING</u></p> <p>This qualitative standard is that reports of investigation must thoroughly address all relevant aspects of the investigation and be accurate, clear, complete, concise, logically organized, timely, and objective.</p> <p>1. Does the organization have policies, procedures, and systems that govern preparation of reports of investigation?</p>					
<p>2. The guidelines to this standard state that reports must contain exculpatory evidence and relevant mitigating information when discovered during an administrative investigation and that exculpatory evidence in a criminal or civil investigation must be brought to the attention of the prosecutor.</p> <ul style="list-style-type: none"> • Does the organization have policies, procedures, and 					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>systems to inform its staff that exculpatory material must be disclosed?</p> <p>3. The guidelines state that evidence outlined in a report must be supported by documentation in the case file.</p> <ul style="list-style-type: none"> • Does the organization have a quality assurance process to assure that statements made in reports are supported with documentation? (Sample) <p>4. The guidelines state that prosecutive reports should not contain opinions, conclusions, or personal views.</p> <ul style="list-style-type: none"> • Is the policy of the organization for preparing reports consistent with the guideline recommendation? <p>5. The guidelines state that systemic weaknesses or management problems disclosed in an investigation should be reported to agency officials.</p> <ul style="list-style-type: none"> • Does the organization have a policy of reporting systemic 					

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<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>weaknesses identified during an investigation to agency officials?</p>					
<p>F. <u>INFORMATION MANAGEMENT</u></p> <p>This qualitative standard for information management is that investigative data be stored in a manner allowing effective retrieval, cross-referencing, and analysis.</p> <p>The guidelines to this standard state that written directives should exist that define the organizational component responsible for record maintenance and the specific procedures to be performed.</p> <p>1. Does the organization have such directives?</p>					
<p>2. The guidelines state that the accurate processing of information, essential to an agency's investigative mission, needs an orderly, systematic, and accurate index system.</p> <ul style="list-style-type: none"> • Does the organization have an accurate index system? <p>3. The guidelines state that written guidance should define the data elements to be recorded in the system and that this guidance should be based on</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>legal requirements and needs.</p> <p>a. Does the organization have such written guidance?</p> <p>4. The guidelines state that policies, procedures, and instructions for handling and processing complaints should be in place.</p>					
<ul style="list-style-type: none"> • Does the organization have policies, procedures, and instructions for handling and processing complaints? <p>5. The guidelines state that agencies should adopt procedures to ensure that basic information about complaints is recorded and tracked to final resolution.</p> <ul style="list-style-type: none"> • Has the organization adopted procedures to ensure that basic information about complaints is recorded and tracked to final resolution? <p>6. The guidelines state that agencies should establish guidelines, including the level of</p>					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>the approving authority, for making a determination to initiate an investigation or to pursue another course of action.</p> <ul style="list-style-type: none"> • Has the organization established such guidelines? 					
<p>7. The guidelines state that management should have certain information available to perform its responsibilities and measure its accomplishments, and respond to external customers. Various items of workload data, identification data, and investigative results data are listed in the <i>Quality Standards</i>.</p> <ul style="list-style-type: none"> a. Does the organization have the policy, procedures, and systems necessary to collect the data needed to assist management in performing its responsibilities and measuring its accomplishments? b. Is there documentary support for the criminal, civil, administrative, and other accomplishments included in the 					

APPENDIX C

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p style="padding-left: 40px;">semiannual reports? (Sample last two semi-annual reports.)</p> <p>8. The guidelines state that all investigative activity, both exculpatory and incriminating, should be in the official case file.</p>					
<ul style="list-style-type: none"> • Does organizational policy conform to this guideline? <p>9. The guidelines state that a case file should be established immediately upon the opening and assignment of an investigation.</p> <ul style="list-style-type: none"> • Does organizational policy conform to this guideline? 					
<p>10. The guidelines state that written directives should specify procedures for: file organization, maintenance and storage; assignment of case numbers, filing of documents and exhibits, storing evidence, distribution and dissemination of reports, file access record, and record retention.</p> <ul style="list-style-type: none"> • Does the organization have written directives 					

APPENDIX C

Review Steps

and does a sampling of closed cases confirm compliance with them?

<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>

APPENDIX D

**QUALITATIVE ASSESSMENT REVIEW
CHECKLIST FOR REVIEWING INVESTIGATIVE CASE FILES**

OIG UNDER REVIEW _____

Reviewer(s):

Name	Title	Phone No.

Date Completed: _____

Note: This checklist refers to standards established by the PCIE/ECIE *Quality Standards for Investigations* and the Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority. If the AG Guidelines are not applicable to the OIG being reviewed, some of the questions may be marked "NA" on the check sheet

APPENDIX D

QUALITATIVE ASSESSMENT REVIEW
Checklist for Review of Investigative Case Files

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>A. <u>COMPLIANCE WITH THE APPLICABLE ATTORNEY GENERAL GUIDELINES</u></p> <p>1. Does the case agent exercise statutory law enforcement powers?</p> <p>2. Does the case agent derive his/her statutory law enforcement authority from Section 6(e) of the IG Act?</p> <p>3. If the answer to 2. above is yes; is the Special Agent supervised by the Assistant Inspector General for Investigations?</p>					
<p>B. <u>LAW ENFORCEMENT TRAINING AND QUALIFICATIONS</u></p> <p>1. Has the OIG case agent completed Basic Criminal Investigator Course at Federal Law Enforcement Training Center (FLETC) or a comparable course</p>					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>of instruction?</p> <p>2. Is the OIG case agent participating in a program of periodic refresher training in the following areas?</p> <p>a. Trial process?</p> <p>b. Federal criminal and civil legal updates?</p> <p>c. Interviewing techniques and policy?</p> <p>d. Laws of arrest, search, and seizure (if applicable)?</p> <p>e. Physical conditioning/ defensive tactics (if applicable)?</p>					
<p><u>C. FIREARMS TRAINING AND QUALIFICATION REQUIREMENTS</u></p>					
<p>1. Is the Special Agent receiving periodic firearms training and recertification in accordance with FLETC standards?</p> <p>2. If applicable, has the Special Agent received training in the Department of Justice (DOJ) deadly force policy?</p>					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>D. <u>ADHERENCE TO ATTORNEY GENERAL GUIDELINES</u></p> <p>1. Does the Special Agent carry a firearms while off-duty?</p> <p>2. If the eligible individual carries a firearms while off-duty, has the Inspector General determined a need based on operational or safety reasons?</p>					
<p>E. <u>NOTIFICATION AND CONSULTATION REQUIREMENTS</u></p> <p>1. If this is a criminal investigative file, did the case agent consult with a federal prosecutor at an early stage of the investigations?</p> <p>2. Did the OIG notify the FBI within 30 calendar days after this criminal investigation was initiated?</p>					
<p>F. <u>USE OF SPECIALIZED INVESTIGATIVE PROCEDURES AND TECHNIQUES</u></p> <ul style="list-style-type: none"> • If applicable, is the OIG following the requirement that it must consult with the FBI and an appropriate US 					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
Attorney's Office (or DOJ Criminal Division litigating component) when it is involved with the following: ➤ Interception of communications pursuant to 18 USC Sections 2510, et seq.					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p><i>Standards?</i></p> <p>2. Education/ Experience –</p> <p>a. If newly appointed, does the investigator possess a degree from a four-year college?</p> <p>b. If newly appointed and lacking a degree from a four-year college, does the case agent have appropriate substitute experience?</p> <p>3. Character –</p> <p>a. Was a background investigation conducted on this investigator?</p>					
<p>4. Age –</p> <p>a. Does the investigator meet any established minimum and maximum age requirements for entry-level positions?</p>					
<p>J. DUE PROFESSIONAL CARE</p> <p>1. Does this case file demonstrate that the</p>					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>organization took reasonable steps to ensure that all appropriate criminal, civil, contractual, or administrative remedies were considered?</p>					
<p>2. Were the methods and techniques used in this case appropriate for the circumstances and objectives?</p>					
<p>3. Was this investigation conducted in a fair and impartial manner and with the perseverance necessary to determine the facts?</p>					
<p>4. Was a periodic case review conducted by a supervisor?</p>					
<p>5. Are the report findings and accomplishments adequately documented in the case file?</p>					
<p>6. If applicable, was the subject afforded rights to representation during an interview if he/she is a union member?</p>					
<p>9. Was the chain of custody appropriately maintained for documentary and physical evidence</p>					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
collected in this case?					
10. If applicable, was a periodic inventory conducted of the agent's accountable property (e.g. credentials, handgun and associated equipment, protective vest, raid jacket, and specialized technical/monitoring equipment assigned)?					
E. PLANNING					
1. Is there a case planning document in this file?					
2. Was it prepared promptly upon opening of the case?					
3. Does the case planning document contain the applicable information from the <i>Quality Standards</i> ?					
4. Were two investigators present when interview situations involved potentially hazardous or compromising situations?					
5. If applicable, did the investigator consider, properly afford, and document witness					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
confidentiality?					
6. Was the documentary and physical evidence collected in the case received, identified, and stored in accordance with the organization's policies and procedures?					
7. Were the subject's rights and waivers clearly documented?					
8. If applicable, was grand jury information safeguarded from unauthorized disclosure, as required by Rule 6(e) of the Federal Rules of Criminal Procedure?					
9. Was the federal grand jury information properly marked, securely stored, and properly disposed of?					
10. If applicable, was the organization's mail cover properly documented?					
12. Were statements made in the final report supported with documentation in the file? (Sample)					
13. If applicable, was the prosecutive report free of					

APPENDIX D

<u>Review Steps</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>
<p>opinions, conclusions, or personal views?</p> <p>14. If applicable, were the systemic weaknesses identified during the investigation reported to agency officials?</p>					
<p>F. INFORMATION MANAGEMENT</p> <p>1. Does the organization possess an orderly, systematic, and accurate index system?</p> <p>2. Was investigative data stored in a manner to facilitate effective retrieval, cross referencing, and analysis?</p> <p>3. Does the organization have an organizational component responsible for records maintenance?</p> <p>4. Does the organization appropriately assign case numbers, file exhibits, store evidence, distribute and disseminate reports?</p> <p>5. Does the organization control</p>					

APPENDIX D

Review Steps

access to open and closed files?

<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>References</u>	<u>Comments</u>

APPENDIX E

**ATTORNEY GENERAL GUIDELINES FOR OFFICES OF INSPECTOR
GENERAL WITH STATUTORY LAW ENFORCEMENT AUTHORITY**

Insert AG Guidelines Here

APPENDIX F

Directive and guidance mentioned in this Guide and in the “Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority” can be obtained using the internet. See the sites listed below:

- **PCIE/ECIE Quality Standards for Investigations**
<http://www.ignet.gov/pande/standards/invstds.pdf>
- **Attorney General’s Guidelines On General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations:** <http://www.usdoj.gov:80/olp/generalcrimes2.pdf>
- **Attorney General’s Guidelines Regarding the Use of Confidential Informants:**
<http://www.usdoj.gov/ag/readingroom/ciguide.htm> or
<http://www.usdoj.gov/olp/dojguidelines.pdf>
- **Attorney General’s Memorandum on Procedures for Lawful, Warrantless Monitoring of Verbal Communications:**
<http://www.usdoj.gov:80/oip/consnmem.htm>
- **For other Attorney General Guidelines Applicable To Investigative Practices, also see**
<http://www.usdoj.gov/05publications/index.html>
<http://www.usdoj.gov/criminal/publicdocs/11-1asof/11-1asof.htm>

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Appendix G
SAMPLE REPORTS

Following are sample reports and attachments that may be used by the review team in preparing the QAR Report.

SAMPLE COVER PAGE

REPORT ON THE QUALITY ASSESSMENT REVIEW OF THE INVESTIGATIVE OPERATION OF THE OFFICE OF INSPECTOR GENERAL FOR THE TENNESSEE VALLEY AUTHORITY

Conducted at Knoxville, Tennessee

by

**US Department of Commerce
Office of the Inspector General
Washington, DC**

**The Honorable Johnnie E. Frazier, Inspector General
John Investigator, Team Leader**

September, 2004

S A M P L E

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SAMPLE REPORT # 1

FULL COMPLIANCE FINDING

Report on the External Quality Assessment Review

August 15, 2004

The Honorable Richard W. Moore
Inspector General
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Subject: *Report on the Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Tennessee Valley Authority*

Dear Mr. Moore:

We have reviewed the system of internal safeguards and management procedures for the investigative function of the Office of Inspector General for the Tennessee Valley Authority (TVA OIG) in effect for the period ended _____. Our review was conducted in conformity with the PCIE/ECIE Quality Standards for Investigations, the Quality Assessment Review guidelines established by the President's Council on Integrity and Efficiency (PCIE), and the Attorney General's Guidelines for Office of Inspectors General with Statutory Law Enforcement Authority.

We reviewed compliance with the TVA OIG's system of internal policies and procedures to the extent we considered appropriate. The review was conducted at the headquarter's office in Knoxville, Tennessee, and ___satellite/field locations. Additionally, we sampled ___ case files for investigations closed during the previous 12-month period.

In performing our review, we have given consideration to the prerequisites of Section 6(e) of the Inspector General Act of 1978 (as amended) and Section 812 of the Homeland Security Act of 2002 (Pub.L. 107-296). Those documents authorize law enforcement powers for eligible personnel of each of the various offices of presidentially appointed Inspectors General. Those powers may be exercised only for activities authorized by the

Inspector General Act of 1978, other statutes, or as expressly authorized by the Attorney General.

In our opinion, the system of internal safeguards and management procedures for the investigative function of the TVA OIG in effect for the year ended _____, is in full compliance with the quality standards established by the PCIE and the Attorney General guidelines. These safeguards and procedures provide reasonable assurance of conforming with professional standards in the conduct of its investigations.

Sincerely,

SAMPLE REPORT #2

SUBSTANTIAL COMPLIANCE FINDING

Report on the External Quality Assessment Review

August 15, 2004

The Honorable Richard W. Moore
Inspector General
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Subject: *Report on the Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Tennessee Valley Authority*

Dear Mr. Moore:

We have reviewed the system of internal safeguards and management procedures for the investigative function of the Office of Inspector General for the Tennessee Valley Authority (TVA OIG) in effect for the period ended _____. Our review was conducted in conformity with the PCIE/ECIE Quality Standards for Investigations, the Quality Assessment Review guidelines established by the President's Council on Integrity and Efficiency (PCIE), and the Attorney General's Guidelines for Office of Inspectors General with Statutory Law Enforcement Authority.

We reviewed compliance with the TVA OIG's system of internal policies and procedures to the extent we considered appropriate. The review was conducted at the headquarter's office in Knoxville, Tennessee, and ___ satellite locations. Additionally, we sampled ___ case files for investigations closed during the previous 12-month period.

In performing our review, we have given consideration to the prerequisites of Section 6(e) of the Inspector General Act of 1978 (as amended), and Section 812 of the Homeland Security Act of 2002 (Pub.L. 107-296). Those documents authorize law enforcement

powers for eligible personnel of each of the various offices of presidentially appointed Inspectors General. Those powers may be exercised only for activities authorized by the Inspector General Act of 1978, other statutes, or as expressly authorized by the Attorney General.

In our opinion, the system of internal safeguards and management procedures for the investigative function of the TVA OIG in effect for the year ended _____, is in substantial compliance with the quality standards established by the PCIE and the Attorney General Guidelines. This opinion is based on the ____ reportable finding(s) identified during the review. The safeguards and procedures generally provide reasonable assurance of conforming with professional standards in the conduct of its investigations. (See Attachment 3).

Sincerely,

SAMPLE REPORT #3

NONCOMPLANCE FINDING

Report on the External Quality Assessment Review

August 15, 2004

The Honorable Richard W. Moore
Inspector General
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Subject: *Report on the Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Tennessee Valley Authority*

Dear Mr. Moore:

We have reviewed the system of internal safeguards and management procedures for the investigative function of the Office of Inspector General for the Tennessee Valley Authority (TVA OIG) in effect for the period ended _____. Our review was conducted in conformity with the PCIE/ECIE Quality Standards for Investigations, the Quality Assessment Review guidelines established by the President's Council on Integrity and Efficiency (PCIE), and the Attorney General's Guidelines for Office of Inspectors General with Statutory Law Enforcement Authority.

We reviewed compliance with the TVA OIG's system of internal policies and procedures to the extent we considered appropriate. The review was conducted at the headquarters office in Knoxville, Tennessee, and ___ satellite locations. Additionally, we sampled ___ case files for investigations closed during the previous 12-month period.

In performing our review, we have given consideration to the prerequisites of Section 6(e) of the Inspector General Act of 1978 (as amended) and Section 812 of the Homeland Security Act of 2002 (Pub.L. 107-296). Those documents authorize law enforcement powers for eligible personnel of each of the various offices of presidentially appointed

Inspectors General. Those powers may be exercised only for activities authorized by the Inspector General Act of 1978, other statutes, or as expressly authorized by the Attorney General.

In our opinion, the system of internal safeguards and management procedures for the investigative function of the TVA OIG in effect for the year ended June 30, 2004, is not in compliance with the quality standards established by the PCIE and the Attorney General guidelines. Our opinion is based on the _____ reportable finding(s) which represent weaknesses and opportunities for improvement. These findings are enumerated in Attachment 3. In our view, the safeguards and management procedures in this organization do not provide reasonable assurance of conforming to professional standards in the conduct of its investigations.

Sincerely,

SAMPLE REPORT #4

Letter of Suggested Improvements

August 15, 2004

The Honorable Richard W. Moore
Inspector General
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Subject: *Letter of Suggested Improvements on the Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Tennessee Valley Authority*

Dear Mr. Moore:

We have reviewed the system of internal safeguards and management procedures for the investigative function of the Office of Inspector General for the Tennessee Valley Authority (TVA OIG) in effect for the period ended _____. You have been furnished a report revealing the degree of compliance with applicable standards and any reportable findings identified. This letter should be read in conjunction with that information, but does not change the report.

Our review was conducted for the purpose of reporting on the TVA OIG's system of internal safeguards and management procedures and its compliance with those standards. The review was conducted in conformity with the standards and guidelines established by the President's Council on Integrity and Efficiency (PCIE) and the Attorney General's Guidelines for Office of Inspectors General with Statutory Law Enforcement Authority.

Attachment 3 includes the listing of suggested improvements identified by the review team. In response to our draft report, the Inspector General indicated that he/she generally agrees with the suggestions for improvement. The Inspector General's response, enclosed in its entirety as Attachment 4, presents planned actions to address the suggestions.

Sincerely,

S A M P L E

Attachment 1: Satellite Locations

Locations Included in the Assessment

<u>Satellite Location</u>	<u>No. of Personnel Interviewed</u>
Knoxville, Tennessee	10
Chattanooga, Tennessee Field Office	2
Huntsville, Alabama Field Office	2

SAMPLE

Attachment 2: Review of Closed Investigative Files

<u>File Number</u>	<u>Case Closing Date</u>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

S A M P L E

Attachment 3: Reportable Findings

1. The Attorney General guidelines mandates that certain investigations be conducted jointly with the FBI or another law enforcement agency that has statutory law enforcement and jurisdiction over the offense. We determined that this organization did not coordinate with the FBI and/or other law enforcement agencies when the investigation used a sensitive undercover technique in a bribery investigation. In our review of closed cases, we reviewed five criminal cases that involved the use of an undercover operation (UCO). Each UCO lasted for more than nine months. We found no evidence that the organization coordinated with the FBI/other law enforcement agencies in any of the cases. The Assistant Inspector General for Investigations (AIGI) was interviewed regarding this matter. He generally agreed with our finding. Following is a listing by file number of the cases reviewed.
2. The PCIE/ECIE Quality Standards for Investigations mandates that all investigators must successfully complete a formal basic training course. The Attorney General guidelines requires each OIG Special Agent to certify completion of the basic criminal investigator program at FLETC or another federal law enforcement training facility. During our review we identified two Special Agents assigned to conduct criminal investigations and who had not attended a formal basic training course at a federal law enforcement training academy. Both individuals were hired by this organization in 1998. One individual was formerly employed as a security guard. The second individual was previously employed as a police officer. The police officer was previously certified as a law enforcement officer in his home state. The AIGI was interviewed regarding this matter. He generally agreed with our finding.
3. The Attorney General guidelines mandates that an organization implement a program of quarterly firearms qualifications for deputized IG Special Agents. A review of the organization's investigative policy revealed that Special Agents are required to qualify with their assigned firearm "at least once each 12 months." A review of the training records for the organization revealed that 22 of the 25 Special Agents assigned during the past 12 months had not received quarterly firearms training. The AIGI and the organization's firearms instructor were interviewed regarding this matter. The AIGI generally agreed with our finding.

S A M P L E

Attachment 4: Suggestions for Improvement

To further strengthen investigative operations and its internal safeguards and management procedures, we believe the TVA OIG should consider improvements in the following areas:

- 1. We suggest the Assistant Inspector General (Investigations) review the process for tracking training hours to ensure that all employees are meeting the firearms training requirements and periodic refresher training required by the Department of Justice MOU.**

The standards require that all investigators receive periodic firearms training and recertification in accordance with DOJ standards. For example, an individual in Knoxville, Tennessee, is responsible for recording all training conducted by special agents. The training reports is an automated database that accurately reflects training received by the investigators in Knoxville; however it did not contain complete entries for special agents assigned in Chattanooga and in Huntsville. In one instance, we interviewed a special agent in the Huntsville field office who provided documentation that he had attended firearms training on a quarterly basis. The official training records maintained in Knoxville did not contain this information.

- 2. We suggest the Assistant Inspector General (Investigations) review the OIG's policies and procedures for preserving documentary and physical evidence.**

The standards require that evidence is collected and stored to preserve the chain of custody to ensure that it is admissible in a subsequent proceeding. During the review, we sampled 20 closed cases. In five instances, evidence gathered during a criminal investigation was not stored in accordance with the office's procedures. For example, physical evidence had never been assigned to the document evidence room in accordance with office procedures. Several agents indicated they were allowed to store all physical evidence in their desk as long as the desk had a locking drawer.

- 3. We suggest the Assistant Inspector General (Investigations) ensure that accountable property issued to special agents be periodically inventoried.**

We interviewed three special agents during our review who were unaware of accountable firearms and related property assigned to them. Two agents were

unable to produce their credentials on the day of the interview, and one special agent was not able to account for a batons issued by the office.

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