



# Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children



AUDIT DIVISION

24-096

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# EXECUTIVE SUMMARY

## Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children

### Objective

The objective of this audit was to evaluate the Federal Bureau of Investigation's (FBI) compliance with laws, regulations, and policies related to its handling of tips of hands-on sex offenses against children and mandatory reporting of suspected child abuse. "Hands-on" sex offense is a term used to describe an offense that includes physical sexual contact. This audit was intended to follow up on issues identified in the Office of the Inspector General's (OIG) July 2021 [report on the FBI's handling of allegations against Lawrence Gerard Nassar](#) (OIG Nassar Report) and respond to congressional inquiries regarding the FBI's practices to protect children.

### Results in Brief

The OIG Nassar Report identified significant issues with the FBI's response to serious allegations involving suspected child abuse. For this audit, we reviewed the FBI's compliance with policies and laws governing its handling of allegations of hands-on sex offenses against children focusing particularly on corrective measures made since the OIG Nassar Report. We found that the FBI has updated policies, training and systems to improve its handling of allegations of hands-on sex offenses against children. However, our audit revealed instances where FBI employees did not comply with relevant law or policy for (a) mandatory reporting of suspected child abuse, (b) victim services, (c) transferring incidents between field offices, and (d) responding to allegations of active and ongoing child sexual abuse within 24 hours. In addition, during the course of our work, we forwarded 42 incidents, 13 percent of the incidents we reviewed, to FBI headquarters because of concerns that led us to believe that the incident may require immediate attention.

### Recommendations

Our report contains 11 recommendations for the FBI to improve its handling of allegations involving hands-on sex offenses against children.

### Audit Results

The FBI is the DOJ's primary component for investigating sex crimes against children. Between October 1, 2021, and February 26, 2023, the FBI opened 3,925 cases that allegedly involved a hands-on sex offense against a child or similar offense. As part of this audit, we reviewed 327 incidents involving hands-on sex offenses against a child, including 179 of the 3,925 cases, 48 additional complaints, and 100 leads among FBI offices, to assess compliance with the FBI's policies and procedures for investigating complaints of child sexual abuse. The following summarizes the findings of our audit.

#### Incidents Flagged for Further FBI Review

Of the 327 case files we reviewed, we flagged 42 incidents, 13 percent, for further FBI review because we believed the incident may require immediate attention. Concerns that led us to flag incidents included a lack of recent investigative activity, lack of logical investigative steps, not reporting suspected child abuse to appropriate agencies, leads that were not appropriately covered, and instances of substantial non-compliance with FBI policies. In one example, the FBI received an allegation involving hands-on abuse by a registered sex offender and opened a predicated investigation. However, the FBI did not take appropriate investigative action for over 1 year or refer the suspected child abuse to the state, local, tribal, and territorial (SLTT) law enforcement agency with jurisdiction. During this period, the subject allegedly victimized at least one additional minor for a period of approximately 15 months. After we raised this incident to the FBI's attention, the FBI took appropriate action, and the subject was indicted on federal charges.

#### Mandatory Reporting of Suspected Child Abuse

All FBI personnel are considered mandatory reporters, meaning that they must report suspected child abuse to the SLTT law enforcement agency and social services agency with jurisdiction to investigate related allegations or protect the allegedly abused individual. We identified

substantial non-compliance with these requirements. Specifically, in the incidents we reviewed, we found no evidence that FBI employees complied with mandatory reporting requirements to SLTT law enforcement in 47 percent of incidents or to social service agencies in 50 percent of incidents. We also found that when FBI employees made a report, they followed FBI policy and reported the abuse within 24 hours of learning the facts in only 43 percent of the reports and fully documented only 17 percent of the reports. Despite these findings, we found a substantial increase in the total number of mandatory reports made by FBI employees after updates to FBI policy in September 2021 following issuance of the OIG Nassar Report.

### **Initial Response, Processing, and Oversight of Crimes Against Children Allegations**

In 2018, after the FBI's Nassar Review, the FBI began using its Guardian computer system as its tips management system for crimes against children complaints. In 2022, the FBI issued interim guidance and implemented controls within Guardian to help ensure that active or ongoing sexual abuse allegations are handled within 24 hours. Despite these improvements, we found the FBI does not document and process all incoming tips and allegations within Guardian and 40 percent of the incidents we reviewed did not include evidence that the FBI responded to an allegation involving active or ongoing child sexual abuse within 24 hours as required by FBI guidance.

### **Providing Victim Services to Eligible Federal Crime Victims**

FBI and Department policy require the FBI to identify eligible victims and provide them information about available victim services and case status updates. In our review, we found that for 36 percent of eligible victims in our sample, there was no evidence that the victim received appropriate services or updates.

### **Protocols for Interviewing Minors**

In a case involving alleged child abuse, FBI policy states FBI employees should utilize personnel properly trained in forensic interviewing techniques for interviews of minors, absent exceptional operational circumstances. Further, interviews of minors regarding alleged abuse should take place in person, whenever possible. We found that the FBI was largely, but not fully, in compliance with these two requirements within the time period of our audit after implementation of FBI's updated policy. Specifically, of the 149 interviews we reviewed that qualified for a forensic interview, we found 95 percent

were conducted by appropriately trained personnel and 98 percent were conducted in person.

### **Transfers of Complaints and Investigations**

Following the OIG Nassar Report, the FBI updated its policy to require verbal contact and confirmed receipt when crimes against children and human trafficking complaints, assessments, and predicated investigations are transferred between FBI field offices. Of the 26 transfers we identified during our testing, we identified 7 with documented verbal contact. However, we found only one that was fully compliant with the new policy.

### **Self-Approvals**

According to FBI policy, supervisors are not permitted to self-approve their own work and doing so is considered substantial non-compliance. For each predicated investigation in our sample, we reviewed whether there was an opening or closing electronic communication drafted and approved by the same FBI employee. Of the 137 predicated investigations we reviewed, we found evidence that 2 opening electronic communications were drafted and approved by the same FBI employee. Further examination into this area led to our discovery that the FBI's case management system gives users the capability to enable self-approvals.

### **Investigative Leads**

Investigative leads are used to notify an FBI office of information or that it should take action in its area of responsibility in connection with an ongoing investigation, and such leads are required to be acted upon within specific timeframes. We examined 100 leads and found 3 instances where a lead was not covered appropriately in that the receiving field office failed to document it completed the actions required by the lead, and 6 leads that were overdue. For the 3 instances that were not covered appropriately, we reported these leads to the FBI for immediate attention.

### **Improvements Necessary to Increase Compliance**

Our audit results demonstrate that the FBI needs to improve compliance with policies and laws in multiple areas including mandatory reporting, victim services, transfers between field offices, and responding to allegations of active child sexual abuse. To improve compliance and minimize the risk of incidents being left unaddressed, we believe FBI management should evaluate the distribution of crimes against children and human trafficking cases assigned to agents and improve training provided to FBI employees in this program.

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# Introduction

In July 2021, the U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) released a report on the Investigation and Review of the Federal Bureau of Investigation's (FBI) Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar (OIG Nassar Report).<sup>1</sup> That report recommended, among other improvements, that the FBI clarify its mandatory reporting policy regarding allegations of crimes against children. As a result of the weaknesses discovered at the FBI during the OIG's review, in November 2021 the U.S. Senate Judiciary Committee provided a letter to the Inspector General requesting additional audits be undertaken of the FBI's efforts to investigate and prevent sex crimes against children, including an audit to evaluate the FBI's compliance with the new training and policy changes and the effectiveness of those changes in addressing the problems identified in the OIG Nassar Report.<sup>2</sup> This audit was conducted to follow up on the deficiencies found in the OIG Nassar Report and to address the Congressional request. Our audit focuses on the FBI's handling of tips of hands-on sex offenses against children to determine whether the issues identified in the OIG Nassar Report were isolated incidents or indicative of more widespread deficiencies.<sup>3</sup> At the time of this audit, several recommendations made in the OIG Nassar Report had not yet been closed. While the FBI implemented several policy updates and additional guidance, some policies with draft updates that were responsive to recommendations had not yet been finalized and therefore were not tested as a part of this audit.<sup>4</sup>

**"Hands-on"** sex offense is a term used to describe an offense that includes physical sexual contact. The term "hands-on" is used in the DOJ Strategic Plan, FBI training materials for reporting suspected child abuse, and by the DOJ in press releases regarding crimes against children.

## FBI Jurisdiction and Mandatory Reporting Requirements

The Department's fiscal year (FY) 2022-2026 Strategic Plan emphasizes its obligation to protect children from crime and exploitation.<sup>5</sup> The FBI is the DOJ's primary component for investigating sex crimes against children. The FBI's crimes against children and human trafficking (CAC/HT) program investigates crimes such as child abductions, sexual contact offenses against children, sexual exploitation of children, trading

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<sup>1</sup> U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), *Investigation and Review of the Federal Bureau of Investigation's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar*, Investigations Report 21-093 (July 2021), [oig.justice.gov/reports/investigation-and-review-federal-bureau-investigations-handling-allegations-sexual-abuse](https://oig.justice.gov/reports/investigation-and-review-federal-bureau-investigations-handling-allegations-sexual-abuse).

<sup>2</sup> United States Senate Committee on the Judiciary, letter to the Honorable Michael E. Horowitz, Inspector General, U.S. Department of Justice, November 19, 2021.

<sup>3</sup> While the recommendations in the OIG Nassar Report also implicate child sex crimes against children that are not hands-on, this audit is limited to the FBI's handling of hands-on sex offenses.

<sup>4</sup> In the Audit Results section of this report, in each area related to a deficiency in the OIG Nassar Report, we describe any updates the FBI had made to address those deficiencies and tested compliance with the policies that were effective during the scope of this audit. If not stated otherwise, the policy was in place prior to the OIG Nassar Report.

<sup>5</sup> U.S. Department of Justice, FY 2022-2026 Strategic Plan (July 2022), [www.justice.gov/doj/book/file/1516901/download](https://www.justice.gov/doj/book/file/1516901/download) (accessed November 13, 2023).



and distribution of child sexual abuse material (CSAM), production and manufacturing of CSAM, possessors of CSAM, child sex trafficking, child sex tourism, sextortion, and international parental kidnapping.<sup>6</sup>

During our audit, the FBI's Crimes Against Children and Human Trafficking Unit (CACHTU) provided a listing of all Sentinel cases opened in its CAC/HT program during the scope of our review between October 1, 2021, and February 26, 2023.<sup>7</sup> The FBI does not track which investigations involve hands-on sex offenses against children, so it could not identify the investigations in the listing which involved hands-on sex offenses against children. However, the FBI identified seven case classification codes that include the investigation of hands-on sex offenses against children.<sup>8</sup> While these case classifications include hands-on sex offenses against children, the investigations may not find evidence of hands-on offenses and may instead reveal evidence of other offenses managed by the CAC/HT program, or no offenses at all. Similarly, investigations into the other offenses managed by the CAC/HT program may reveal evidence of hands-on sex offenses against children. During our audit period, the FBI opened 3,925 cases from the seven case classifications that the FBI uses to investigate hands-on sex offenses against a child and 4,240 cases from other case classifications managed by the CAC/HT program that typically do not include hands-on sex offenses against a child. In Figure 1, we identify the five case classifications for which the FBI opened the greatest number of new cases from the CAC/HT case classifications (including the one relevant Indian Country case classification) that (1) include hands-on sex offenses against children and (2) do not include hands-on sex offenses against children.

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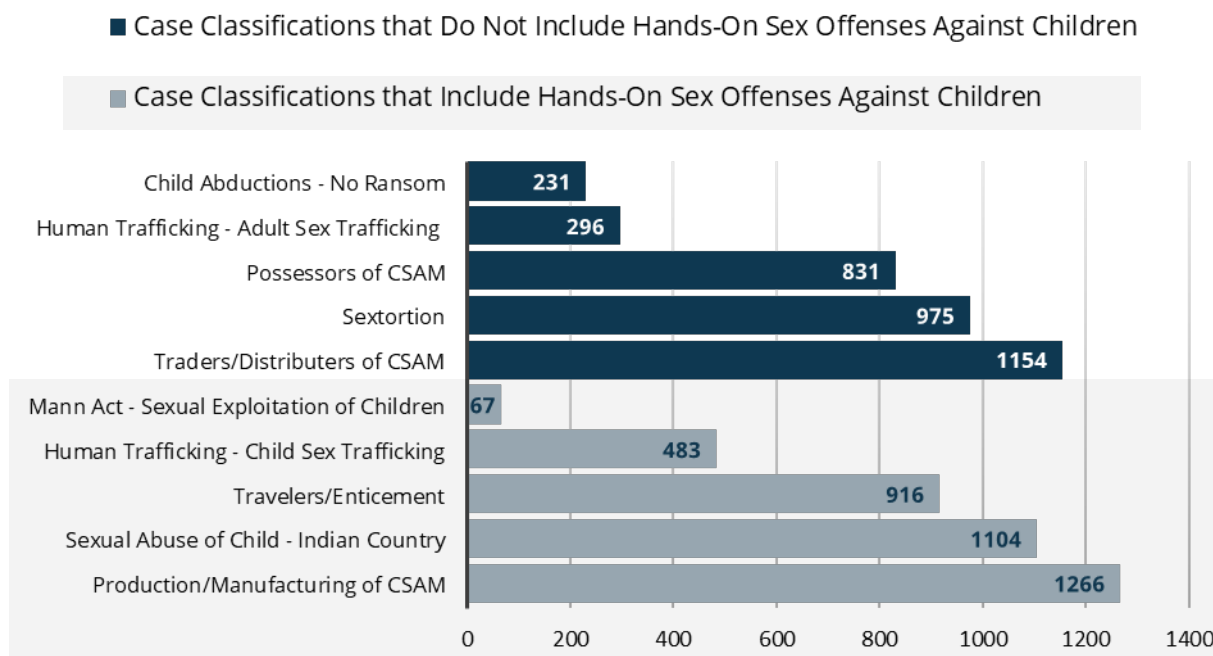
<sup>6</sup> The FBI refers to child pornography as "child sexual abuse material" or "child exploitation material" because these terms most accurately reflect the sexual abuse and exploitation experienced by child victims. According to the FBI, sextortion is a term used to describe a criminal act and form of sexual exploitation. Sextortion is a form of online exploitation often directed towards children in which non-physical forms of coercion are used, such as blackmail, to acquire sexual content, engage in sex, or obtain money. While victims of sextortion can be minors or adults, the FBI's CAC/HT program investigates sextortion targeting minor victims.

<sup>7</sup> Sentinel cases are comprised of Assessments and predicated investigations. We discuss Assessments and predicated investigations further in The FBI's Processes for Handling Crimes Against Children Allegations section of this report.

<sup>8</sup> For the purposes of this audit, we focused our work on the following seven FBI case classifications that included hands-on sex offenses against children: (1) Production/Manufacturing of Child Sexual Abuse Material, (2) Human Trafficking – Child Sex Trafficking, (3) Travelers/Enticement, (4) Mann Act – Sexual Exploitation of Children, (5) Child Sex Tourism, (6) Crime on Government Reservation – Sexual/Physical Abuse – Minor Child, and (7) Sexual Abuse of Child (Indian Country). Case classifications 1-6 are from the FBI's CAC/HT program and classification 7 is from its Indian Country program.

**Figure 1**

**Most Frequently Initiated Crimes Against Children and Human Trafficking Cases Between October 1, 2021, and February 26, 2023\***



\*Only the top five case classifications that (1) include and (2) do not include hands-on sex offenses against children are shown.

Source: OIG Analysis of FBI Data

As shown in Figure 1 above, the FBI has jurisdiction to investigate certain hands-on sex offenses against children. However, instances of child sexual abuse that occur wholly within a single state are generally outside federal jurisdiction and handled by state or local authorities.<sup>9</sup> The FBI generally has jurisdiction in hands-on sex offenses against children when one or more of the following factors are present: (1) images or videos were produced of the abuse (i.e. production of CSAM); (2) online enticement; (3) interstate or foreign travel with intent to engage in criminal sexual activity or transporting a minor across state lines; (4) child

<sup>9</sup> According to the Attorney General's Guidelines for Domestic FBI Operations, when credible information is received by an FBI field office concerning serious criminal activity not within the FBI's investigative jurisdiction, the field office shall promptly transmit the information or refer the complainant to a law enforcement agency having jurisdiction, except where disclosure would jeopardize an ongoing investigation, endanger the safety of an individual, disclose the identity of a human source, interfere with a human source's cooperation, or reveal legally privileged information. If full disclosure is not made for the reasons indicated, then, whenever feasible, the FBI field office shall make at least limited disclosure to a law enforcement agency or agencies having jurisdiction, and full disclosure shall be made as soon as the need for restricting disclosure is no longer present.



abductions; (5) child sex trafficking; and (6) special jurisdictions such as Indian Country.<sup>10</sup> In many of these instances, there is both federal jurisdiction as well as jurisdiction at the state, local, or tribal level.

In addition to investigating threats of abuse and exploitation of children, the FBI is also required to report instances of suspected child abuse to proper authorities. All FBI personnel are designated as “mandatory reporters” under FBI and Department policy and must report allegations of suspected child abuse and neglect to the appropriate law enforcement and child protective services agencies with jurisdiction.<sup>11</sup> Under federal law, law enforcement personnel who, “while engaged in a professional capacity...on Federal land or in a federally operated (or contracted) facility,” learn of “facts that give reason to suspect that a child has suffered an incident of child abuse,” including sexual abuse or exploitation, “shall as soon as possible make a report of the suspected abuse” to the appropriate law enforcement agency.<sup>12</sup> According to a May 29, 2012, DOJ Office of Legal Counsel opinion, this statute applies to incidents that federal law enforcement officers learn about while in the course of their duties on federal land or in a federal facility, even if the child abuse itself did not occur on federal land or in a federal facility.

FBI policy regarding mandatory reporting, which is contained in the FBI’s Domestic Investigations and Operations Guide (DIOG), states that, as mandatory reporters, when an FBI employee suspects child abuse, reports of those suspicions must be made to the state, local, tribal, and territorial (SLTT) law enforcement agency with jurisdiction no later than 24 hours after learning of facts that lead the mandatory reporter to suspect that abuse is occurring (or has occurred).<sup>13</sup> Additionally, when applicable, all FBI personnel are required to report suspected abuse to the child protective services agency or adult protective services agency (social services agency) with jurisdiction to protect the allegedly abused individual. FBI personnel are also subject to applicable SLTT laws governing mandatory reporting requirements and procedures in their specific areas of responsibility. The circumstances under which a mandatory reporter must make a report and with whom those reports must be made vary from state to state.<sup>14</sup> According to the DIOG, FBI

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<sup>10</sup> 18 U.S.C. § 1151 defines “Indian country” as including: (1) federal reservations; (2) dependent Indian communities; and (3) Indian allotments to which title has not been extinguished. Other special jurisdictions include when a hands-on sex offense against a child occurs on federal property or crimes on the high seas.

<sup>11</sup> Appendix K of the FBI’s Domestic Investigations and Operations Guide (DIOG) sets forth the FBI’s policy on reporting of suspected child abuse, neglect, and sexual exploitation. This policy is based on the Attorney General Guidelines for Victim and Witness Assistance (AGG-VWA), which require DOJ personnel, including FBI personnel, to report suspected child abuse. Since the release of the OIG Nassar Report, the DOJ has updated and released its 2022 Edition of the AGG-VWA, which became effective on March 31, 2023. The updated AGG-VWA was not effective during the scope of this audit.

<sup>12</sup> 34 U.S.C. § 20341(a), Child Abuse Reporting.

<sup>13</sup> If it is not possible to report the allegations without significantly compromising the investigation, compromising a confidential source, disclosing protected information (e.g., classified information or law enforcement sensitive information), or endangering public safety, FBI personnel must, without delay, seek authorization from their field office or FBI headquarters division heads to temporarily delay reporting. In response to the OIG Nassar Report, the FBI notified the OIG of forthcoming policy changes it plans to implement, which will further limit delayed reporting exceptions. These policy changes have not yet been finalized.

<sup>14</sup> Specifically, state laws vary on the definition of child abuse, what individuals can be perpetrators of child abuse, and whether reports must be made to a social services agency, SLTT law enforcement agency, or another designated agency. Some states only require mandatory reports when the perpetrator is a parent, guardian, or caretaker. Additionally,

*Continued*

personnel should familiarize themselves with applicable SLTT laws and direct questions about the applicability of these statutory requirements to chief division counsels or the FBI's Office of the General Counsel. If an SLTT jurisdiction has more stringent reporting requirements than those contained in FBI policy, FBI personnel are required to comply with the more stringent SLTT law.

## **The FBI's Processes for Handling Crimes Against Children Allegations**

The FBI receives allegations involving crimes against children from various sources, including reporting from the public through the FBI's tip line at the National Threat Operations Center (NTOC) within its National Threat Operations Section, the National Center for Missing & Exploited Children's (NCMEC) CyberTipline, and walk-ins or calls to FBI field offices.<sup>15</sup> Outside of the general public, the FBI receives allegations from local and state authorities, other federal agencies, private or public organizations, and spin-offs from other FBI investigations.

The FBI's process for documenting and handling crimes against children allegations can differ depending upon the source of the allegation and the FBI employee receiving the reporting.<sup>16</sup> For example, when the FBI receives a tip involving active sexual abuse or assault at NTOC, the threat intake examiner is instructed to draft a "Guardian [FD-71a complaint] and call the appropriate [FBI] field office" to inform it of the impending Guardian.<sup>17</sup> Alternatively, when FBI personnel assigned to NCMEC review information provided to NCMEC's CyberTipline involving a hands-on sex offense against a child that falls under federal jurisdiction, they compile information and forward it to the appropriate FBI field office for investigation via e-mail or a lead in the FBI's Sentinel system.<sup>18</sup> Additionally, if a person, private entity, or other organization provides allegations of a hands-on sex offense against a child directly to an FBI employee at an FBI field office, the employee must document the complaint and any initial investigative activity "within an FBI system of record" if "there is a law enforcement, national security, intelligence, or public safety purpose to do so."<sup>19</sup>

Once the initial receipt of the complaint is documented, the FBI must assess whether it will open an investigation. There are different potential phases to this process, and the FBI has guidelines for each of these phases. As explained further below, if the relevant standard is met and the FBI employee intends to

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some states have explicit requirements for when law enforcement receiving allegations of suspected child abuse must cross-report incidents to social services or other designated agencies.

<sup>15</sup> NCMEC's CyberTipline is the nation's centralized reporting system for the online exploitation of children. The public and electronic service providers can make reports of suspected online enticement of children for sexual acts, child sexual molestation, child sexual abuse material, child sex tourism, child sex trafficking, and unsolicited obscene materials sent to a child.

<sup>16</sup> In this section, we describe the FBI's processes for handling crimes against children allegations that were in effect during the scope of our audit. If a process has changed since the OIG Nassar Report, we describe the change in the Audit Results section of the report.

<sup>17</sup> FBI National Threat Operations Section Standard Operating Procedures, Active Sexual Abuse or Assault (Adult or Juvenile) (November 2022).

<sup>18</sup> Leads are sent by electronic communication (EC), or a Lead Request document, to offices and assigned to individuals/organizations to aid investigations. Investigative information that may be within another FBI field office's area of responsibility can generally be obtained by sending an investigative lead to that FBI field office.

<sup>19</sup> Federal Bureau of Investigation's Domestic Investigations and Operations Guide (September 2021), Section 5.13.

pursue the matter, FBI employees can initiate investigative activities as a pre-assessment, Assessment, or predicated investigation. When initially processing complaints, observations, or information, an FBI employee is authorized to undertake some investigative activities prior to opening an Assessment if they have a reason that is tied to an authorized FBI criminal or national security purpose. These activities must be documented in an FBI system of record. We refer to activities conducted prior to opening an Assessment as the “pre-assessment” phase throughout this report. Examples of pre-assessment investigative activities include obtaining public information or examining FBI or other DOJ records.

If there is an authorized purpose and clearly defined objective(s), an FBI employee can open an Assessment to detect, obtain information about, or prevent or protect against federal crimes. During an Assessment, an FBI employee uses relatively non-intrusive methods, such as interviews or consent searches, and can avoid the need to proceed to more elevated levels of investigative activity (predicated investigation), if the results of an Assessment indicate that further investigation is not warranted.<sup>20</sup>

An FBI employee may also open a predicated investigation to investigate a crimes against children matter if there is “information or an allegation” or “an articulable factual basis” indicating the existence of an activity constituting a federal crime or threat to national security may have occurred or is occurring and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity.<sup>21</sup> During a predicated investigation, an FBI employee can utilize investigative methods that are not allowed by FBI and Department policy during an Assessment or pre-assessment, such as administrative subpoenas and undercover operations.<sup>22</sup>

The Attorney General’s Guidelines for Domestic FBI Operations requires that the least intrusive means or method be considered and—if reasonable based upon the circumstances of the investigation—used to obtain intelligence or evidence in lieu of a more intrusive method.<sup>23</sup> For example, if an FBI employee receives credible information that an unknown subject produced and distributed CSAM online, the FBI employee may immediately open a predicated investigation and issue an administrative subpoena to

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<sup>20</sup> There are five types of Assessments used by the FBI. The first type of Assessment is called a “Type 1 & 2 Assessment” and is used to seek information, proactively or in response to investigative leads relating to activities – or the involvement or role of individuals, groups, or organizations relating to those activities – constituting violations of Federal criminal law or threats to the national security. There is no time limit for a Type 1 & 2 Assessment, but it is anticipated that it will be relatively short. The remaining types of assessments, which include Types 3, 4, 5, and 6, respectively, were not relevant to our work on this audit. For the remainder of this report, we refer to a Type 1 & 2 Assessments simply as an “Assessment.”

<sup>21</sup> The FBI may also open a predicated investigation if an individual, group, organization, entity, information, property, or activity is or may be a target of attack, victimization, acquisition, infiltration, or recruitment in connection with criminal activity in violation of federal law or a threat to the national security and the investigation may obtain information that would help to protect against such activity or threat.

<sup>22</sup> Predicated investigations are subdivided into Preliminary Investigations and Full Investigations. A Preliminary Investigation may be opened on the basis of any “allegation or information” indicative of possible criminal activity or threats to the national security, whereas a Full Investigation may be opened if there is an “articulable factual basis” of possible criminal or national threat activity.

<sup>23</sup> Investigative considerations for FBI employees when determining the investigative methods or techniques to use include the seriousness of the crime, strength and significance of the information to be gained, and amount of information already known about the subject or group under investigation.

identify the subject. Alternatively, if a tip is received but the threat is remote, the information obtained is speculative, and the probability of obtaining probative information is low, an FBI employee may use less intrusive investigative methods available during a pre-assessment or an Assessment. According to the DIOG, FBI employees should apply best judgment to the circumstances at hand to select the most appropriate investigative means to achieve the investigative goal.

## **OIG Review of FBI's Handling of Nassar Allegations**

In the OIG Nassar Report, the investigation found that senior officials in the FBI's Indianapolis Field Office failed to respond to the allegations against Dr. Lawrence Nassar, a former USA Gymnastics physician, with the utmost seriousness and urgency that they deserved, made fundamental errors when they responded to the allegations, and violated multiple FBI policies. Among other things, the investigation found that the FBI failed to: (1) notify state or local authorities with jurisdiction even though the FBI questioned whether there was federal jurisdiction to pursue the allegations, (2) transfer the allegations to the appropriate FBI field office, and (3) comply with policies and best practices for documenting investigative activities and interviewing child sexual abuse victims. During a period of inaction or inadequate action of over 1 year by the FBI, Nassar allegedly sexually abused approximately 70 or more young athletes under the guise of medical treatment.

The OIG made four recommendations, with additional subparts, in the report to improve the FBI's processes. These recommendations with subparts included: (1) reassessing its policy related to contacting and coordinating with applicable state and local law enforcement and social service agencies after receiving allegations of crimes against children that fall under state jurisdiction, (2) requiring FBI employees to confirm receipt of transfers between field offices of certain categories of complaints, such as complaints of serious or multi-victim sexual abuse, (3) clarifying when interviews by Child and Adolescent Forensic Interviewers (CAFI) should be conducted of children and adults who report allegations of abuse they experienced as children, as well as when telephonic interviews are appropriate, (4) describing the circumstances under which victim services should be offered, (5) clarifying policies as to the type of approval required when a supervisor conducts investigative activity or completes documentation that would require supervisory approval when conducted by a nonsupervisory Special Agent, and (6) training its employees on the changes made to the revised policies.

The FBI agreed with the OIG Nassar Report recommendations and has begun to address them through policy changes, new training requirements for FBI personnel, and system updates. These changes were put in place, in part, because the Indianapolis FBI employee who was initially assigned to handle the Nassar allegations claimed he transferred the allegations to another field office, but the other field office stated that it never received the allegations, and the FBI had no documentary evidence that the transfer took place. This failure resulted in significant delay (8 months of inactivity) in the FBI's investigation of Nassar. One of the most significant changes made by the FBI was to its tips management process, now managed by the Guardian system which, according to the FBI, offers increased visibility for field office and FBI headquarters management.<sup>24</sup> Based on the actions taken by the FBI—including enacting policies requiring employees to

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<sup>24</sup> In its response to the OIG Nassar Report, the FBI stated that it began using its Guardian system in 2018 for incidents related to crimes against children. However, we found that it is not always used, or required to be used, by FBI employees for handling hands-on sex offense against children tips and allegations. We discuss this in further detail in The FBI's Use of its Guardian System for Crimes Against Children Tips and Allegations section of this report.

confirm receipt of transfers between field offices and implementing a requirement for a 30-day justification review for Guardian incidents involving violent crimes against children, sexual abuse/exploitation, and human trafficking—portions of the OIG Nassar Report recommendations are now closed.<sup>25</sup> We discuss the changes the FBI has implemented in response to the OIG’s recommendations, including whether FBI employees complied with those changes, in further detail throughout this report.

## **FBI Criminal Investigative Division’s Internal Review**

Based on a request from FBI Executive Management in October 2021 after the issuance of the OIG Nassar Report, the FBI’s Criminal Investigative Division’s (CID) CACHTU conducted a program management review of CAC/HT investigations, Guardian incidents, and leads from FBI field offices opened or assigned during FY 2020 and FY 2021 for compliance with FBI guidance and policies (CID Internal Review).<sup>26</sup> The review encompassed an examination of 8,852 investigations, 6,356 Guardian incidents and 13,815 leads for a total of 29,023 records reviewed. Of these 29,023 records, CID found that 4,265 contained an allegation of hands-on abuse and made initial findings that 192 of these hands-on abuse cases had administrative and/or investigative deficiencies warranting additional review. Examples of investigative deficiencies found during the review included information not referred to Child Protective Services or SLTT law enforcement when necessary; logical investigative steps not taken; leads marked as “covered” with no investigative action and/or documentation; and a CAFI not being used when appropriate.<sup>27</sup> Examples of administrative deficiencies found during the review included referrals to Child Protective Services or SLTT law enforcement that were completed but not documented; subjects that were arrested by SLTT law enforcement but their arrest was not documented; and Guardians that were closed with missing documentation. According to the FBI’s report on the findings of the CID Internal Review, many items identified for additional review were related to a minor investigative deficiency and/or administrative oversight. However, the CID Internal Review also identified nine incidents it designated as significant findings of investigative deficiency. These deficiencies were comprised of matters with significant gaps or delays in investigative activity.

For example, one of the nine incidents involved a case where the FBI received an allegation that a 2-year-old child was being sexually abused. During a 21-month period, the only document added to the case file indicated that the FBI had tried to coordinate with local law enforcement on the matter and that the FBI field office resident agency’s CAC/HT program was understaffed with the assigned agent working 24 open investigations. During the 25 months the case was open before the subject was arrested, there was no documentation that the FBI had taken efforts to safeguard the victim. After the subject was arrested, he

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<sup>25</sup> The FBI receives threat and suspicious “incident” information from a variety of sources. Guardian provides the vehicle for the FBI to track, assess, and manage threats and suspicious incidents. When the results of those Assessments and pre-assessments are recorded in Guardian, they are referred to as Guardians or Guardian incidents.

<sup>26</sup> The scope of our audit covered October 1, 2021, to February 26, 2023, and differs from the timeframe of the CID Internal Review. The CID Internal Review covered FY 2020 and FY 2021.

<sup>27</sup> There are two types of investigative leads, “action required” or “information only.” Action required leads are used if the sending office requires the receiving lead office to take investigative action. Information only leads are used by a sending office to notify a receiving lead office of information, and no action is required besides reading and confirming receipt of the information presented. The FBI uses the term “covered” to denote that all requirements of the lead have been completed.

confessed he had produced CSAM involving his grandson and pled guilty to one count of production of CSAM.

As discussed in the Audit Results section of this report, our audit identified findings similar in nature to those identified by the CID Internal Review for the period of our review (October 1, 2021, to February 26, 2023), including significant gaps or delays in investigative activity, instances involving suspected hands-on child sexual abuse without referrals to appropriate agencies, and concerns that certain agents in the CAC/HT program have high caseloads that increase the risk that incidents are left unaddressed.

## **OIG Audit Approach**

The objective of our audit was to evaluate the FBI's compliance with laws, regulations, and policies related to its handling of tips of hands-on sex offenses against children and mandatory reporting of suspected child abuse. To accomplish this objective, we reviewed policies and procedures relevant to the FBI's investigation of hands-on sex offenses against children and its efforts to protect children from sexual abuse. This included reviewing the Attorney General Guidelines for Domestic FBI Operations, the Attorney General Guidelines for Victim and Witness Assistance (AGG-VWA), the FBI DIOG, the FBI Victim Services Policy Guide, the FBI Crimes Against Children and Human Trafficking Program Policy Guide, and the Indian Country Policy Guide. We conducted our work at FBI headquarters in Washington, D.C. We conducted interviews with relevant CID and Victims Services Division (VSD) officials to gain an understanding of the FBI's processes for receiving tips of child sexual abuse and how the FBI responds to these tips, including the opening and closing of predicated investigations and Assessments, documentation of the investigative steps taken for both, as well as the creation, assignment, and closing of leads. Additionally, we considered the findings in the OIG Nassar Report and the CID Internal Review of investigations, Guardian incidents, and Sentinel leads in its CAC/HT program in FY 2020 and FY 2021 in developing this audit's scope and methodology.<sup>28</sup> Based on this understanding, we tested a sample of 227 unique Sentinel cases and Guardians—specifically, 128 Sentinel cases and 99 Guardians—that contained an alleged hands-on child sexual abuse crime for compliance with the FBI's policies and procedures for investigating complaints of child sexual abuse from October 1, 2021, to February 26, 2023.<sup>29</sup> Additionally, for this same time period, we tested 100 leads set from a Sentinel case that contained an allegation of a hands-on sex offense against a child. Our testing included reviewing the FBI's compliance with policies and procedures that were updated in response to the OIG Nassar Report. We also examined the FBI's compliance with relevant laws regarding mandatory reporting of suspected child abuse. Appendix 1 contains further details on our audit objective, scope, and methodology.

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<sup>28</sup> Although we considered the CID Internal Review of its CAC/HT program, we did not independently verify the results of that review.

<sup>29</sup> Guardian incidents are comprised of pre-assessments and Assessments. Sentinel cases are comprised of Assessments and predicated investigations. If an Assessment is opened in Guardian, a parallel case is opened in Sentinel. If a Guardian Assessment is closed and converted to a predicated investigation, the parallel case in Sentinel must be converted to a predicated investigation. For any complaint or allegation in our sample that was initiated as a Guardian incident and converted to a Sentinel case, we reviewed the investigative case file in both Guardian and Sentinel. As a result, the 227 unique incidents reviewed were comprised of 128 Sentinel cases, 51 Guardians that converted to or were associated with a Sentinel case in our sample universe, and 48 Guardians that included an allegation of a hands-on sex offense but were not converted to or associated with a case in our sample universe.



## Audit Results

The Department of Justice (DOJ) has prioritized its obligation to protect children from crime because hands-on sex offenses against children cause emotional, psychological, and physical trauma to both the victims and their families. It is critical that the FBI promptly and appropriately address each such allegation that it receives. In July 2021, the OIG released its report on the FBI's handling of allegations of sexual abuse by Lawrence Gerard Nassar (OIG Nassar Report) and identified fundamental errors in the FBI's response to the allegations, including violation of multiple FBI policies. We found that since the time of the FBI's handling of the child sexual abuse allegations against Nassar, the FBI has implemented training, updated or drafted updates to multiple policies, and made system changes to improve its handling of allegations of hands-on sex offenses against children. However, we believe that further action is necessary to ensure FBI employees comply with its previously established and newly revised policies. Specifically, we found instances where the FBI did not comply with relevant law or policy in multiple areas previously identified in or revised in response to the OIG Nassar Report, including: (1) mandatory reporting of suspected child abuse, (2) transferring incidents between FBI field offices, (3) providing victim services, and (4) responding to allegations of active or ongoing child sexual abuse within 24 hours. In instances where we believed non-compliance was particularly concerning and required the immediate attention of the FBI, we forwarded the information to FBI headquarters (FBIHQ) for further review. We also found that some agents in the FBI's crimes against children and human trafficking (CAC/HT) program had high caseloads, in part due to the increasing number of these types of allegations received by the FBI, which can affect their ability to immediately respond to incoming allegations and ensure investigative case files adhere to FBI policy.

### **Crimes Against Children Incidents Flagged for FBI Headquarters Review Due to Issues Requiring Immediate Attention**

As noted above, the objective of our audit was to evaluate the FBI's compliance with laws, regulations, and policies related to its handling of tips of hands-on sex offenses against children and mandatory reporting of suspected child abuse. As part of our compliance testing, we reviewed 327 incidents of alleged hands-on sex crimes against children, which were comprised of 128 Sentinel cases, 100 Sentinel leads, and 99 Guardians. When reviewing each of these 327 incidents, we flagged those that we believed required the FBI's immediate attention. Overall, during our fieldwork, we identified 42 incidents, or about 13 percent, that we believed required immediate attention by the FBI. Upon identification, we provided each of these 42 incidents, with a written description of our concerns, directly to FBI management. Several of these incidents reaffirm, as discussed in the OIG Nassar Report, the importance of coordinating with state, local, tribal, and territorial (SLTT) law enforcement agencies with concurrent jurisdiction for the alleged offenses, even when the FBI decides to pursue its own investigation. The types of concerns that led to flagging an incident for the FBI's review included the following:

1. Lack of any recent investigative activity or case updates,
2. Lack of logical investigative steps,
3. Lack of referrals to SLTT law enforcement or social services agencies when required by law or policy,
4. Leads not appropriately covered, and

5. Instances of substantial non-compliance with the FBI Domestic Investigations and Operations Guide (DIOG).<sup>30</sup>

We did not flag every incident that contained one of the five listed types of concerns. We only flagged incidents if we believed immediate attention from the FBI was necessary. For example, we did not flag an incident if we did not find a referral to SLTT law enforcement, but we also found the subject was arrested by the FBI during its investigation and was in custody. In this example, the immediate attention by the FBI would not be necessary because the subject was in custody. Regarding the 285 incidents that we did not flag for the FBI's immediate attention, in many cases we identified other concerns that contributed to the findings described throughout the remainder of this report.

### Examples of Significant Deficiencies Raised to the FBI Headquarters' Attention

The four examples in this section include a brief description of the facts surrounding some of the most significant deficiencies identified during our review and illustrate several of the types of concerns related to a lack of recent investigative activity, logical investigative steps, and referrals to appropriate agencies that led us to raise incidents to the FBI's attention.

#### ***Example 1 – Inaction on Investigation into Registered Sex Offender***

In December 2021, the FBI received an allegation through its National Threat Operations Center (NTOC) of a historical incident involving the subject—a registered sex offender—engaging in sexual activity with a minor victim that involved travel across state lines. The victim, who was an adult at the time of reporting, alleged that the subject may have enticed other minor victims. In response to this tip, an FBI field office opened a full investigation into the matter about 2 weeks later. In January 2022, the FBI field office that opened the investigation set a lead to a second field office requesting an interview of the victim but we did not identify evidence that the victim was interviewed or offered victim services. At the time of our review, the most recent substantive investigative activity documented in the case file was over 7 months old and documented in August 2022. We did not identify any referrals to the SLTT law enforcement agency with jurisdiction or the subject's probationary officer. According to the special conditions of the subject's probation, which were in effect at the time of the alleged abuse and the reporting of the alleged abuse, the subject was not to have any contact with minors or possess images of minors. After we flagged the incident for FBI review, the FBI, over 1 year after receipt of the allegations, interviewed and offered services to the victim, who then provided additional incriminating evidence against the subject. Subsequently, we learned that the subject allegedly victimized at least one additional minor for a 15-month period after the FBI became aware of the allegations. In June 2023, the subject was indicted on federal charges of Production of Child Pornography, a Felony Offense Involving a Minor Committed by a Sex Offender, and Possession of Child Pornography. The FBI told us our concerns would be referred to FBI Inspection Division (INSD) for additional follow-up.

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<sup>30</sup> Per the DIOG, "substantial non-compliance" means non-compliance that is of significance to the matter and is more than a minor deviation from a DIOG requirement. As described in the Self-Approvals section of this report, after the OIG Nassar Report, self-approvals became an instance of substantial non-compliance.

### ***Example 2 – Tip to Hotline Not Investigated or Referred in Timely Manner***

In May 2022, NTOC received an anonymous complaint of sex trafficking of unknown minors and drug trafficking by an identified subject.<sup>31</sup> NTOC transferred this complaint to the appropriate FBI field office, but we did not identify any evidence of verbal contact between NTOC and the FBI field office, as required by FBI policy. Despite the sex trafficking of minors allegation, the first investigative activities documented in the case file by the FBI field office assigned the complaint were completed approximately 5 and 8 months after the receipt of the allegation. These initial activities—record checks and open-source checks—showed the subject was a convicted felon with access to children.<sup>32</sup> After a February 2023 meeting with the Attorney General's office in the state where the crime allegedly occurred (State's AG office) regarding the allegations, approximately 9 months after the initial complaint, the FBI documented that the State's AG office planned to contact the social services agency and the SLTT law enforcement agency with jurisdiction regarding the suspected abuse identified in the allegations.<sup>33</sup> As of the date of our review in May 2023, the case file remained in a pre-assessment status, did not include any documented investigative activity since the meeting with the State's AG office in February 2023, and did not include documentation that the matter was referred to the appropriate social services agency or SLTT law enforcement agency with jurisdiction.

In response, the FBI stated that it referred the case in February 2023 to the State's AG Special Investigations Prosecutions Division. The FBI stated that before making this referral, the FBI was in communication with SLTT law enforcement and social services agencies regarding this matter, but the actual referral to an SLTT law enforcement agency was not made until February 2023. The FBI stated the file had been updated to document this referral and the Guardian was closed in May 2023. In September 2023, we notified the FBI that we still could not identify a referral to the appropriate social services agency. In October 2023, the FBI responded that after coordination with the State's AG office, it was discovered the State's AG office coordinated and received reports from social services regarding the matter but did not refer the allegations to social services. Therefore, the FBI reported this matter to the appropriate social services agency in October 2023, over 1 year after receiving the allegations, and documented it in the case file.

### ***Example 3 – Investigation Inappropriately Placed on Pending Inactive Status with No Referral to SLTT Law Enforcement***

In February 2022, a social worker at a medical center reported allegations to the FBI of a subject engaging in sexual activity with a minor involving travel across state lines. A day later, the FBI responded by opening a full investigation into the matter. In March 2022, an FBI Child and Adolescent Forensic Interviewer (CAFI) conducted a forensic interview of the alleged victim, where the victim made disclosures of sexual abuse. However, a summary of the results of the interview was not documented in the investigative case file as required by FBI policy. We also did not identify a referral regarding suspected child abuse to the SLTT law

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<sup>31</sup> A specific victim was not identified in the allegation.

<sup>32</sup> Based on the record and open-source checks, the subject was previously convicted of burglary in the second degree, a class C felony. The checks indicated the subject had two small children and the FBI intelligence analyst who conducted the checks was concerned about the possibility of familial trafficking.

<sup>33</sup> According to FBI policy, the individual with the most direct information regarding the allegations is required to make the report to the applicable SLTT agencies. In this incident, we determined the person with the most direct information would have been the FBI employee assigned to the Guardian, not the State's AG office.

enforcement or social service agencies with jurisdiction.<sup>34</sup> Additionally, the most recent investigative activity documented to the file was in October 2022, over 6 months old at the time of our review in April 2023. In March 2023, the case manager placed the case into a pending inactive status “until such time that it can be addressed adequately.” However, the DIOG states that a full investigation may be placed in “pending inactive” status once all logical investigation has been completed and only prosecutive action or other disposition remains to be reported. The explanation of, “until such time that it can be addressed adequately” does not appear to meet the DIOG criteria for placing a full investigation into pending inactive status. According to data we received from the FBI, this agent had a caseload of 44 pending cases, including 40 CAC/HT cases.

In response to our concerns, the FBI added documentation to the case file that child protective services was notified of the allegations by the complainant the same day that the FBI received the complaint and the victim was sent to a group home. The FBI also added documentation of the victim interview in the investigative case file. In addition, in May 2023, the FBI presented the case to the U.S. Attorney’s Office, and it declined prosecution. Then, in October 2023, the FBI changed the status of the case back to “pending” and the responsible FBI field office set a lead to one field office requesting that the subject be interviewed by a local task force officer with jurisdiction over the alleged crime and a lead to a second field office requesting the matter be referred to SLTT law enforcement for additional investigative action.

#### ***Example 4 – Complaint about Known Sex Offender Not Acted Upon***

In September 2022, the FBI received an anonymous tip involving an allegation of sex trafficking of minors. About 1 week later, the FBI opened a full investigation into the allegation. Based on database checks, the subject had multiple previous sex offense convictions. At the time of our review, we did not identify substantive investigative activity documented in the file and the most recent documentation added to the file was over 5 months old. Also, we did not identify any referrals of the suspected abuse to SLTT law enforcement or social services agencies. In response to our concerns, the FBI stated that the original case agent was transferred and an administrative oversight had delayed the reassignment of the case. It also stated the FBI field office had reassigned the investigation and was conducting appropriate follow-up investigative activity.

In September 2023, we reviewed the FBI’s actions taken in response to our flagged incident and determined that the incident was not reassigned to a new case agent until August 2023, almost 1 year after the original allegation and 3 months after we initially flagged the incident for FBI review in May 2023. Additionally, at the time of our review, we did not identify any new investigative activities documented in the file. In response to our continued concerns, in October 2023, the FBI stated it had documented investigative updates in the investigative case file, including contact with the U.S. Probation Office regarding the subject. The probation officer had information about a similar complaint, but during a follow-up interview, the complainant recanted her statements about the subject being involved in human trafficking. Further, the probation officer observed no evidence of human trafficking or criminal activity during multiple residential check-ins with the subject. The FBI stated that there was not enough information in the original complaint to identify the alleged victim or confirm whether the alleged victim was a minor. The FBI scheduled physical

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<sup>34</sup> Based on the intake documentation, the reporting party (social worker’s report) documented an attempted report to the appropriate social services agency but did not include evidence that the social services agency received the reporting.

surveillance of the subject and stated if any information regarding the subject trafficking minors is found or any children are identified in the subject's residence, then the FBI will notify the appropriate SLTT law enforcement and social services agencies. We verified the FBI had taken steps outlined in its response, and at the time of our last review, the surveillance logs did not include any evidence of children in the subject's residence or sex trafficking.

### The FBI's Responses to Incidents Flagged for Review

After we flagged incidents for FBI review, the appropriate unit at FBIHQ coordinated with the responsible FBI field office and provided a timely response to each incident.<sup>35</sup> As shown in Figure 2, in 35 of the 42 flagged incidents (83 percent), the FBI responded that it would add documentation to the file (40 percent) or take further action (43 percent). Of the remaining seven incidents, we flagged two solely for FBI awareness and the FBI determined that no additional action was needed on five. For these five incidents, the FBI provided us with an update on the case, including its reasoning for why additional investigative action was not necessary. For example, in one incident where no documentation had been added to the case file for over 2 months at the time of our review, the FBI informed us that the case was provided to the U.S. Attorney's Office and the FBI was awaiting a prosecutorial decision.

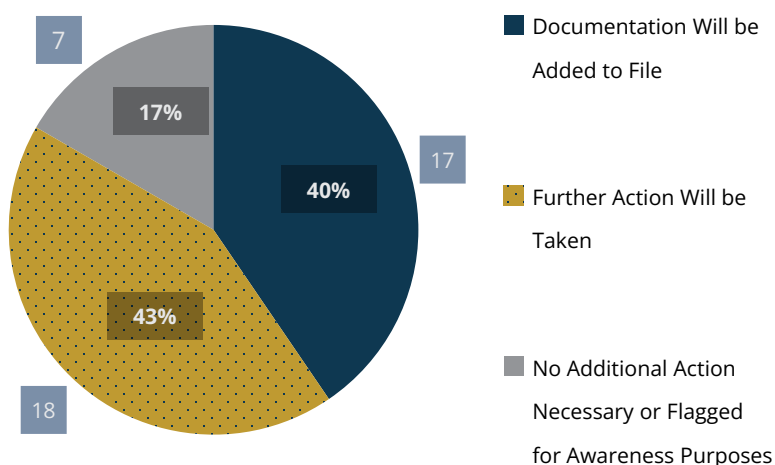
Over 3 months after raising the incidents to the FBI's attention, we reviewed the outcome of each flagged incident, including whether the FBI took the actions it deemed appropriate. We were unable to verify that the FBI took all of its stated actions in 14 of the 35 incidents (40 percent) and informed the FBI of each of these instances. The FBI responded with a second written response for these incidents, and we were able to verify that the FBI completed all of the actions described in its responses.

### Mandatory Reporting of Suspected Child Abuse

According to the OIG Nassar Report, neither the Indianapolis nor Los Angeles FBI field offices expeditiously notified SLTT law enforcement of the sexual assault allegations against Nassar or took other action to mitigate the ongoing threat that Nassar represented. Although the Los Angeles FBI field office opened a

**Figure 2**

**The FBI's Responses to Incidents Flagged for Review**



Source: OIG Review of FBI Responses

<sup>35</sup> At FBIHQ, the Crimes Against Children and Human Trafficking Unit (CACHTU) provides program management and oversight of the FBI's CAC/HT program, and the Indian Country and International Violent Crime Unit provides program management and oversight of the FBI's Indian Country program.

predicated investigation into Nassar, it was not until an SLTT law enforcement agency received a separate complaint 3 months later that SLTT law enforcement took action against Nassar by executing a search warrant, ultimately leading to his arrest. The OIG found that FBI agents were uncertain about the circumstances under which they should report child abuse allegations to local authorities during the pendency of an open FBI investigation. As a result, the OIG recommended that the FBI reassess its policies to more precisely describe for FBI employees when they are required to promptly contact and coordinate with applicable state and local law enforcement and social service agencies after receiving allegations of crimes against children that potentially fall under state jurisdiction, even when the allegations also potentially fall within the FBI's jurisdiction.

In response to the OIG's recommendation, the FBI revised its DIOG in September 2021 to provide clearer guidance on when FBI personnel must alert law enforcement of suspected abuse. In addition, in August 2021, the FBI issued training to all FBI personnel entitled *Reporting Child Abuse: What FBI Personnel Need to Know* to reinforce the requirement to report abuse. The training was required to be completed by all FBI personnel by November 30, 2021. According to the FBI, 96 percent of FBI personnel completed the training by the due date. The FBI also instituted an annual training requirement for future years.

When describing its revised policy in its formal response to the OIG Nassar Report, the FBI stated, "there is no carve-out in the policy to permit FBI personnel to choose not to report suspected abuse, even when the allegations also potentially fall within the FBI's jurisdiction." Further, the FBI stated, "FBI personnel are directed to report even if they think it [the suspected abuse] may already be under investigation, and Apx. K's [Appendix K of the DIOG] process provides clear requirements on the documentation for such reporting." Finally, according to the FBI, "the only exception to promptly reporting suspected abuse is when FBI personnel, in consultation with their [FBI] legal counsel and subject matter experts, and authorization from their division head, determine that reporting promptly will significantly compromise a confidential source, disclose protected information, or endanger public safety."

However, the OIG identified the following language in the FBI's revised policy for mandatory reporting of suspected abuse:

"However, some allegations of abuse fall within the primary investigative jurisdiction of the FBI (e.g., certain Indian Country matters, special jurisdiction matters, and certain crimes against children matters). If a mandatory reporter definitively knows that suspected abuse is the subject of an FBI investigation, the suspected abuse does not need to be reported to other (i.e., SLTT) law enforcement agencies. FBI personnel still must report the abuse to the applicable child protective services agency or adult protective services agency if such reporting is necessary to further protect the allegedly abused individual."

As part of the process to monitor the FBI's implementation of the recommendations in the OIG Nassar Report, the OIG raised concerns that this language creates a "carve-out," which continues to enable the lack of necessary coordination between the FBI and SLTT law enforcement during the pendency of an open FBI investigation. In response to the OIG's concerns, the FBI stated it will make further updates to its policy to clarify mandatory reporting requirements.



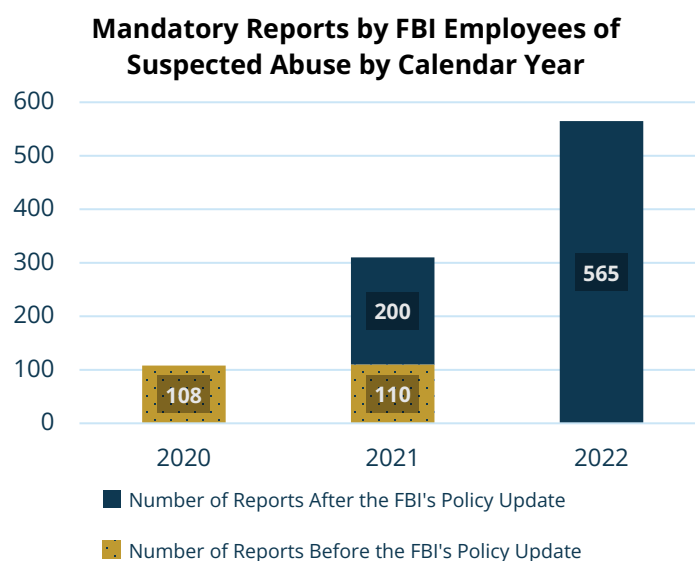
We reviewed whether the FBI implemented the changes it reported it has put in place in response to the OIG Nassar Report recommendations described previously. As discussed in the following subsections, we found an increase in the total number of mandatory reports of suspected abuse made by FBI employees after the OIG Nassar Report. However, in the specific allegations we reviewed, we found that: (1) FBI employees did not always report instances involving suspected child abuse to SLTT law enforcement or social services agencies when required, and (2) when FBI employees made a report, they did not always make the reports within 24 hours of learning the facts or document the reports as required by FBI policy. The results of this audit corroborate concerns that the current policy may leave FBI employees with uncertainty on when to report suspected child abuse to SLTT law enforcement during a pending FBI investigation.

### The Increase in Mandatory Reports of Suspected Abuse by FBI Employees After the OIG Nassar Report

The FBI reports the number of mandatory reports of suspected child abuse made by FBI employees each year in its annual Attorney General Compliance Report for Victims' Rights and Assistance.<sup>36</sup> The FBI's Victims Service Division (VSD) maintains the Sentinel file that is used to centrally track mandatory reports of suspected abuse made by FBI employees during the course of their official duties (referred to as the "mandated file" for the remainder of this report). We requested a listing of all mandatory reports of suspected abuse added to the mandated file between October 1, 2019, and February 1, 2023.

According to the data, the FBI documented 565 mandatory reports of suspected abuse in calendar year 2022, over a fivefold increase when compared to the 108 reports documented in calendar year 2020, as shown in Figure 3.

**Figure 3**



Note: The FBI's policy update became effective on September 17, 2021.

Source: OIG Analysis of FBI Sentinel Data

While the number of mandatory reports added to the mandated file increased substantially after the FBI updated its policy and training in response to the OIG Nassar Report, our testing indicated that the mandated file does not include all reports the FBI has made to SLTT law enforcement or social services agencies in incidents involving suspected child abuse because FBI employees did not always document their reports to the mandated file as required. In addition, even with the increase in mandatory reporting, the FBI

<sup>36</sup> The Attorney General Compliance Report describes activities undertaken by the FBI to comply with and implement the provisions of federal statutes and the Attorney General Guidelines on Victim and Witness Assistance (AGG-VWA). The AGG-VWA requires the FBI and other operational components of the DOJ to report compliance efforts and mechanisms to the Attorney General on an annual basis.

did not always comply with FBI policy and state laws for reporting suspected abuse. We discuss these concerns in further detail in the next section.

## **FBI Employees' Compliance with FBI Policy and State Laws for Reporting Suspected Abuse**

As described in the Introduction of this report, all FBI personnel are required to report suspected abuse, within 24 hours of learning the facts, to the SLTT law enforcement agency with jurisdiction to investigate the allegations and the social services agency with jurisdiction to protect the allegedly abused individual.<sup>37</sup> If the suspected abuse is identified during the course of their duties, the report must be serialized to a specific case file in Sentinel (referred to in this report as the mandated file).

### ***Requirement to Report Suspected Child Abuse to SLTT Law Enforcement and Social Services Agencies***

For each of the 227 Sentinel cases and Guardian incidents in our sample, we reviewed each instance involving suspected child abuse to determine whether FBI employees made reports to the SLTT law enforcement and/or social services agencies with jurisdiction.<sup>38</sup>

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<sup>37</sup> According to the FBI's *Reporting Child Abuse: What FBI Personnel Need to Know* training documents, a reasonable suspicion is when you know or have an objective reason to believe that a child (under 18) is subjected to conditions or circumstances that would lead a reasonable person to believe could result in the child being abused or neglected. You do not need to have proof and knowledge beyond a reasonable doubt that abuse is occurring.

<sup>38</sup> There are instances involving suspected abuse where the FBI may not be required to make a referral to the SLTT law enforcement agency with jurisdiction or appropriate social services agency. These instances include when the SLTT law enforcement agency and/or social services agency with jurisdiction reported the allegations to the FBI, when there was not enough information available to make a report to an appropriate agency (e.g. the subject, subject's location, or victim were not identified), or the FBI documented in the case file that a report to SLTT law enforcement or social services was not necessary and documented its reasoning (e.g. the FBI documented the allegations were not credible and there were no children in danger).

**Table 1****Reporting to Appropriate Agencies in Incidents Involving Suspected Child Abuse**

Description	Number of Suspected Child Abuse Incidents Requiring a Report by Law or Policy	Report Made		No Report Made	
		Made by FBI	Made by Other Agency	Evidence of Appropriate Agency Awareness or Involvement	No Evidence of Appropriate Agency Awareness or Involvement
<b>Reports to SLTT Law Enforcement Agency(s)</b>	125	62	4	45	14
<b>Reports to Social Services Agency(s)</b>	116	38	20	23	35

Source: OIG Analysis of Data from the FBI's Sentinel and Guardian Systems

As shown in Table 1 above, in the 125 incidents of suspected child abuse we identified where FBI policy or state law required a report to SLTT law enforcement, we found that 62 incidents included documentation demonstrating the FBI made a report to the SLTT law enforcement agency with jurisdiction and 4 incidents where the FBI documented a report was made by another agency (53 percent with a documented report).<sup>39</sup> Of the 59 incidents where we could not identify a documented report (47 percent), in 45 we found evidence in the investigative case file indicating the relevant SLTT law enforcement agency was aware of the allegations or involved in the FBI's investigation, but we could not always determine the degree of their involvement or when they became involved.<sup>40</sup> We identified 14 incidents involving suspected child abuse where we did not find in the FBI's investigative case file any evidence of awareness, involvement, or a report to the SLTT law enforcement agency with jurisdiction.

<sup>39</sup> For the purposes of our testing compliance with FBI policy and state laws for referring allegations of suspected child abuse to SLTT law enforcement and social services agencies, we considered an allegation to involve suspected child abuse if the FBI received an allegation of a hands-on sex offense against a child where the subject or a minor victim was identified. As stated earlier in the report, when describing its revised policy, the FBI stated, "there is no carve-out in the policy to permit FBI personnel to choose not to report suspected abuse, even when the allegations also potentially fall within the FBI's jurisdiction." As a result, we reviewed for mandatory reports of suspected child abuse to SLTT law enforcement with jurisdiction regardless of whether the suspected abuse potentially fell within the FBI's jurisdiction or was the subject of an FBI investigation.

<sup>40</sup> Child sexual exploitation investigations—many of which are undercover—are conducted in FBI field offices by Child Exploitation and Human Trafficking Task Forces, which combine the resources of the FBI with those of other federal, state, and local law enforcement agencies. We identified incidents where a task force officer who works for the SLTT law enforcement agency with jurisdiction was involved in or assigned to the investigation. Other examples where we identified SLTT law enforcement or social services agency awareness or involvement include when the relevant agency was involved in a documented investigative activity, such as the interview of a victim, or if the FBI documented contact with a relevant agency but not an actual referral of the allegations.

We performed a similar analysis to determine the FBI's compliance with mandatory reporting requirements to social services agencies. According to FBI officials and training documents, whether the suspected child abuse was required to be reported to a social services agency was dependent upon whether social services had jurisdiction and laws governing mandatory reporting of suspected child abuse, which vary by state. FBI policy recognizes the variation in reporting requirements by state, noting "FBI personnel should familiarize themselves with applicable SLTT laws and direct questions about the applicability of these statutory requirements to chief division counsels (CDC) or the Office of the General Counsel (OGC)."<sup>41</sup> The circumstances that vary by state include, but are not limited to, cross-reporting requirements among agencies that respond to child abuse, the definition of child abuse within each state, and the subject's relationship to the child. For example, several states' statutes provide specific definitions of persons who can be reported to child protective services as perpetrators of abuse or neglect. These persons have some relationship or regular responsibility for the child such as parents, guardians, relatives, or other caregivers. As a result, in our sample, we found 116 incidents—9 fewer instances than the 125 instances discussed above that required a law enforcement referral—where law or policy required suspected child abuse be reported to a social services agency.

Of these 116 incidents, we found 58 incidents (50 percent) with a documented report that an appropriate social services agency was notified. This included 38 incidents where the FBI made the report and 20 incidents where the FBI documented a report by another agency to the appropriate social services agency. In the remaining 58 incidents without a documented report, we found evidence that the appropriate social services agency was aware of the allegations or involved in the FBI's investigation in 23 incidents. However, we could not always identify when the social services agency became involved, the nature of their involvement, or whether they were aware of the suspected child abuse. We identified 35 incidents involving suspected child abuse where we did not identify a documented report or any evidence of awareness or involvement by the appropriate social services agency.

### ***FBI Employees' Timeliness of Reporting Suspected Child Abuse***

When we found an FBI employee made a report to a SLTT law enforcement or social services agency in an incident involving suspected child abuse, we reviewed whether the incident was reported within 24 hours of learning the facts that led the FBI employee to suspect abuse, as required by the DIOG. We found that 25 of 62 (40 percent) of reports to SLTT law enforcement agencies and 18 of 38 (47 percent) of reports to social services agencies, or 43 of 100 (43 percent) total reports, in incidents involving suspected child abuse were made within 24 hours of receiving the allegations or a victim's disclosure of abuse.

### ***Documentation Requirements for Reporting Suspected Child Abuse***

As part of our testing, we reviewed whether each incident involving suspected child abuse, where an FBI employee made a report to an SLTT law enforcement or social services agency with jurisdiction, was documented in the mandated file in Sentinel as required by FBI policy.<sup>42</sup> We found that reports involving

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<sup>41</sup> Federal Bureau of Investigation's Domestic Investigations and Operations Guide (September 2021), Section K.1.

<sup>42</sup> FBI employees are required to serialize an electronic communication (EC) in a specific Sentinel case file listed in the DIOG as soon as practicable but no later than 5 calendar days after completing the reporting requirements.

suspected child abuse were documented to the mandated file in only 17 percent of incidents as shown in Table 2.

**Table 2**

**Compliance with Documentation Requirements for Reports of Suspected Abuse**

Description	Number of Reports Made by the FBI	Percent of Reports Added to the Mandated File	Number of Reports Documented in Sentinel	Percent of Reports in Sentinel Added to the Mandated File	Number of Reports Documented in Guardian	Percent of Reports in Guardian Added to the Mandated File
<b>SLTT Law Enforcement Agency</b>	62	5%	16	13%	46	2%
<b>Social Services Agency</b>	38	37%	23	52%	15	13%
<b>Total</b>	<b>100</b>	<b>17%</b>	<b>39</b>	<b>36%</b>	<b>61</b>	<b>5%</b>

Source: OIG Analysis of Data from the FBI's Sentinel and Guardian Systems

We found that FBI personnel added reports to the mandated file when a report was made to SLTT law enforcement agencies less frequently (5 percent compliance) than when a report was made to social services agencies (37 percent compliance). Additionally, we found that reports documented within Guardian were only added to the mandated file 5 percent of the time while reports documented in Sentinel were added to the mandated file 36 percent of the time. According to a senior FBI official, the Guardian system is not set up to efficiently add these reports to the mandated file in Sentinel and described the process for doing so as “clunky.” Regardless of whether Guardian and Sentinel communicate seamlessly, it is important that reports are centrally tracked to ensure the FBI has a reliable written record and that accurate numbers are presented in the FBI’s reports to the Attorney General.

**Further Action is Needed to Improve Compliance on Reporting Suspected Child Abuse**

Our audit results suggest that FBI employees may remain uncertain about when incidents of suspected child abuse should be shared with SLTT law enforcement and social services agencies, including when the suspected abuse is the subject of an FBI investigation. As demonstrated by the OIG Nassar Report and reaffirmed by several incidents reviewed in this audit, it is critical that the FBI expeditiously notify SLTT law enforcement and social services agencies with jurisdiction of suspected child abuse and document these reports, even when the FBI pursues its own investigation. As described in Example 1 of the Examples of Significant Deficiencies Raised to the FBI Headquarters’ Attention section of this report, the FBI opened a predicated investigation into a registered sex offender in response to a child sexual abuse allegation, but we found the FBI did not take appropriate investigation action for over 1 year or notify SLTT law enforcement of

the allegations. During this period of inactivity, the subject allegedly victimized at least one minor for a period of approximately 15 months.<sup>43</sup>

According to the FBI training entitled *Reporting Child Abuse: What FBI Personnel Need to Know* provided to all FBI personnel, notifying both SLTT law enforcement and social services agencies is a best practice to protect the child. Law enforcement's role is focused on investigating whether a crime was committed, making an arrest, and presenting for prosecution. Social services' role is to identify children who are victims of or at risk of abuse and neglect, intervene on their behalf, prevent future harm, and ensure that they have safe and permanent homes. Investigative partners serve as a force multiplier for investigative matters that have federal, state, and local jurisdiction.

At the time of our audit, the FBI's response to the OIG Nassar Report stated it concurred in full with the need to update its policies to direct that FBI employees promptly notify SLTT law enforcement and social service agencies after receiving allegations of crimes against children that potentially fall under state jurisdiction, even when the allegations also potentially fall under the FBI's jurisdiction. In draft policy provided as part of the resolution process, the FBI further clarified the requirement to report suspected abuse to SLTT law enforcement agencies with jurisdiction even when the FBI has a pending investigation involving the subject of the suspected abuse.<sup>44</sup> Additionally, the draft policy provides several illustrative examples to demonstrate how mandatory reporting must be handled in various real world scenarios involving CAC/HT allegations. Further, the draft policy includes new language that stresses the importance of a reliable written record of the report being placed in the mandated file in Sentinel and clarifies that FBI employees can document a Guardian incident directly to the mandated file rather than drafting a separate electronic communication (EC) in Sentinel. The FBI's finalization of its modified policy, training on its modified policy, and training on state and local mandatory reporting laws are conditions necessary for the OIG to consider closure of this recommendation.

While we found that the FBI has made some improvements in the reporting of suspected child abuse since the OIG Nassar Report and that the FBI is in the process of improving its policy in this area, our testing indicated further action is necessary to ensure FBI employees fully understand when CAC/HT allegations must be shared with relevant partners and the documentation requirements for making these reports. As a result, after the FBI finalizes its draft policy and provides updated training to all FBI employees on mandatory reporting of suspected abuse, we recommend that the FBI develop and implement a method to monitor FBI employees' compliance with mandatory reporting of suspected child abuse for an appropriate amount of time following the implementation of its updated policy and take appropriate remedial action in

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<sup>43</sup> Furthermore, in the FBI's report on its findings from the CID Internal Review of its CAC/HT program in FY 2020 and FY 2021, the FBI identified significant deficiencies that included cases where the FBI opened a predicated investigation on the subject but did not take appropriate investigative action in a timely manner or refer the allegations to appropriate partners.

<sup>44</sup> In the draft policy, there is an exception that FBI employees are not required to make case reports to SLTT law enforcement or social services when there is no reasonable possibility that external reporting to SLTT law enforcement or social services would achieve further protection for any victim. This exception only applies when: (1) the alleged abuse is the subject of a pending FBI investigation; (2) the investigation is limited to trading, possession, and/or distribution of known Child Sexual Abuse Material (CSAM); and (3) logical investigative steps have yielded no reasonable indication that the subject poses a threat of ongoing or imminent abuse to a child.



instances of non-compliance.

## **Initial Response, Processing, and Oversight of Crimes Against Children Allegations**

According to the OIG Nassar Report, the Indianapolis Field Office did not formally document the meeting with USA Gymnastics, during which the FBI first received the Nassar allegations, in a file within 5 days of receiving the information, as required by FBI policy.<sup>45</sup> The FBI employee who was handling the Nassar allegations told the OIG during the investigation that he did not document the meeting within 5 days, because he was still conducting pre-assessment activities and, therefore, there was no file under which to place documentation. This was significant in the Nassar matter, because when the FBI employee purportedly transferred the allegations to another field office, there was no record of the allegations in any FBI system. Ultimately, the other field office stated that it did not receive the allegations and there was a lapse in investigative activity for approximately 8 months. The OIG recommended that the FBI clarify its policies on the length of time pre-assessment activities can continue before a matter should be opened into an Assessment, and where FBI employees should document their pre-assessment activities.

In response to the OIG's recommendation, the FBI stated that while pre-assessment activities can continue for more than 5 days, those activities still must be documented. The FBI further stated that it has put in place improved measures to monitor its handling of crimes against children complaints, including during pre-assessment activities. Specifically, since 2018, it has used an entirely different tips management system, including crimes against children complaints, than it used during the time period of the FBI's handling of the child sexual abuse allegations against Nassar. Guardian, the new system, is now utilized enterprise-wide for

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<sup>45</sup> According to the FBI Inspection Division's (INSD) after-action report on the FBI's Nassar Investigation, the INSD stated that all meetings with outside agencies or individuals reporting a criminal violation must be documented. FBI Indianapolis did not document the meeting with USA Gymnastics in which they detailed allegations of criminal violations involving Dr. Nassar. Additionally, the FBI conducted investigative activities prior to opening an assessment and failed to document those activities.

all programs. According to the FBI, Guardian provides increased visibility about the actions taken regarding a particular Assessment or pre-assessment, such as the opening, investigative steps, or closure.

Additionally, in January 2022, the FBI issued interim guidance directing any field office that receives an allegation of active or ongoing sexual abuse or sexual assault to treat that allegation as if it was a Threat to Life, and take investigative action or refer it to an appropriate partner within 24 hours of receipt.<sup>46</sup> Further, in

October 2022, to build upon the FBI's interim guidance, a field labeled "Time Sensitive" was added to the FBI's Guardian system for incidents involving an imminent or ongoing threat of sexual and/or physical abuse or exploitation of a child or adult, as shown in Figure 4.

Guardian incidents that are marked as Time Sensitive are highlighted in red to indicate to users that they require immediate attention. This Time Sensitive designation triggers additional oversight at both the field office and FBIHQ, including additional review by the immediate supervisor, an Assistant Special Agent in Charge, and the appropriate Crimes Against Children and Human Trafficking Unit (CACTU) Program Manager.<sup>47</sup>

**Figure 4**

**Screenshot of "Add Report/Edit Incident" in the Guardian System**

The screenshot shows the 'Add Report' form in the Guardian System. The form has several fields: 'Title Classification' with a red highlight and a 'Portion Mark' dropdown; 'Title' with a red highlight; 'Reported By Contact Info' with a red highlight; 'Threat Issue' with a 'Choose One' dropdown; 'Threat To Life' with radio buttons for 'Yes (Federal)', 'Yes (State/Local)', and 'No'; and 'Time Sensitive' with a red highlight and a definition of 'Threat to Life'. The 'Time Sensitive' section is highlighted with a red border and contains checkboxes for 'Allegations of imminent or ongoing contact offenses whereby an identified child victim is being physically or sexually abused and/or exploited' and 'Allegations of imminent or ongoing contact offenses whereby an identified'.

Source: FBI

In addition to implementing the Guardian system and requiring appropriate investigative action be taken within 24 hours on active or ongoing sexual abuse and assault allegations, the FBI stated that in September 2021 it implemented 30-day justification reviews for pre-assessments related to sexual abuse or sexual assault.<sup>48</sup> The OIG assessed that the actions taken by the FBI were fully responsive to two subparts of one of the OIG Nassar Report recommendations and closed those subparts of the recommendation. For the

<sup>46</sup> This requirement applies to all forms of intake (investigative activity, NTOC referrals, leads, Guardians, etc.) and is limited to reporting which alleges that someone is committing active hands-on abuse; it does not apply to allegations of possession or distribution of CSAM, sextortion, or enticement in which no physical contact or hands-on abuse is specified.

<sup>47</sup> Time Sensitive incidents in Guardian that are in pre-assessment, submitted for opening, or submitted for closing status for more than 5 combined calendar days must be reviewed by the Approver (i.e. the immediate supervisor). Further, incidents marked Time Sensitive must be reviewed by the Assistant Special Agent in Charge after closure and by the appropriate Program Manager of CACTU.

<sup>48</sup> These 30-day reviews require a supervisor to justify why maintaining a pre-assessment is warranted, and to document it in Guardian. In making this justification, the supervisor will take into account the investigative steps that personnel have taken in the last 30 days of the pre-assessment.

remaining relevant subpart, the OIG raised concerns with the FBI's policy on documentation retained during a pre-assessment when further investigative activity is warranted, but there is not yet a sufficient basis to open an Assessment or predicated investigation. The FBI responded that its comprehensive DIOG policy revisions will include additional clarification on where records of investigative work must be documented. As of April 2024, these policy revisions have not yet been finalized and implemented.

We examined the FBI's implementation of the changes it reported it has put in place in response to the OIG Nassar Report recommendations, as described above. As discussed in the subsections that follow, we found that the FBI did not always: (1) use Guardian and its associated enhanced visibility for all crimes against children tips; (2) take investigative action or refer to an appropriate partner within 24 hours; and (3) comply with required supervisory reviews.

### **The FBI's Use of its Guardian System for Crimes Against Children Tips and Allegations**

While the FBI's response to the OIG Nassar Report stated that Guardian is now used for crimes against children tips, we found FBI policy only requires certain crimes against children tips received through its central tip line at NTOC to be drafted into a new Guardian incident. FBI employees receiving tips and allegations involving crimes against children from other sources (e.g. NCMEC tips, leads from ongoing investigations, or referrals received directly at an FBI field office) can choose to document receipt and initial processing of that information in Guardian or Sentinel. According to a senior FBI official, depending on the source of the allegation, an FBI employee may choose to not create a new Guardian incident for every Time Sensitive allegation. For example, if a Sentinel investigative lead involving a Time Sensitive allegation is set from one FBI field office to another FBI field office, the recipient field office can cover the lead and document its investigative activities more efficiently in Sentinel rather than creating a new Guardian incident. However, this senior FBI official acknowledged that some of the controls present in Guardian to help ensure Time Sensitive incidents are acted upon within 24 hours do not exist in Sentinel. Sentinel users can set immediate leads in Sentinel, which must be covered within 24 hours, but immediate leads do not receive the same level of oversight as Guardian incidents marked Time Sensitive because they do not require review by the CACHTU Program Manager and Assistant Special Agent in Charge. Additionally, setting an immediate lead to transfer Time Sensitive allegations between FBI field offices is not required by FBI policy or guidance.

We found it concerning that initial processing and response to allegations and tips that FBI employees choose to document outside of Guardian (i.e. in Sentinel) are not subject to the increased visibility the FBI has stated exists in Guardian or the additional controls in Guardian for handling Time Sensitive incidents. As described in further detail in the next section of this report, we found that tips and allegations documented in Guardian and marked Time Sensitive included evidence of investigative action taken within 24 hours more frequently than tips and allegations that were documented solely in Sentinel.

### **Further Action is Needed to Ensure the FBI Responds to Active or Ongoing Allegations of Child Sexual Abuse or Assault Within 24 Hours**

Of the 227 Sentinel cases and Guardian incidents in our sample, we identified 122 incidents that included an allegation of active or ongoing sexual abuse or sexual assault of a child received by the FBI since January 13, 2022, the date the FBI implemented its new guidance. For each incident, we reviewed for evidence that the FBI took investigative action or referred the matter to an appropriate partner within 24 hours. We found that 73 of 122 (60 percent) of these allegations included evidence of investigative action or

a referral within 24 hours as required. As shown in Table 3, we also reviewed whether the FBI documented the complaint and its initial response in Sentinel or Guardian.

**Table 3**

**FBI's Response to Active or Ongoing Child Sexual Abuse Allegations Since January 13, 2022**

Description	Documented Solely in Sentinel	Documented in Guardian
<b>Total Allegations Reviewed Involving Active or Ongoing Sexual Abuse or Assault</b>	43	79
<b>Number with Evidence of Investigative Action or a Referral within 24 hours</b>	19	54
<b>Percent with Evidence of Investigative Action or a Referral within 24 hours</b>	44%	68%

Source: OIG Analysis of Information in the FBI's Sentinel and Guardian Systems

We found that allegations documented in Guardian were actioned within 24 hours at a greater rate (68 percent) than those documented solely in Sentinel (44 percent). This data corroborates the FBI's statement made in response to the OIG Nassar Report that the implementation of its Guardian system has improved its response to crimes against children allegations. However, we identified inconsistencies regarding whether FBI employees chose to document incoming allegations in Guardian or Sentinel and whether Guardian incidents were appropriately marked Time Sensitive.

For each allegation of an imminent or ongoing threat of sexual abuse or exploitation of a child—the criteria to mark an incident as Time Sensitive—received by the FBI after October 14, 2022—the date the Time Sensitive feature was implemented—we reviewed whether the incident was appropriately marked as Time Sensitive. Of the 46 incidents we reviewed that met this criteria, 31 incidents (67 percent) were documented in Guardian but only 21 (46 percent) were appropriately marked Time Sensitive. Of the 21 incidents we reviewed that were documented in Guardian and marked Time Sensitive, we found 16 (76 percent) of these incidents included evidence of investigative action within 24 hours, an even greater rate than those documented in Guardian shown in Table 3 above (68 percent). The remaining 15 incidents were documented solely in Sentinel.

When the FBI disseminated guidance to field offices regarding handling active and ongoing sexual abuse allegations and Time Sensitive incidents within 24 hours in January 2022 and October 2022 respectively, the communications stated that updated policy language would be forthcoming. As of October 2023, the FBI had not yet updated its policies for FBI employees in field offices on handling allegations of active or ongoing sexual abuse of children. Additionally, NTOC Standard Operating Procedures for handling incoming active sexual abuse or assault complaints had not been updated to reflect the implementation of the Time Sensitive feature in Guardian.

It is important the FBI updates its policies for FBI employees on handling crimes against children allegations, including when these allegations must be documented in Guardian and marked Time Sensitive, and trains FBI employees on the updated policy. As a result, we recommend that the FBI: (1) update its procedures for NTOC personnel on handling allegations of sexual abuse or the sexual exploitation of a child to describe when incidents must be marked Time Sensitive, (2) update its policies for field offices on documenting and responding to incoming allegations of sexual abuse or the sexual exploitation of a child, including when these incidents must be documented in Guardian and marked Time Sensitive, and (3) implement sufficient controls to ensure all incidents involving an imminent or ongoing threat of sexual and/or physical abuse or exploitation of a child or adult are handled within 24 hours as required. We make a recommendation for the FBI to implement additional training for individuals in its CAC/HT program later in this report.

### **The FBI Should Ensure Required Supervisory Reviews are Completed in Pre-assessments and Assessments**

The DIOG requires FBI supervisors to complete 30-calendar-day justification reviews for all Type 1 & 2 Assessments (Assessments). As described previously, in September 2021 the FBI implemented an additional supervisory justification review for Guardian incidents associated with sexual abuse/exploitation, violent crimes against children, or human trafficking in the pre-assessment phase that are not closed as information only or converted to an Assessment or predicated investigation within 30 days. As part of our testing, we reviewed whether the FBI completed required justification reviews for each pre-assessment and Assessment in our sample that was open for over 30 days.

**Table 4**

#### **Number of Justification Reviews Completed for Pre-assessments and Assessments**

Type of Review	Total Incidents Requiring Review	Incidents with All Required Reviews Completed	Incidents Missing Required Review(s)	Percent with All Required Reviews Completed
<b>Pre-Assessment Justification Review</b>	26	17	9	65%
<b>Assessment Justification Review</b>	33	29	4	88%

Source: OIG Analysis of Information in the FBI's Sentinel and Guardian Systems

As depicted in Table 4, we found a lower completion rate for pre-assessment justification reviews (65 percent) compared to Assessment justification reviews (88 percent). The FBI added the 30-day justification review for pre-assessments related to sexual abuse and sexual assault to ensure that the information contained within them is "evaluated promptly and do[es] not linger unresolved for extended periods of time."<sup>49</sup> The results of our testing indicate that further monitoring and training is necessary to ensure FBI

<sup>49</sup> Thomas G. Seiler, Section Chief, FBI Inspection Division, memorandum for Sarah E. Lake, Assistant Inspector General, DOJ OIG Investigations Division, RE: Investigation and Review of the FBI's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar, September 29, 2021.

supervisors understand the requirement to complete pre-assessment justification reviews for allegations for certain crimes against children matters. We make a recommendation for the FBI to implement additional training for individuals working in its CAC/HT program later in this report.

## **Victim Services for Victims of Child Sexual Abuse**

In 2018, at the direction of the FBI's Deputy Director, the FBI Inspection Division (INSD) conducted a special review of the FBI's handling of the allegations against Nassar and issued an after-action report on its findings. In the report, FBI INSD concluded that one of the adult victims, who was victimized as a minor, and her family should have been provided victim services following the victim's initial interview. Additionally, in the OIG Nassar Report, the OIG determined that the FBI's Victim Policy Guide did not indicate whether victim services should be offered before or during an Assessment. The OIG recommended that the FBI reassess its policies to describe the circumstances under which victim services should be offered during pre-assessment or Assessment activities, such as when these phases take longer than expected, when a victim is interviewed as part of these phases, or when an initial complaint is transferred between field offices. At the time of our audit, the FBI stated that it was making updates to its Victim Services Policy Guide in response to the OIG's recommendation, but the recommendation remains open because the FBI has not yet finalized these updates.

According to the Victim Services Policy Guide, in all FBI investigations, Special Agents are responsible for identifying eligible victims based upon the statutory definition in the Victims' Rights and Restitution Act and providing this information to Victim Specialists by indexing the victim as a victim in Sentinel.<sup>50</sup> This identification must be done "at the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation."<sup>51</sup> When victim eligibility is in question, the Policy Guide calls for Special Agents and Victim Specialists to err on the side of including victims rather than excluding them.

Victim Specialists must provide eligible victims with case status updates and written or oral information about available services. In addition, when the FBI conducts an interview as part of its forensic interview program, the Victim Specialist must inform the minor and/or parent(s)/legal guardian(s) of the minor's rights and available assistance and any other appropriate services or support, even if the minor is not considered an eligible victim.<sup>52</sup> FBI policy dictates that victim notifications and services provided to victims be documented in the Sentinel investigative case file.<sup>53</sup>

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<sup>50</sup> For the purposes of providing services, the Victims' Rights and Restitution Act and the AGG-VWA define a victim as "a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime..."

<sup>51</sup> AGG-VWA, 2011 Edition (Revised May 2012).

<sup>52</sup> A forensic interview is defined as an "interview that seeks to elicit information from a victim or a witness about events that he or she may have experienced or witnessed. Forensic interviews are conducted by professionals who are experienced in evidence-based practice and techniques informed by trauma expertise, using industry standards that are admissible in court."

<sup>53</sup> For services provided to victims, a checklist/spreadsheet must be imported into the investigative case file within the first 90 days of a case opening if a victim has been identified. A final checklist/spreadsheet must be completed and imported to Sentinel at the time of the following case events: indictment (local or federal), referral to a state or local

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The FBI has stated that it is updating the Victim Services Policy Guide to clarify the requirement to involve Victim Service Providers as early as reasonably possible without interfering with an investigation or adversely impacting safety and to further clarify that FBI personnel must err on the side of including victims rather than excluding them.

### The FBI Should Ensure Victims are Offered and Provided Services

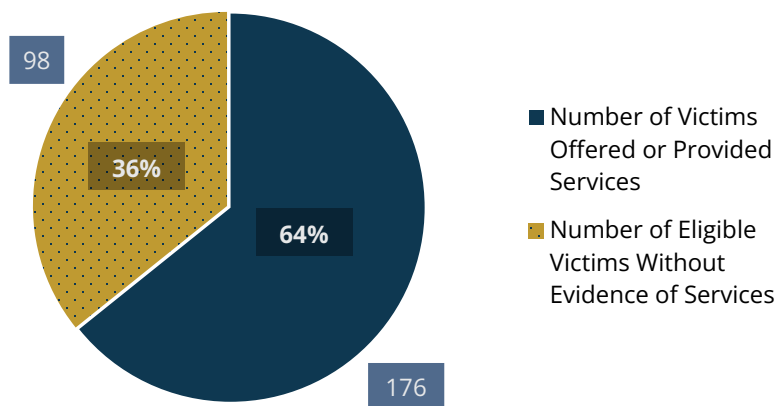
We reviewed each of the 227 Sentinel cases and Guardian incidents in our sample for documentation of victim services offered or provided to each eligible victim.<sup>54</sup> In addition, we requested victim services data documented in the Victim Services Division's (VSD) Victim Services and Training Tracker System to identify whether any services were offered or provided to victims that were not documented in the investigative case file.<sup>55</sup>

As shown in Figure 5, we found that victim services were offered or provided to 176 of the 274 eligible victims (64 percent) we identified in our testing. However, we could not find evidence demonstrating victim services were offered or provided to the remaining 98 eligible victims. Of the 176 victims who were offered or provided victim services, we identified the required documentation of victim services in the investigative case file for only 134 (76 percent) of those victims. For the remaining 42 victims, evidence of services was documented in the Victim Services and Training Tracker System but not the investigative case file as required by FBI policy.

When we shared our results with VSD management officials, they stated that they were aware of issues that could result in victim services not being offered to all eligible victims or documented as required. Specifically, they told us that indexing a victim as victim in

**Figure 5**

#### FBI's Compliance with Providing Victim Services



Source: OIG Analysis of Information in the FBI's Sentinel, Guardian, and Victim Services and Training Tracker Systems

agency, declination of prosecution, and case closure. If a victim declines case status updates or services, the victim's preference and/or a declination of services must be documented in the investigative case file.

<sup>54</sup> For the purposes of our testing, eligible victims include victims that were provided victim services by the FBI and victims who did not receive victim services but were indexed as victims in a predicated investigation or participated in a forensic interview with the FBI. In addition to our sample of 227 Sentinel cases and Guardians, we also reviewed whether victim services were provided to eligible victim(s) in 11 Sentinel leads because these 11 leads involved a request to interview or identify a victim.

<sup>55</sup> The FBI's VSD uses a case management system called the Victim Services and Training Tracker System to record all its activities.

Sentinel does not provide a notification to the FBI employees responsible for notifying victims and offering victim services, and the FBI is looking into whether this functionality can be added to the system. Further, in an effort to improve compliance with its documentation requirements, the FBI is reviewing the standardized form used to document victim services to determine if boilerplate language can be added that reduces the time employees need to spend completing the form.

Crimes against children often cause emotional, psychological, and physical trauma to both the victims and their families. It is important that the FBI ensures each eligible minor victim or adult who was victimized as a minor is offered victim services, and that those services are appropriately documented in the FBI's investigative case file. As a result, we recommend that the FBI implement sufficient controls to ensure FBI employees responsible for notifying victims and providing victim services become aware of all eligible federal crime victims, notify and offer services to these victims, and document victim notifications and services offered to victims in the investigative case file.

### **Most Minors Received an In-Person Forensic Interview by Appropriately Trained Personnel**

Both the FBI INSD and the OIG expressed concern with the manner in which the FBI interviewed a victim during the FBI's pre-assessment into the allegations against Nassar. In the OIG Nassar Report, the OIG found that an FBI official exercised poor judgment in choosing to conduct a victim interview telephonically and failed to document the interview accurately and in a timely manner. Further, the FBI INSD after-action report on the FBI's Nassar Investigation concluded that, given the victim's age at the time of victimization and the nature of the allegations, it would have been more appropriate to conduct the interview in person and with the assistance of a Victim Specialist or Child and Adolescent Forensic Interviewer (CAFI). The OIG recommended that the FBI: (1) reassess its policy to clarify when interviews by CAFIs should be conducted of children and adults reporting allegations of abuse they experienced as children, and (2) develop a policy describing the circumstances, if any, under which telephonic interviews of alleged child abuse victims, including adults who had allegedly been victims of abuse as children, are appropriate. In response, the FBI updated its Victim Services Policy Guide and DIOG to clarify guidance for conducting interviews of minors in person with appropriately trained personnel. As of December 2023, both recommendations remained open.

For each interview of a minor that should have received a forensic interview, we reviewed whether the interview was conducted by personnel properly trained in forensic interviewing, conducted in person, and documented in the investigative case file as required by FBI policy.

First, we reviewed whether each interview of a minor victim or witness was conducted by personnel properly trained in forensic interviewing techniques (e.g. FBI CAFI or non-FBI forensic interviewer, such as a Child Advocacy Center interviewer). In a case involving alleged child abuse, FBI policy states personnel properly trained in forensic interviewing techniques should conduct the interview of minor victims and witnesses unless an exceptional operational circumstance exists.<sup>56</sup> A forensic interview seeks to elicit

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<sup>56</sup> Exceptional operational circumstances may exist when it is reasonable to believe that delaying a forensic interview of a minor is likely to: (1) cause or facilitate the continued, increased, or imminent likelihood of harm or abuse to the

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information from a victim or a witness about events that he or she may have experienced or witnessed. Professionals experienced in evidence-based practice and techniques informed by trauma expertise conduct forensic interviews using industry standards that are admissible in court. The FBI delivers forensic interviews through its own cadre of CAFIs in the Child Victim Services Unit, which is comprised of a team of supervisory CAFIs and 22 CAFIs. Through a memorandum of understanding with the National Children's Alliance, the FBI supplements its cadre of CAFIs with trained forensic interviewers from local Child Advocacy Centers.

In our sample, we identified 149 interviews of minors that qualified for forensic interviews. We found that 95 percent (142) of the total 149 minor interviews were conducted by either an FBI CAFI or a non-FBI forensic interviewer.<sup>57</sup> Of the seven minors who did not receive a forensic interview by appropriately trained personnel, two were witnesses and five were alleged victims of a crime.

We also reviewed whether each interview of a minor victim or witness that qualified for a forensic interview occurred in person. According to the DIOG, whenever possible, interviews of minor victims and witnesses regarding alleged abuse or sexual exploitation should take place in person (rather than exclusively by telephone or video conference).<sup>58</sup> Of the 149 interviews we reviewed that qualified for a forensic interview, we found that 146 (98 percent) were conducted in person. Of the three that were not conducted in person, one was an interview of a minor witness and two were interviews conducted virtually due to the need for a bilingual CAFI. For the two virtual interviews conducted by a bilingual CAFI, the exception to FBI policy was approved and documented in the case file.

In addition, we reviewed whether each of the 149 interviews of minors that qualified for a forensic interview were properly documented in Sentinel. According to the DIOG, any matter that may be testimonial must be documented using an FD-302 within Sentinel. This includes the interview of subjects, witnesses, or victims. Of the 149 interviews, we found that 146 (98 percent) were documented in the investigative case file as required by FBI policy. We provide a brief description of the facts surrounding one of the cases where the victim interview was not appropriately documented in Example 3 of the Examples of Significant Deficiencies Raised to the FBI Headquarters' Attention section of this report.

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minor or a third party, (2) enable critical evidence to be lost or unobtainable, (3) endanger the safety of law enforcement officers or the general public, (4) impede the "hot pursuit" of a suspect, or (5) increase the likelihood that a suspect will flee before law enforcement can obtain a warrant.

<sup>57</sup> In our testing of compliance with FBI policy for interviews of minors, we present the results solely for our random sample. We did not include the results of our judgmental sample because our judgmental sample included incidents that were selected solely because prepopulated data told us that a forensic interview was conducted by personnel other than an FBI CAFI or non-FBI forensic interviewer. Therefore, including these incidents skews the overall results.

<sup>58</sup> In response to the OIG Nassar Report, the FBI began drafting updated policy stating CAFI interviews should take place in person unless an exceptional operational circumstance exists, and a remote interview (i.e., by telephone or video conference) is approved by the Unit Chief of the Child Victim Services Unit within the FBI's VSD. This policy was not effective during our audit.

## Transfers of Complaints, Assessments, and Predicated Investigations

As described in the Introduction, the National Threat Operations Center (NTOC) regularly receives allegations of child sexual abuse that must be transferred to a field office for investigation. Similarly, as was the case with the investigation into Nassar, a field office may receive an allegation that is not within its area of responsibility and need to transfer it to another field office. The OIG Nassar Report found that an FBI Supervisory Special Agent (SSA) failed to transfer the sexual abuse allegations to another FBI field office's resident agency having jurisdiction.<sup>59</sup> Though the FBI SSA claimed to have completed the FBI form (FD-71) to transfer the complaint to the resident agency, the OIG's investigators found that the FD-71 was never completed. In response to the recommendations made in the OIG Nassar Report, the FBI updated its Crimes Against Children and Human Trafficking Program Policy Guide. The updates require FBI employees to confirm receipt of transfers between field offices for transferring complaints, Assessments, and predicated investigations in the CAC/HT program. These notifications and confirmations must be conducted verbally and must also be documented in Sentinel via electronic communication (EC) and an action lead set by the office of origin.

In January 2022, the FBI updated NTOC Standard Operating Procedures related to allegations of active sexual abuse or assault. The updates require NTOC personnel to notify the appropriate FBI Field Office Operations Center via telephone when it has been determined that a transaction involves an allegation of active sexual abuse or assault, and the location of the crime is known. These procedures further require that NTOC personnel document in Guardian the field office notified, the method of notification, the name of the individual spoken with, the date and time of the notification, and the information provided and/or requested by the agency.<sup>60</sup>

## Improvements Needed to Ensure Consistent Transfer of Complaints, Assessments and Predicated Investigations

Of the 227 Sentinel cases and Guardians we reviewed as part of our overall testing, we identified 26 instances where a complaint, Assessment, or investigation in the CAC/HT program was transferred from one FBI field office to another. We tested those 26 incidents to determine whether there was documentation of verbal contact between the field offices, and an EC and an action lead set by the originating office. We found only one incident that was fully compliant with the new policy. In six instances, we found evidence of verbal contact between the field offices but no evidence of the required EC and action lead. Of these six instances, five were Guardians that contained documentation describing the communication the originating office had with the recipient office prior to transferring the incident. However, we noted that the functionality of the Guardian system does not facilitate the seamless creation of an EC. In the remaining 19 transferred incidents (73 percent), we found no evidence of documentation of verbal contact or that an EC and an action lead were set for transferring a complaint, Assessment, or investigation in the CAC/HT program.

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<sup>59</sup> DOJ OIG, *Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar*, 88.

<sup>60</sup> While the FBI updated its NTOC Standard Operating Procedures in January 2022, we found the FBI had not updated these procedures to reflect the implementation of the Time Sensitive feature in Guardian as of October 2023. We describe this concern in the "Further Action is Needed to Ensure the FBI Responds to Active or Ongoing Allegations of Child Sexual Abuse or Assault Within 24 Hours" section of this report.

Although 25 of the 26 transfers were not fully documented in accordance with FBI policy, we found that 21 of 26 (81 percent) transferred incidents were still assigned at the recipient field office within 24 hours. The remaining 5 incidents were assigned between 2 and 15 days after the transfer of the incident. Four of those incidents did not have documentation indicating that any of the required notifications—verbal contact, EC and lead—had been made about the transfer.

In addition to the 26 transfers between field offices, we also identified 33 Guardians containing allegations of ongoing or active sexual abuse that NTOC created and transferred to a field office. The NTOC Standard Operating Procedures requires NTOC personnel to verbally notify a field office when NTOC receives an active or ongoing sexual abuse allegation in the field office's area of responsibility. We found that NTOC personnel documented that they verbally contacted the relevant field office in 18 of the 33 incidents in our sample (55 percent). For the 15 incidents from NTOC transferred to a field office without evidence of verbal notification, we found that 5 incidents (33 percent) were not assigned within 24 hours of receipt by the receiving field office but were instead assigned between 3 and 9 days after receipt of the transfer.

As demonstrated by the findings of the OIG Nassar Report, when a sexual abuse allegation is transferred from one FBI field office to another without adequate communication, it can have devastating consequences, including additional abuse or trauma for the alleged victim as well as abuse of additional victims due to the perpetrator not being apprehended. In September 2021 testimony before the Senate Judiciary Committee regarding the FBI's handling of the Nassar Investigation, FBI Director Wray stated that, "there can't be a single point of failure in terms of transferring cases between field offices."<sup>61</sup> The FBI's updated policies for transferring incidents in its CAC/HT program are designed to help ensure that FBI field offices are aware of each pending transfer and are not impeded by a delay in the notification of a transfer. However, we found that FBI employees did not routinely comply with the new requirements. We believe additional training for individuals in the CAC/HT program can help improve compliance, as discussed further later in this report.

Additionally, we recommend that the FBI implement sufficient controls to ensure that notices of transfers of sex crimes against children complaints, Assessments, and predicated investigations between FBI field offices and from NTOC occur as required and are appropriately documented.

## Self-Approvals

In the OIG Nassar Report, the OIG found that a former FBI SSA stated that he was unsure of whether he had self-approved an internal FBI document known as an FD-71. The former SSA stated that he believed that self-approving an FD-71 was probably not proper procedure, but that he may have self-approved it "inadvertently."<sup>62</sup> FBI policy did not permit supervisors to self-approve their own work or investigative activity. In the OIG Nassar Report, the OIG recommended that the FBI clarify its policies as to the type of approval required (including who is required to provide approval) when a supervisor conducts investigative activity or completes documentation that would require supervisory approval when conducted by a nonsupervisory Special Agent. At the time of our audit, the FBI had taken actions that were responsive to

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<sup>61</sup> *Dereliction of Duty: Examining the Inspector General's Report on the FBI's Handling of the Larry Nassar Investigation, Hearing Before the S. Comm on the Judiciary*, 117th Cong. (2021 - 2022).

<sup>62</sup> DOJ OIG, *Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar*, 48.

the OIG's recommendation. Specifically, the FBI stated that self-approvals were prohibited previously but updated the DIOG to clarify that supervisors are also subject to this prohibition.<sup>63</sup>

We reviewed the opening and closing (if applicable) ECs of 137 predicated investigations involving hands-on sex offenses against children to determine whether the required ECs were completed and whether each EC was approved by an FBI official different from the person who authored it. In 134 of the 137 cases (approximately 98 percent), we found that the relevant ECs complied with FBI policy. However, we found two instances where an opening EC was authored and approved by the same FBI agent, and one instance where there was no opening EC. Failure to adhere to the No Self-Approval Rule section of the DIOG is considered "substantial non-compliance."<sup>64</sup>

In response to our finding two instances of self-approval, a senior FBI Criminal Investigative Division (CID) official told us it is common for Special Agents serving as acting supervisors in field offices to have a case request that they authored be one of the documents they are asked to approve as part of their acting role. However, a senior FBI INSD official acknowledged the issues the audit team found were problematic and informed the team that the FBI INSD would be investigating it further.

Separately, in the third non-compliant case, we found that there was no opening EC. The case was initiated in Guardian as an Assessment and converted to a predicated investigation in Sentinel. When the Assessment was closed in Guardian, the reviewing supervisor approved the closure in Guardian for conversion into a predicated investigation. However, the case agent did not prepare an opening EC to document the predication and supervisory approval to open the investigation, as required by the DIOG. Because the Assessment in Guardian also created a Sentinel case file, the agent was able to continue work in the case file without drafting an opening EC to create a new Sentinel file. The FBI CID told us it will coordinate with the FBI's Guardian and Sentinel teams to determine a technical solution that will assist users to comply with policy. We recommend that the FBI implement sufficient controls that ensure Assessments in Guardian that are converted to a predicated investigation include the opening documentation required by the DIOG.

### **Sentinel Modifications Needed to Limit Self-Approvals**

According to officials from the FBI's Information Technology Applications and Data Division and a demonstration of Sentinel, Sentinel's default settings disable self-approvals, but employees can enable the self-approval setting at their choosing. If a user attempts to self-approve a document and the user does not have the self-approval functionality enabled, the user receives a message notifying them that they cannot self-approve the document unless they turn on the functionality. When users self-approve documents, Sentinel does not warn them that self-approval is substantial non-compliance with the DIOG or send information advising their supervisors that they self-approved a document. According to the FBI officials we spoke with, the FBI does not review data about the number of self-approvals or otherwise monitor Sentinel for such use.

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<sup>63</sup> At the time of our audit, this recommendation had not been closed due to the need to edit an example that is included in the current policy.

<sup>64</sup> FBI's Domestic Investigations and Operations Guide (September 2021), Section 3.5.2.3, 3-13.



Because Sentinel allows a user to self-approve an opening EC (or other document), users may bypass important approvals, increasing the risk of errors, such as opening an investigation without sufficient predication. Restricting or prohibiting a user's ability to self-approve documents related to investigative activity within Sentinel can help ensure that important investigative documents receive the independent evaluation that they require. As a result, we recommend that the FBI implement sufficient controls to prevent users from self-approving documents that require approval/authority within investigative case files.

## **Areas Not Previously Identified as Deficiencies in the OIG Nassar Report**

While our audit focused on areas of deficiency identified in the OIG Nassar Report, we also reviewed the FBI's compliance in other areas that are important for the FBI to meet its CAC/HT mission. Specifically, we reviewed whether FBI employees appropriately covered investigative leads related to hands-on sex offenses against children and whether submissions to the Child Victim Identification Program (CVIP) were made in cases involving suspected CSAM.

### **Investigative Leads**

During investigations involving hands-on sex offenses against children, investigators may develop tips or leads that need to be pursued outside of the area of responsibility of the investigators' office. According to the DIOG, when investigative information is needed from another FBI office, it can generally be obtained by setting an investigative lead to that FBI office. The DIOG lists that investigative leads can be action required leads or information only leads. An action required lead must be used if the office setting the lead requires the recipient office to take some type of action. In contrast, an information only lead must be used when no specific action is required or necessary from the recipient field office.

As described in the Introduction of the report, FBI's CID conducted a comprehensive, program management review of all CAC/HT investigations, Guardians, and leads for FY 2020 and FY 2021 (CID Internal Review). Of the 13,815 leads, the CID Internal Review determined that 19 leads had an investigative deficiency, 2 of which were determined to be significant deficiencies. For example, if a lead was marked covered with no investigative activity or documentation, it was considered an investigative deficiency. In addition, the CID Internal Review determined that nine leads had an administrative deficiency.

### ***The FBI Should Ensure Leads are Completed On Time and Properly Covered***

We tested 100 investigative leads to determine whether each lead was appropriately covered and, if so, whether it was covered within the established timeframe. A lead is considered covered once the requested action is completed. We identified the following deficiencies:

- two leads were overdue and not covered at the time of our review,
- one lead was marked covered but the required action was not completed,
- six leads were covered after the required due date, and
- seven leads were not appropriately covered within the required timeframe, but we determined that

coverage of the lead depended on entities outside of CID's control.<sup>65</sup>

We flagged three leads, referenced in the first two bulleted items above, because they were past the due date and had not been covered or the required action was not completed for FBI review. One of these three leads, to locate and interview a victim, was overdue and not marked covered. After we flagged it for the FBI, we learned that the victim was located and interviewed before the due date, but the Special Agent assigned the lead did not document the interview until approximately 5 months later, after we raised it to the FBI's attention.

In the second lead we flagged, we found that the lead was marked covered, but the required action was not completed. The lead from a field office asked the FBI's Criminal Justice Information System Division (CJIS) to update a subject's criminal history. However, the person at CJIS assigned to complete the lead marked it covered and entered in Sentinel that the criminal history could not be updated without the subject's fingerprints, which were not on file. We found no evidence that the Special Agent who set the lead followed up and provided fingerprints to CJIS, or that the subject's criminal history was updated. At the time of our review, the case was closed. The FBI responded that a recent check of the subject's criminal history was negative and therefore, neither the FBI nor another involved agency submitted fingerprints or arrest and conviction information for inclusion in the subject's criminal history. The FBI coordinated with federal partner agencies to obtain the subject's fingerprints and stated it will update the subject's criminal history.

The third lead we flagged, set to interview an alleged victim, was not covered within the required timeframe and remained open at the time of our review. In its response to the audit team, the FBI stated that it was attempting to locate and interview the alleged victim. However, we later verified that the alleged victim had been interviewed before we flagged the issue to the FBI, albeit later than required, but the interview had not been documented in the case file. After we flagged this issue, the FBI documented the interview to the case file.

The issues we identified reflect a need for the FBI to more closely monitor leads to ensure that they are covered appropriately and within the set timeframe. Overdue leads can create failure points in the FBI's investigations of hands-on sex offenses against children. As a result, we recommend that the FBI enhance its monitoring of leads to ensure that leads are covered timely and appropriately.

### **Child Victim Identification Program**

Managed by the National Center for Missing & Exploited Children (NCMEC), CVIP operates with three core goals: (1) to help verify if CSAM seized from offenders depicts previously identified child victims; (2) to help identify and locate unidentified child victims depicted in sexually abusive images or videos; and (3) to provide recovery services and restitution support to child survivors, their families, and their private legal counsel. CVIP uses NCMEC's Child Recognition and Identification System, a database of visual depictions

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<sup>65</sup> These leads were made to divisions outside of CID, such as the FBI Laboratory Division and the Information Management Division. Additionally, one of these leads could not be covered as the agent documented they were awaiting a decision by the Assistant United States Attorney, which was necessary to cover the lead.

that have been submitted by law enforcement agencies worldwide from child exploitation cases.<sup>66</sup> Since 2002, more than 28,000 children have been identified in CSAM through CVIP.

According to the Crimes Against Children and Human Trafficking Program Policy Guide, a CVIP comparison is mandatory for any investigation pertaining to the sexual exploitation of children involving suspected CSAM. The Policy Guide states that the results of CVIP comparisons are the cornerstone of prosecutions and are available to all law enforcement agencies who populate the database with identified victims rescued from abusers. In addition, the Attorney General Guidelines for Victim and Witness Assistance (AGG-VWA) require investigating agents to provide the results of the CVIP comparison to the prosecuting attorney in a timely manner.

To determine compliance with the requirement to make a CVIP submission when CSAM is recovered during an investigation, we reviewed each case file to determine if the investigation involved CSAM. If the investigation involved CSAM, we reviewed whether a CVIP submission was documented in the investigative case file. We identified 29 instances in which FBI policy required a CVIP submission. Of these 29, we found only 21 (72 percent) contained documentation of the required CVIP submission in the case file. We believe the additional training for individuals in the FBI's CAC/HT program, discussed later in this report, can help ensure FBI employees make the required submissions.

## **Necessary Improvements to Increase Compliance with Multiple Areas Discussed in This Report**

As a whole, the results of our audit demonstrate that the FBI needs to improve compliance with policies and laws in multiple areas, including mandatory reporting of suspected child abuse, providing victim services, transferring incidents between field offices, self-approvals, and responding to allegations of active or ongoing child sexual abuse. To improve compliance in these areas and minimize the risk of incidents being left unaddressed, the FBI should evaluate agent workloads and implement additional training for FBI employees assigned to its CAC/HT program, as discussed further in the remainder of this report section.

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<sup>66</sup> The OIG's report on the FBI's Efforts to Notify Victims of CSAM provides more information on law enforcement agency submissions of CSAM images to NCMEC and how NCMEC processes these submissions in its Child Recognition and Identification System. U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), [Audit of the Federal Bureau of Investigation's Efforts to Notify Victims of Child Sexual Abuse Material](https://oig.justice.gov/reports/audit-federal-bureau-investigations-efforts-notify-victims-child-sexual-abuse-material), Audit Report 21-120 (September 2021), [oig.justice.gov/reports/audit-federal-bureau-investigations-efforts-notify-victims-child-sexual-abuse-material](https://oig.justice.gov/reports/audit-federal-bureau-investigations-efforts-notify-victims-child-sexual-abuse-material), 2-3.

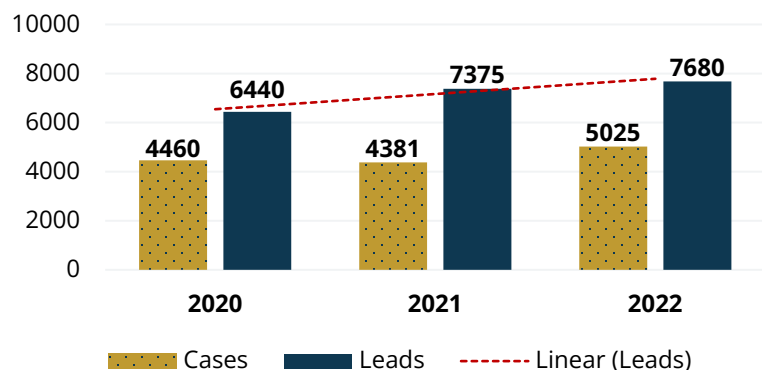
## The FBI Should Evaluate the Distribution of Incidents Assigned to Agents in its Crimes Against Children and Human Trafficking Program

The number of new CAC/HT allegations received by the FBI, and other agencies that receive these allegations, such as NCMEC, has increased over the past several years. NCMEC reports that the number of reports received by its CyberTipline increased from approximately 22 million in 2020 to over 36 million in 2023. According to the FBI's FY 2023 and FY 2024 Threat Guidance for Crimes Against Children, "post-Covid saw a large surge in child sexual abuse, production, distribution and sextortion cases. Additional agents and TFOs [task force officers] are necessary to keep up with the rising surge of CAC [crimes against children] cases."

Multiple FBI officials told us that resources are a significant challenge for the FBI's CAC/HT program. High caseloads affect an agent's ability to immediately respond to incoming allegations and ensure investigative case files are regularly updated and adhere to documentation requirements outlined in FBI policy. According to an agent who was assigned approximately 60 pending CAC/HT investigations, the biggest cause of child sexual abuse cases "falling through the cracks" is high agent workloads. With the number of CAC/HT allegations increasing, Special Agents must constantly triage their caseload to identify the highest priority incidents. To assist FBI employees with prioritizing incidents, the FBI began updating the program Threat Guidance Tier System to prioritize the investigation of contact-related offenses in 2022. Field offices are encouraged to focus efforts on Tier I and Tier II cases that encompass contact offenses against children, such as abductions, hands-on offenders, sextortion, and enticement cases.

**Figure 6**

**CAC/HT Cases and Leads Opened from FY 2020 to FY 2022**



Note: This data is limited to cases (Assessments and predicated investigations) and leads assigned to an FBI field office.

Source: OIG Analysis of Sentinel Data

As shown in Figure 6, from FY 2020 to FY 2022, we found that the number of CAC/HT cases (Assessments and predicated investigations) opened and leads set by the FBI has increased. Fifteen field offices proposed realigning Funded Staffing Levels (FSL) between programs and increasing the number of Special Agents dedicated to the CAC/HT threat by 19 in FY 2023.<sup>67</sup> Only one of these requests, for one agent, was approved. Seven field offices appealed the decision to deny the realignment, but none of these appeals were successful. In their justifications for their proposed realignments, 7 field offices stated that their office

<sup>67</sup> One FSL equates to one funded employee, or one full-time equivalent. Field offices require the approval of FBIHQ entities to officially reassign Special Agents to different threat programs. The FBI has instituted the Dynamic Alignment of Resources to Threats process, which is run once a year, to facilitate this movement. During a fiscal year, field offices are expected to shift work and surge agent resources, as needed, to other areas.

“overburned” CAC/HT FSL by at least 1 FSL, and 1 office reported “overburn” as high as 5 FSL in FY 2022.<sup>68</sup> FBIHQ responded to each appeal by encouraging field offices to leverage other available resources, such as state/local partners, the Internet Crimes Against Children Task Force, and other task forces within a field office’s area of responsibility to combat the threat.<sup>69</sup> Despite the increase in CAC/HT leads and cases and the requests for additional FSL to devote to the threat, we found the number of agent positions assigned to the CAC/HT program decreased from 432 in FY 2022 to 429 in FY 2023.

Further, based on individual caseload data for each Special Agent assigned to CAC/HT, we identified a small subset of 30 CAC/HT agents that were assigned over 40 pending CAC/HT cases as of September 2023. Within this subset of 30 agents, the average number of pending cases assigned to each agent was over 49, with 5 agents responsible for over 60 pending cases each.

In the Examples of Significant Deficiencies Raised to the FBI Headquarters’ Attention section of this report, we described four examples of significant deficiencies identified during our audit that were flagged for further FBI review. Three of the four examples involved incidents assigned to an agent responsible for over 40 pending cases, and two of the examples were assigned to field offices that requested additional Special Agent FSL for CAC/HT in FY 2023. Additionally, documentation in the case file in one example indicated that the agent’s caseload was likely a factor in the incident not being addressed in a timely manner. Specifically, as described in Example 3, after several months of inactivity, the assigned Special Agent placed the investigation into pending inactive status “until such time that it can be addressed adequately.” Further, the FBI CID determined that deficiencies identified in the CID Internal Review were abundant in resident agencies or squads with responsibility over multiple violations and limited resources dedicated to the CAC/HT threat.

We believe that further action is necessary to ensure that CAC/HT incidents are distributed and assigned in a manner that minimizes the risk of incidents being left unaddressed. As a result, we recommend that the FBI develop an enterprise-wide strategy that addresses the rising number of CAC/HT cases and ensures CAC/HT agents have appropriate support and resources to manage their assigned caseloads.

## **The FBI Should Implement Additional Training in its Crimes Against Children and Human Trafficking Program**

In response to the OIG Nassar Report, the FBI provided two trainings entitled *Reporting Child Abuse: What FBI Personnel Need to Know* and *Lessons Learned and Next Steps in Response to the Nassar OIG Report*, which all FBI personnel were required to complete by November 2021 and February 2022, respectively. In addition to these bureau-wide training requirements after the OIG Nassar Report, the FBI’s CACHTU conducts regular trainings and learning opportunities for the FBI’s field offices, including in-person training provided at the annual CAC/HT program coordinator conference and virtual bi-weekly trainings for CAC/HT employees to educate them on investigative methods, techniques, and best practices to effectively address allegations of

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<sup>68</sup> An “overburn” occurs when resources are utilized at a level above the FSL.

<sup>69</sup> Additionally, FBIHQ responses stated that although additional crimes against children personnel had been requested in the FBI’s FY 2024 budget, FBIHQ could not approve FSL moves from other programs to the crimes against children program at the time of the requests.

hands-on abuse. Further, CACHTU sponsors 2-week to 4-week temporary duty assignments to CACHTU for CAC/HT agents to provide additional learning opportunities.

However, several FBI officials we interviewed said that the FBI could improve its training for agents dedicated to the CAC/HT threat. Specifically, an FBI management official in the FBI's CAC/HT program told us that new agents assigned to the program should receive a "baseline" training during onboarding to gain an understanding of how to investigate the CAC/HT threat and the resources available to them. According to this official, other FBI programs such as the FBI's Counterintelligence program require new agents to complete program-specific training in addition to the new agent training at FBI Academy prior to conducting investigations in that program. Our audit results corroborate that additional training specific to individuals working in the CAC/HT program is necessary to ensure all FBI employees assigned to CAC/HT matters are familiar with the intricacies of working these types of cases and comply with new and existing policy. For example, as discussed throughout this report, agents working crimes against children matters must be familiar with special considerations and best practices for working with minors or adults who were victimized as minors. These special considerations, which may not be present in many other types of criminal investigations or required in other FBI programs, include ensuring appropriate personnel are used to conduct forensic interviews of minors, ensuring suspected child abuse is reported to appropriate partners, documenting Time Sensitive incidents and responding within required timeframes, justification reviews for certain pre-assessments, verbal contact and confirming receipt of transfers between field offices, appropriately handling CSAM, and completing CVIP submissions in cases involving suspected CSAM.<sup>70</sup> To improve compliance in multiple areas identified throughout this report, we recommend the FBI implement a comprehensive training program specific to the CAC/HT program for both current and future agents, task force officers, and other FBI employees assigned to this program.

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<sup>70</sup> In May 2022, the OIG issued a management advisory memorandum to the FBI concerning the absence of a policy regarding FBI Employees emailing CSAM and other contraband. [DOJ OIG, Management Advisory Memorandum: Notification of Concerns with the Absence of a Policy Regarding FBI Employees Emailing Child Sexual Abuse Material and Other Contraband](https://oig.justice.gov/reports/management-advisory-memorandum-notification-concerns-absence-policy-regarding-fbi-employees), Investigations Division Report 22-081 (May 2022), <https://oig.justice.gov/reports/management-advisory-memorandum-notification-concerns-absence-policy-regarding-fbi-employees>. In response, in June 2022, CID issued interim guidance to FBI personnel on the proper handling, storage, and transmission of CSAM.



## Conclusion and Recommendations

The FBI must appropriately handle all allegations of hands-on sex offenses against children it receives because failure to do so can result in children continuing to be abused and perpetrators abusing more children. Indeed, the OIG Nassar Report found that 70 or more young athletes were allegedly sexually abused by Nassar under the guise of medical treatment between July 2015, when USA Gymnastics first reported allegations about Nassar to the Indianapolis Field Office, and August 2016, when the Michigan authorities received a separate complaint of sexual abuse by Nassar. While our audit found the FBI has implemented training, policy updates, and system changes to improve its handling of crimes against children allegations since the time it received the child sexual abuse allegations against Nassar, we identified incidents where we believe the FBI did not appropriately respond to allegations involving hands-on sex offenses against children. For incidents that we believed may require immediate attention, we shared our concerns with FBI headquarters. We also found instances where FBI employees did not comply with policies for handling crimes against children allegations, including mandatory reporting of suspected child abuse, victim services, transferring incidents between field offices, and responding to allegations of active and ongoing child sexual abuse within 24 hours. In some of these areas, the FBI is in the process of evaluating and updating its policies and training as part of its response to the OIG Nassar Report. Due to the risk of children being subject to sexual abuse if an allegation is not properly investigated, we believe further action is necessary to ensure FBI employees appropriately handle all allegations involving child sexual abuse. Specifically, the FBI should formalize policies and procedures to ensure clear guidance is provided to FBI employees for handling imminent or ongoing threats of sexual abuse or exploitation allegations. Additionally, the FBI should improve its processes for victim services to ensure all eligible federal crime victims are notified and offered victim services. Finally, since several of our audit findings included violations with established policies, we believe the FBI should implement additional training, controls, and oversight—including determining an acceptable caseload for agents who work crimes against children cases.

We recommend that the FBI:

1. Develop and implement a method to monitor FBI employees' compliance with mandatory reporting of suspected child abuse for an appropriate amount of time following the implementation of its updated policy and take appropriate remedial action in instances of non-compliance.
2. Update its procedures for NTOC personnel on handling allegations of sexual abuse or the sexual exploitation of a child to describe when incidents must be marked Time Sensitive.
3. Update its policies for field offices on documenting and responding to incoming allegations of sexual abuse or the sexual exploitation of a child, including when these incidents must be documented in Guardian and marked Time Sensitive.
4. Implement sufficient controls to ensure all incidents involving an imminent or ongoing threat of sexual and/or physical abuse or exploitation of a child or adult are handled within 24 hours as required.

5. Implement sufficient controls to ensure FBI employees responsible for notifying victims and providing victim services become aware of all eligible federal crime victims, notify and offer services to these victims, and document victim notifications and services offered to victims in the investigative case file.
6. Implement sufficient controls to ensure that notices of transfers of sex crimes against children complaints, Assessments, and predicated investigations between FBI field offices and from NTOC occur as required and are appropriately documented.
7. Implement sufficient controls that ensure Assessments in Guardian that are converted to a predicated investigation include the opening documentation required by the DIOG.
8. Implement sufficient controls to prevent users from self-approving documents that require approval/authority within investigative case files.
9. Enhance its monitoring of leads to ensure that leads are covered timely and appropriately.
10. Develop an enterprise-wide strategy that addresses the rising number of CAC/HT cases and ensures CAC/HT agents have appropriate support and resources to manage their assigned caseloads.
11. Implement a comprehensive training program specific to the CAC/HT program for both current and future agents, task force officers, and other FBI employees assigned to this program.

# APPENDIX 1: Objective, Scope, and Methodology

## Objective

The objective of our audit was to evaluate the FBI's compliance with laws, regulations, and policies related to its handling of tips of hands-on sex offenses against children and mandatory reporting of suspected child abuse.

## Scope and Methodology

The scope of our audit covered October 1, 2021, to February 26, 2023, the date that the FBI generated the reports we used to identify our audit universe. In establishing our scope, we considered the date that updates implemented by the FBI in response to the OIG Nassar Report became effective and the timeframe reviewed by the Criminal Investigative Division's Internal Review of the crimes against children and human trafficking (CAC/HT) program (CID Internal Review).<sup>71</sup> We reviewed the FBI's Crimes Against Children and Human Trafficking Program Policy Guide, the FBI's Indian Country Policy Guide, the FBI's Victim Services Policy Guide, the FBI's Domestic Investigations and Operations Guide, the FBI's National Threat Operations Section's Standard Operating Procedures, the FBI's Threat to Life Guidance, the Attorney General's Guidelines for Domestic FBI Operations, and the Attorney General Guidelines for Victim and Witness Assistance. We interviewed FBI officials in the FBI's Criminal Investigative Division, Victim Services Division, and Office of the General Counsel. Additionally, we interviewed FBI field office agents in the FBI's CAC/HT program, officials responsible for intake of tips within the FBI's National Threat Operations Section, and an agent embedded at the National Center for Missing and Exploited Children.

To accomplish our objective, we obtained a listing of all Sentinel cases opened, Sentinel leads set, and Guardians created in the CAC/HT program, and included one case classification for investigating sexual abuse of children in the Indian Country program, between October 1, 2021, and February 26, 2023. From this listing of 37,134 incidents comprised of 8,165 Sentinel cases, 17,634 Sentinel leads, and 11,335 Guardians, we limited our sample universe to 13,492 incidents from the FBI's seven case classifications that include hands-on sex offenses against children.<sup>72</sup> These seven case classifications that include hands-on sex offenses against children are: (1) Production/Manufacturing of Child Sexual Abuse Material, (2) Human Trafficking – Child Sex Trafficking, (3) Travelers/Enticement, (4) Mann Act – Sexual Exploitation of Children, (5) Child Sex Tourism, (6) Crime on Government Reservation – Sexual/Physical Abuse – Minor Child, and (7) Sexual Abuse of Child (Indian Country).

From our sample universe of 3,925 Sentinel cases, 7,603 Sentinel leads, and 1,964 Guardians, we selected 327 incidents comprised of: (1) a random sample of 293 incidents consisting of 98 Sentinel cases, 99

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<sup>71</sup> As discussed in the Introduction of this report, the CID Internal Review covered all crimes against children and human trafficking cases opened, leads set, and guardians created during fiscal years 2020 and 2021. The scope of our audit began in fiscal year 2022 and did not overlap with the period covered by the CID Internal Review.

<sup>72</sup> For Guardians, a case classification code is not assigned to the incident unless the Guardian is opened into an Assessment or predicated investigation. Therefore, in addition to Guardians associated with one of the seven above case classifications in Sentinel, we also included Guardians with certain incident activity types, subtypes, or tags indicating the incident may include a hands-on sex offense against a child.

Sentinel leads, and 96 Guardians and (2) a smaller sample of 34 judgmentally selected incidents consisting of 30 Sentinel cases, 1 Sentinel lead, and 3 Guardians. Thus, we selected a total of 128 Sentinel cases, 100 Sentinel leads, and 99 Guardians for review.<sup>73</sup> Our judgmental sample consisted of incidents that we deemed to be at a higher risk of non-compliance with applicable criteria based on prepopulated data. For example, we selected some cases where data provided by the FBI with our sample universe suggested that the case had been open for a significant period with minimal documents added to the investigative case file.

To perform our testing, we collected data at FBI headquarters between April 2023 and November 2023 from the FBI's Sentinel and Guardian systems. For each incident, we assessed whether it included an allegation of a hands-on sex offense against a child. For incidents that included an allegation of a hands-on sex offense against a child, we tested the FBI's compliance with FBI and Department policies for handling allegations of hands-on sex offenses against children, providing victim services, and state laws for mandatory reporting of suspected child abuse. We replaced incidents that did not include an allegation of a hands-on sex offense against a child with a new incident until we reviewed the total number of incidents selected for our sample.<sup>74</sup> We did not review incidents that did not contain an allegation of a hands-on sex offense against a child.

In addition, we also requested data from the FBI's Victim Services and Training Tracker System for evidence of victim services or victim notifications made to victims identified within our sample. Finally, we requested summary data on the number of mandatory reports serialized to the FBI's designated administrative file for tracking suspected child abuse reports made by FBI employees during the course of their official duties (referred to as the mandated file in this report).

## **Statement on Compliance with Generally Accepted Government Auditing Standards**

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

## **Internal Controls**

In this audit, we performed testing of internal controls significant within the context of our audit objective to include controls covering the FBI's policies and procedures for handling tips of hands-on sex offenses against children and providing victim services. We did not evaluate the internal controls of the FBI to

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<sup>73</sup> As described in the Introduction, Guardian incidents that are opened into an Assessment or predicated investigation have a Sentinel case file. For Sentinel cases that originated in Guardian, we reviewed the case file in both Sentinel and Guardian. Of the 99 Guardians we selected, 51 were converted to or associated with a Sentinel case within our sample universe. The remaining 48 Guardians we reviewed were not converted to or associated with a Sentinel case in our sample universe. Additionally of the 128 Sentinel cases we selected, 31 cases originated from a Guardian in our sample universe. As a result, our sample of 327 Sentinel cases, Sentinel leads, and Guardians included a review of 179 of 3,925 Sentinel cases (5 percent) and 130 of 1,964 Guardians (7 percent).

<sup>74</sup> Incidents that were replaced from our random sample were replaced with another incident that was randomly selected, while incidents in our judgmental sample were replaced with another incident that was judgmentally selected.

provide assurance on its internal control structure as a whole. FBI management is responsible for the establishment and maintenance of internal controls in accordance with OMB Circular A-123. Because we do not express an opinion on the FBI's internal control structure as a whole, we offer this statement solely for the information and use of the FBI.<sup>75</sup>

We identified deficiencies that could impact the FBI's ability to effectively and efficiently respond to allegations of hands-on sexual abuse against children and provide victim services to eligible federal crime victims. The internal control deficiencies we found are discussed in the Audit Results section of this report. However, because our review was limited to those internal control components and underlying principles that we found significant to the objective of this audit, it may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

## **Compliance with Laws and Regulations**

In this audit we also tested, as appropriate given our audit objective and scope, selected incidents to obtain reasonable assurance that the FBI's management complied with state laws governing mandatory reporting of suspected child abuse. This testing included analyzing data in the FBI's Sentinel and Guardian systems to assess whether the FBI documented a mandatory report of suspected child abuse when required by state laws governing such abuse. As noted in the Audit Results section of this report, we found instances where the FBI did not document its compliance with state laws governing mandatory reporting of suspected child abuse.

## **Sample-Based Testing**

To accomplish our audit objective, we performed sample-based testing to review the FBI's compliance with internal controls and laws significant within the context of our audit objective. In this effort, we employed a simple random sample of Sentinel cases, Sentinel leads, and Guardians to obtain broad exposure to numerous facets of the areas we reviewed. Further, we judgmentally selected a smaller number of incidents that we assessed were higher risk based on prepopulated data obtained from FBI systems. This non-statistical sample design did not allow projection of the test results to the universe from which the samples were selected.

## **Computer-Processed Data**

During our audit, we obtained information from the FBI's Sentinel system, Guardian system, and Victim Services and Training Tracker System. We did not test the reliability of those systems as a whole, therefore any findings identified involving information from those systems were verified with documentation from other sources.

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<sup>75</sup> This restriction is not intended to limit the distribution of this report, which is a matter of public record.

## **APPENDIX 2: Acronyms**

<b>AGG-VWA</b>	<b>Attorney General Guidelines for Victim and Witness Assistance</b>
<b>CAC/HT</b>	<b>Crimes Against Children and Human Trafficking</b>
<b>CACHTU</b>	<b>Crimes Against Children and Human Trafficking Unit</b>
<b>CAFI</b>	<b>Child and Adolescent Forensic Interviewer</b>
<b>CID</b>	<b>Criminal Investigative Division</b>
<b>CJIS</b>	<b>Criminal Justice Information Services</b>
<b>CSAM</b>	<b>Child Sexual Abuse Material</b>
<b>CVIP</b>	<b>Child Victim Identification Program</b>
<b>DIOG</b>	<b>Domestic Investigations and Operations Guide</b>
<b>DOJ</b>	<b>Department of Justice</b>
<b>EC</b>	<b>Electronic Communication</b>
<b>FBI</b>	<b>Federal Bureau of Investigation</b>
<b>FBIHQ</b>	<b>Federal Bureau of Investigation Headquarters</b>
<b>FSL</b>	<b>Funded Staffing Level</b>
<b>FY</b>	<b>Fiscal Year</b>
<b>INSD</b>	<b>Inspection Division</b>
<b>NCMEC</b>	<b>National Center for Missing and Exploited Children</b>
<b>NTOC</b>	<b>National Threat Operations Center</b>
<b>OIG</b>	<b>Office of the Inspector General</b>
<b>SLTT</b>	<b>State, Local, Tribal, and Territorial</b>
<b>SSA</b>	<b>Supervisory Special Agent</b>
<b>VSD</b>	<b>Victim Services Division</b>



## APPENDIX 3: The Federal Bureau of Investigation's Response to the Draft Audit Report



U.S. Department of Justice  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535-0001

August 6, 2024

The Honorable Michael Horowitz  
Inspector General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Inspector General Horowitz:

Thank you for the opportunity to respond to the Office of the Inspector General (OIG) Report titled, "Audit of the Federal Bureau of Investigation's Handling of Tips of Hands-on Sex Offenses Against Children" (Audit Report). We take seriously the significant compliance issues outlined in the Audit Report and will continue to work urgently to correct them. While we appreciate the OIG's recognition of the important training and policy changes the FBI implemented after the OIG's July 2021 report, we recognize that further action is necessary to ensure our corrective measures have the full intended effect of improving the FBI's handling of allegations of hands-on sex offenses. We appreciate the continued focus and review of this important subject and fully concur with the OIG's eleven recommendations.

The FBI took especially seriously the incidents the OIG forwarded during the course of the audit. Most of the incidents the OIG flagged reflected the failure to properly document completed investigative steps or involved investigations where no additional action was necessary. We were able to quickly document the investigative steps already undertaken to bring those files into compliance. In the handful of cases where we identified a need for additional investigative steps or reporting to state, local, tribal, or territorial law enforcement, we worked to ensure all necessary steps were completed. Consistent with longstanding FBI policy and practice, we also referred any incidents that involved potential investigative deficiency in violation of the FBI Offense Codes to Inspection Division for review and, if warranted, referral to the disciplinary process.

Prior to receiving the Audit Report, the FBI proactively sought to identify and address compliance issues within the Crimes Against Children (CAC) program. In 2024, the FBI's Inspection Division reviewed *all* preliminary investigations and full investigations opened between October 1, 2021, and September 30, 2022, selecting cases from the CAC, Human Trafficking, and Indian Country programs that involved hands-on physical or sexual abuse of child victims. Through this program management review, the results of which were shared with the OIG, the FBI strove to identify and resolve compliance issues, improve the overall efficiency and impact of the program, and establish best practices.

As part of our ongoing commitment to evaluating and strengthening our reforms, the FBI is updating our policies and procedures and enhancing controls to monitor the effectiveness of the improvements. Our efforts include a combination of mandatory supervisor case file reviews and technical system enhancements to put checks in place to ensure our reforms effectively improve the handling of serious allegations of abuse. To that end, we have already put in place additional policies and processes and have ordered specific corrective steps to address each of the Audit Report's recommendations.

In addition to quarterly case reviews, for instance, since the conclusion of the audit, *all* FBI file reviews now require a supervisor to verify a Mandatory Abuse Reporting block. This new process highlights for supervisors whether notification to state and local law enforcement or child protective services is required, has occurred, and has been documented. Last month, in addition to policies requiring Program Managers to verify whether notification to state and local law enforcement or child protective services was properly documented in the system, the FBI implemented a reporting tab to better track when the notification is completed.

With respect to training, the FBI has developed a "Crimes Against Children Basic Investigator" course, set to begin this fall, for agents who were assigned to work this threat within the last two years. The FBI is also developing a training program for supervisors who are newly assigned to lead crimes against children and human trafficking (CACHT) squads. Both the basic investigator course and the supervisor training will address the policies governing and urgency associated with proper handling of allegations of hands-on sexual abuse offenses.

Agents working crimes against children handle some of the most heinous and grueling cases at the Bureau. We recognize the importance of developing an enterprise-wide strategy that both addresses the rising number of CACHT cases and ensures our agents have appropriate support and resources to manage their caseloads. I have established a working group that the Assistant Director of the Criminal Investigative Division will lead with representatives from headquarters and the field—including both supervisors and agents—to review the CACHT program to explore improvements in training, resources, and controls to ensure CACHT cases are handled with the care and expediency they demand.

The FBI has no greater mission than to protect our nation's children from harm. Thank you for your continued support of the dedicated men and women of the FBI who serve this mission and work tirelessly, each and every day, to protect some of the most vulnerable members of society.

Sincerely,



Michael D. Nordwall  
Executive Assistant Director



## **APPENDIX 4: Office of the Inspector General Analysis and Summary of Actions Necessary to Close the Audit Report**

The OIG provided a draft of this audit report to the Federal Bureau of Investigation (FBI). The FBI's response is incorporated in Appendix 3 of this final report. In response to our audit report, the FBI concurred with our recommendations and discussed actions it will implement in response to our findings. As a result, the status of the audit report is resolved. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

### **Recommendations for the FBI:**

- 1. Develop and implement a method to monitor FBI employees' compliance with mandatory reporting of suspected child abuse for an appropriate amount of time following the implementation of its updated policy and take appropriate remedial action in instances of non-compliance.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that all FBI file reviews now require a supervisor to verify a Mandatory Abuse Reporting block, a new process which highlights for supervisors whether notification to state and local law enforcement or child protective services is required, has occurred, and has been documented. Additionally, the FBI stated it implemented a reporting tab to better track when notification is completed. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI has developed and implemented a method to monitor FBI employees' compliance with mandatory reporting of suspected child abuse for an appropriate amount of time following the implementation of its updated policy and has taken appropriate remedial action in instances on non-compliance.

- 2. Update its procedures for National Threat Operations Center (NTOC) personnel on handling allegations of sexual abuse or the sexual exploitation of a child to describe when incidents must be marked Time Sensitive.**

Closed. This recommendation is closed. The FBI concurred with the recommendation. After we completed the audit and communicated our preliminary recommendations to the FBI, it provided documentation demonstrating that it updated its procedures for NTOC personnel on handling allegations of sexual abuse or the sexual exploitation of a child to describe when incidents must be marked Time Sensitive. We reviewed the documentation and determined it adequately addressed our recommendation.

- 3. Update its policies for field offices on documenting and responding to incoming allegations of sexual abuse or the sexual exploitation of a child, including when these incidents must be documented in Guardian and marked Time Sensitive.**

Closed. This recommendation is closed. The FBI concurred with the recommendation. After we completed the audit and communicated our preliminary recommendations to the FBI, it provided documentation demonstrating the FBI updated its policies for field offices on documenting and responding to incoming allegations of sexual abuse or the sexual exploitation of a child, including when these incidents must be documented in Guardian and marked Time Sensitive. We reviewed the documentation and determined it adequately addressed our recommendation.

- 4. Implement sufficient controls to ensure all incidents involving an imminent or ongoing threat of sexual and/or physical abuse or exploitation of a child or adult are handled within 24 hours as required.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence demonstrating that the FBI implemented sufficient controls to ensure all incidents involving an imminent or ongoing threat of sexual and/or physical abuse or exploitation of a child or adult are handled within 24 hours as required.

- 5. Implement sufficient controls to ensure FBI employees responsible for notifying victims and providing victim services become aware of all eligible federal crime victims, notify and offer services to these victims, and document victim notifications and services offered to victims in the investigative case file.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI has implemented sufficient controls to ensure FBI employees responsible for notifying victims and providing victim services become aware of all eligible federal crime victims, notify and offer services to these victims, and document victim notifications and services offered to victims in the investigative case file.

**6. Implement sufficient controls to ensure that notices of transfers of sex crimes against children complaints, Assessments, and predicated investigations between FBI field offices and from NTOC occur as required and are appropriately documented.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI implemented sufficient controls to ensure that notices of transfers of sex crimes against children complaints, Assessments, and predicated investigations between FBI field offices and from NTOC occur as required and are appropriately documented.

**7. Implement sufficient controls that ensure Assessments in Guardian that are converted to a predicated investigation include the opening documentation required by the Domestic Investigations and Operations Guide (DIOG).**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI implemented sufficient controls that ensure Assessments in Guardian that are converted to a predicated investigation include the opening documentation required by the DIOG.

**8. Implement sufficient controls to prevent users from self-approving documents that require approval/authority within investigative case files.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI has implemented sufficient controls to prevent users from self-approving documents that require approval/authority within investigative case files.

**9. Enhance its monitoring of leads to ensure that leads are covered timely and appropriately.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI has enhanced its monitoring of leads to ensure that leads are covered timely and appropriately.

**10. Develop an enterprise-wide strategy that addresses the rising number of crimes against children and human trafficking (CAC/HT) cases and ensures CAC/HT agents have appropriate support and resources to manage their assigned caseloads.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has established a working group led by the Assistant Director of the Criminal Investigative Division with representatives from headquarters and the field to review the CAC/HT program and explore improvements in training, resources, and controls. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI has developed an enterprise-wide strategy that addresses the rising number of CAC/HT cases and ensures CAC/HT agents have appropriate support and resources to manage their assigned caseloads.

**11. Implement a comprehensive training program specific to the CAC/HT program for both current and future agents, task force officers, and other FBI employees assigned to this program.**

Resolved. The FBI concurred with our recommendation. The FBI stated in its response that it has developed a "Crimes Against Children Basic Investigator" course, set to begin this fall, for agents who were assigned to work this threat within the last 2 years and is developing a training program for supervisors who are newly assigned to lead CAC/HT squads. The FBI stated both the basic investigator course and the supervisor training will address the policies governing and urgency associated with proper handling of allegations of hands-on sexual abuse offenses. As a result, this recommendation is resolved.

This recommendation can be closed when we receive evidence that the FBI implemented a comprehensive training program specific to the CAC/HT program for both current and future agents, task force officers, and other FBI employees assigned to this program.