

UNCLASSIFIED



Office of Inspector General
United States Department of State

ISP-I-21-18

Office of Inspections

May 2021

Targeted Inspection of the Bureau of Diplomatic Security's Office of Special Investigations

DOMESTIC OPERATIONS

UNCLASSIFIED



HIGHLIGHTS

Office of Inspector General
United States Department of State

ISP-I-21-18

What OIG Inspected

OIG inspected the operations of the Office of Special Investigations in the Bureau of Diplomatic Security.

What OIG Recommends

OIG did not make any recommendations.

Although this report does not contain any recommendations, OIG provided a draft of this report to Department stakeholders for their review and comment on the findings. The Bureau of Diplomatic Security's complete response can be found in Appendix B. The bureau also provided technical comments that were incorporated into the report, as appropriate.

May 2021

OFFICE OF INSPECTIONS
DOMESTIC OPERATIONS

Targeted Inspection of the Bureau of Diplomatic Security's Office of Special Investigations

What OIG Found

- Respondents in an OIG-administered questionnaire indicated that the Office of Special Investigations provided both effective support and sufficient training to agents in the field.
- Stakeholders from other Federal agencies and Department of State offices described the office as a collaborative partner.
- The leadership team in the Office of Special Investigations fostered a positive work environment.
- The COVID-19 pandemic delayed training required to certify new sexual assault investigators.
- Outdated computer equipment hampered the office's efficiency and risked affecting response times for urgent inquiries from overseas regional security officers.

CONTENTS

| | |
|---|----|
| CONTEXT | 1 |
| EXECUTIVE DIRECTION | 2 |
| Tone at the Top | 2 |
| RESOURCE MANAGEMENT | 3 |
| PRINCIPAL OFFICIALS | 9 |
| APPENDIX A: OBJECTIVES, SCOPE, AND METHODOLOGY..... | 10 |
| APPENDIX B: MANAGEMENT RESPONSE | 12 |
| ABBREVIATIONS | 13 |
| OIG INSPECTION TEAM MEMBERS | 14 |

CONTEXT

The Bureau of Diplomatic Security's (DS) Office of Special Investigations (OSI) has the primary responsibility for conducting and coordinating non-routine investigations that do not fall within the responsibilities of other DS offices.¹ These non-routine investigations include investigations of employee and contractor misconduct; extraterritorial criminal investigations, including sexual assault, domestic violence, child abuse, and homicide; use of force and discharge of a firearm; death investigations; and family advocacy investigations.² OSI investigates both criminal and administrative misconduct involving all U.S. Government personnel, contractors, and dependents under chief of mission authority overseas as well as misconduct by Department of State (Department) employees and contractors domestically.

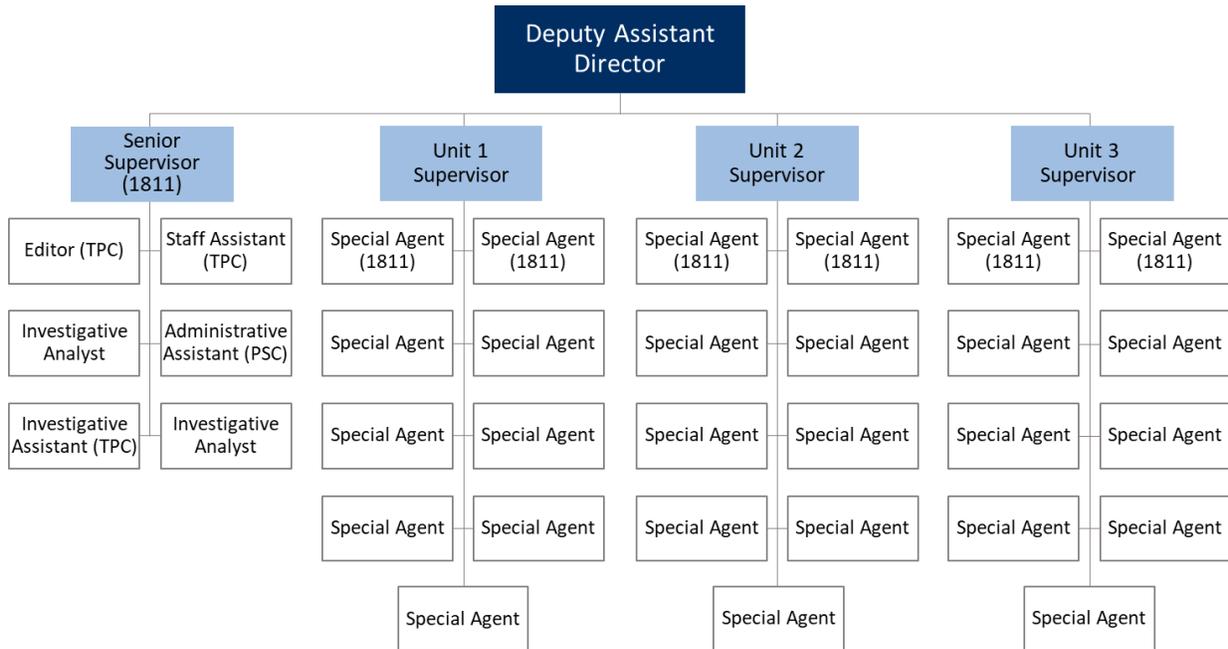
In addition to its investigative work, OSI is responsible for training DS agents serving overseas and in the Department on how to respond initially to allegations of crime or misconduct. It implements this responsibility via basic and in-service regional security officer (RSO) training courses and other ad hoc opportunities, as appropriate. OSI also liaises with numerous Federal and state agencies on training, investigations, and prosecution of criminal cases and with relevant Department offices on the adjudication of administrative cases.

OSI's staff consists of 38 employees and is a mix of Foreign Service, Civil Service, personal service contractors, and third-party contractors. The office is led by a Deputy Assistant Director, who is assisted by a Senior Supervisor. The office falls under the purview of the Deputy Assistant Secretary for Domestic Operations. It is divided into three investigative units, each led by a unit supervisor, as shown in Figure 1. Each unit carries out the full range of investigations described earlier with a team typically comprising 10 special agents, including the Unit Supervisors. A six-person administrative unit supports the three investigative teams.

¹ Other DS offices carry out more routine investigations such as passport and visa fraud or pre-employment background checks.

² Guidance in 12 FAM 226.1b states, "The Department, DS, or the Department of Justice (DOJ) may request DS/DO/OSI consider conducting official investigations that fall outside the scope of other investigative offices and divisions within DS or that are declined or referred by OIG."

Figure 1: Office of Special Investigations Organizational Chart



Source: OIG generated from information obtained from the Department.

For this inspection, OIG evaluated OSI’s executive direction and resource management, consistent with Section 209 of the Foreign Service Act of 1980.³

EXECUTIVE DIRECTION

OIG assessed OSI’s leadership based on interviews with unit supervisors and OSI staff, questionnaires completed by OSI personnel and RSOs serving at selected embassies, and document reviews. OIG also conducted interviews with Department, interagency, and local governmental partners that provided comments on OSI’s performance in the interagency policy process. OIG found that OSI successfully met its mandate as described in 3 Foreign Affairs Manual (FAM) and 12 FAM.⁴

Tone at the Top

The Deputy Assistant Director assumed his position in January 2019.⁵ He is a career Supervisory Special Agent with 24 years of Department service. Prior to his assignment to OSI, he was the

³ See Appendix A.

⁴ See 12 FAM 226.1, “Office of Special Investigations Scope and Authority;” 12 FAM 222.2, “Diplomatic Security (DS) and Inspector General Relationship;” 12 FAM 221.4b, “DS Personnel Authorized to Conduct Investigations;” 12 FAM 221.2, “Bureau of Diplomatic Security Support Agreements with Other Agencies;” 12 FAM 227, “Death Investigations;” 12 FAM 53, “Memoranda of Understanding and Agreement;” 3 FAM 1712.2-1, “Bureau of Diplomatic Security;” and 3 FAM 1700, “Sexual Assaults.”

⁵ The tour of duty for the Deputy Assistant Director position, which is a Foreign Service position, is normally 2 years, but the incumbent extended in the position for an additional 16 months.

Senior RSO in Embassy Canberra, Australia. OSI's investigative staff told OIG that the Deputy Assistant Director provided strong leadership and credited him with providing clear guidance while also giving them the autonomy they needed to operate effectively. In an OIG questionnaire based on the Department's 10 leadership and management principles outlined in 3 FAM 1214, OSI staff gave the Deputy Assistant Director consistently favorable scores, particularly in the areas of fostering resilience, strategic planning, modeling integrity, and decisiveness.

OIG found through interviews and document reviews that the Deputy Assistant Director had a deep understanding of the complexity of OSI's investigative work and was aware of the potential for mental stress on the investigators due to the frequency with which they undertook disturbing and emotionally charged investigations and managed their work commitments accordingly.

The OSI Senior Supervisor is a special agent in the Civil Service, and he joined OSI in 2016. He also had served two previous tours of duty in OSI. Prior to his assignment to OSI as the Senior Supervisor, he served as a unit chief with DS's Counterintelligence Office. His depth of relevant experience and his Civil Service status provided leadership and management continuity, given the limited tenure of the Deputy Assistant Directors. The OSI investigative staff gave the Senior Supervisor positive evaluations on OIG's questionnaire, particularly for his leadership on personnel and administrative issues.

Over the past 4 years (from 2017 to 2020), 27 percent of OSI's special agents extended their standard 2-year tours of duty in OSI by at least 1 year. In 2020, the percentage of agents requesting extensions was at a high of 36 percent. Special agents told OIG that they based their extension requests on the compelling nature of the work but also on the positive work environment fostered by the leadership team.

RESOURCE MANAGEMENT

Stakeholders Rated the Office of Special Investigations' Investigative Support and Training as Effective

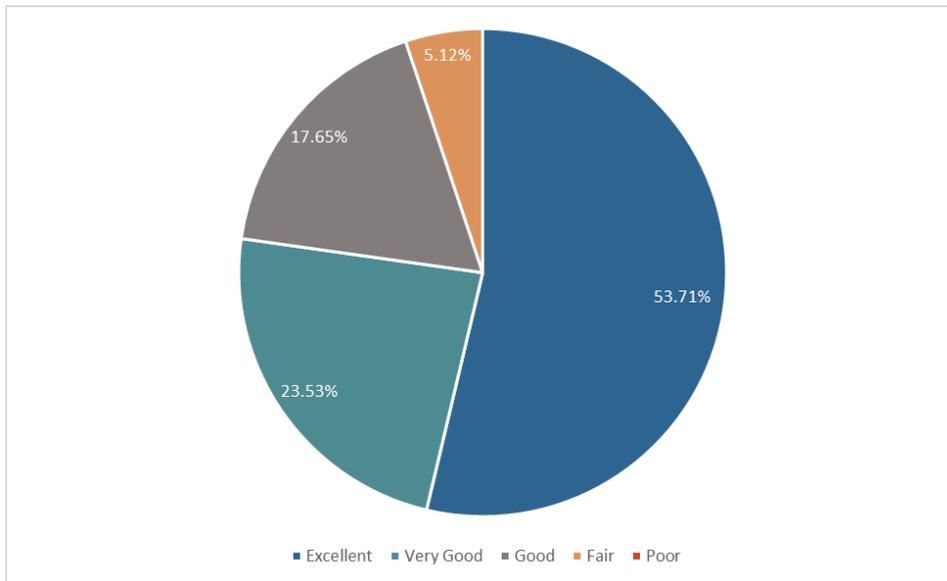
Based on responses to its questionnaire, OIG found that OSI provided effective support and training to Regional Security Offices worldwide, as required by 12 FAM 226. OIG sent a questionnaire to RSOs and Assistant RSOs (ARSO) in all Bureau of European and Eurasian Affairs (EUR) and Bureau of Western Hemisphere Affairs (WHA) embassies and consulates because they refer the largest number of cases⁶ to OSI. For analysis, OIG sent out 285 questionnaires and received 147 responses, 65 from EUR and 82 from WHA.

One of OSI's primary responsibilities is to instruct and provide guidance to RSOs and ARSOs for the categories identified in 1 FAM 262.4-5, which include employee and contractor misconduct,

⁶ From 2017 to 2020, EUR and WHA referred 44 percent of the 855 cases referred for investigation by the Department's six regional bureaus.

extraterritorial criminal investigations, and death investigations.⁷ In its questionnaire, OIG asked RSOs and ARSOs to rate OSI’s support in response to an embassy’s report of criminal activity or misconduct by personnel under chief of mission authority, as well as in reporting death cases. As seen in Figures 2 and 3, more than 78 percent of the respondents rated OSI support as excellent or very good. Additionally, OIG asked RSOs and ARSOs whether OSI’s training on criminal and death investigations clearly delineated between OSI and RSO and ARSO responsibilities. As seen in Figures 4 and 5, more than 66 percent selected “strongly agreed” or “agreed.”

Figure 2: Office of Special Investigations Support in Response to a Report of Criminal Activity or Misconduct by Personnel Under Chief of Mission Authority

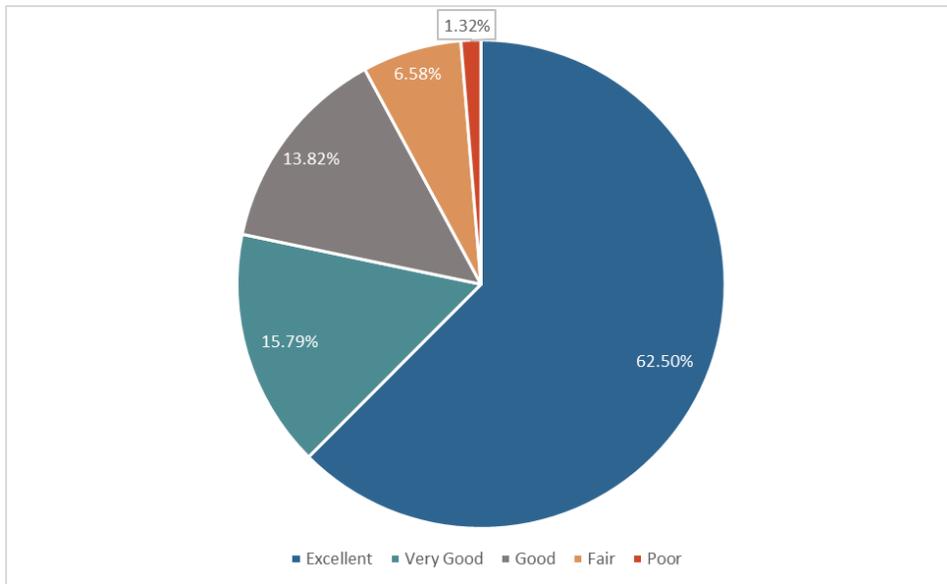


Note: This visual shows how RSOs and ARSOs responded to, “Please rate the support you have received from DS/DO/OSI in response to a report of criminal activity or misconduct by chief of mission personnel.”

Source: OIG-generated chart based on responses to OIG’s questionnaire.

⁷ According to 12 FAM 221.4b, “The Criminal Investigations Division (DS/ICI/CR), the Overseas Criminal Investigations Division (DS/ICI/OCI), the Office of Protective Intelligence and Investigations (DS/TIA/PII), the Office of Special Investigations (DS/DO/OSI) as applicable, instruct and provide guidance to all special agents and RSOs for the conduct of investigations.” See also 1 FAM 262.4-5 specifying OSI primary responsibilities.

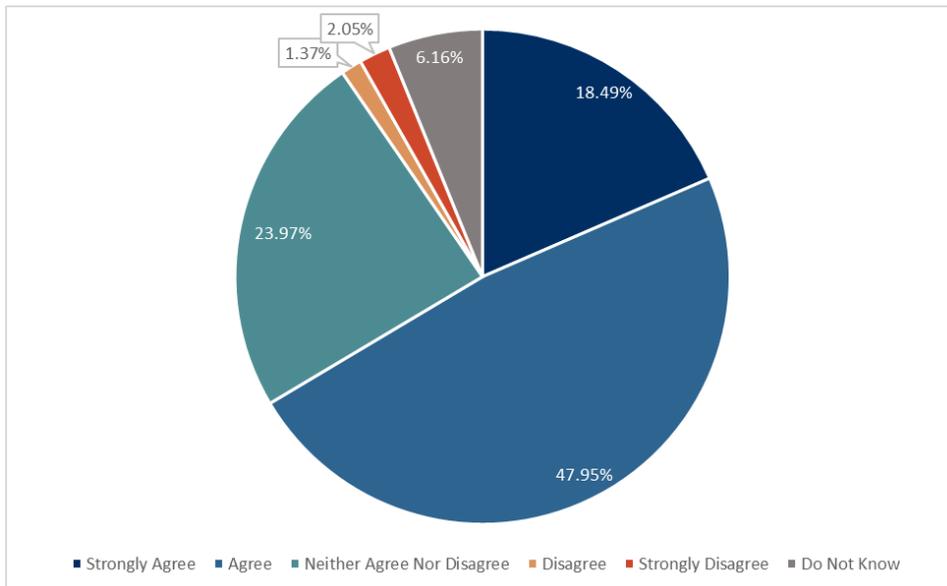
Figure 3: Office of Special Investigations Support in Response to the Death of Someone Under Chief of Mission Responsibility



Note: This visual shows how RSOs and ARSOs responded to, “Please rate the support you have received from DS/DO/OSI in response to the death of someone under chief of mission responsibility.”

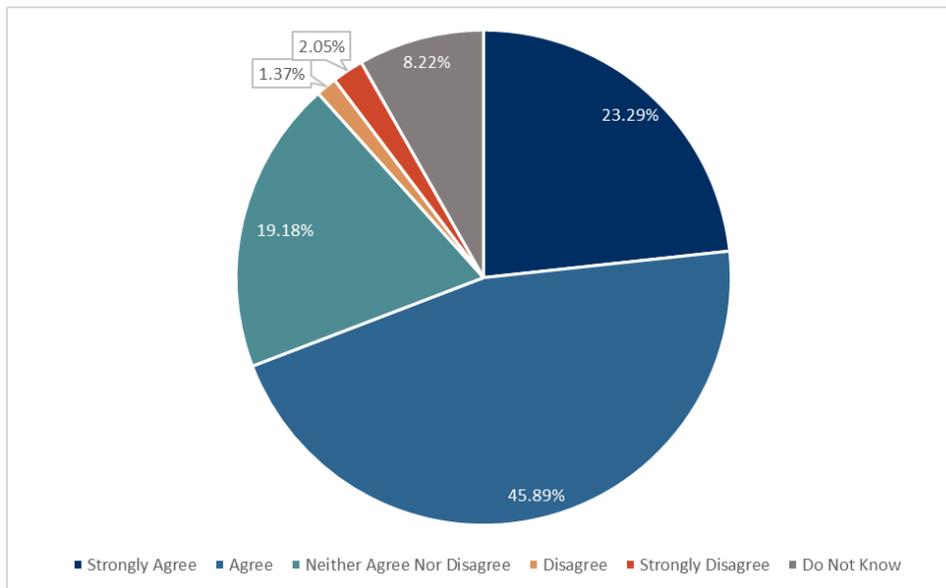
Source: OIG-generated chart based on responses to OIG’s questionnaire.

Figure 4: Office of Special Investigations Training on Criminal Investigations



Note: This visual shows how RSOs and ARSOs responded to, “OSI-provided training clearly defines the delineation of responsibilities between OSI and the RSO/ARSO in responding to criminal activity and misconduct by chief of mission personnel.”

Source: OIG-generated chart based on responses to OIG’s questionnaire.

Figure 5: Office of Special Investigations Training on Death Investigations

Note: This visual shows how RSOs and ARSOs responded to, “OSI-provided training clearly defines the delineation of responsibilities between OSI and the RSO/ARSO in responding to the death of a person under chief of mission responsibility.”

Source: OIG-generated chart based on responses to OIG’s questionnaire.

Office of Special Investigations Coordinated Effectively With Other Federal Government Agencies

OIG found that coordination between OSI and other Federal agencies was productive. In accordance with 12 FAM 221.2, DS had signed memoranda of understanding (MOU) that covered OSI’s equities with five Federal agencies⁸ and OIG’s Office of Investigations. Representatives from the five Federal agencies provided positive reviews of OSI’s performance, agents, and leadership. OIG found that OSI complied with all MOUs in place at the time of the inspection.

Similarly, Department offices that worked with OSI praised its performance, citing the depth of its investigations and the quality of the information it obtained. OIG found that OSI’s investigative reports met the needs of other Department offices to allow them to determine areas requiring disciplinary action or to assist with coordination with other government agencies. Some offices expressed interest in increasing information sharing between OSI and their offices about ongoing investigations but acknowledged that privacy concerns and other legal obstacles made it difficult to do. A recent OIG evaluation also recommended that the Department consider implementing guidance for better coordination and information sharing

⁸ The five Federal agencies were the Department of Health and Human Services, the Naval Criminal Investigative Service, the Department of Justice, the Peace Corps, and the Armed Forces Office of the Medical Examiner.

between bureaus on sexual harassment and assault cases, and the Department is currently developing such policies.⁹

Sexual Assault Investigator Training for Office of Special Investigations Employees Delayed by COVID-19 Pandemic

OIG found that training required for OSI special agents to be designated as sexual assault investigators had been delayed because of the COVID-19 pandemic. Training of designated sexual assault investigators is especially important because changes to Department standards in 2017 required OSI to provide immediate support and guidance to RSOs and victims.¹⁰

According to 3 FAM 1715.2, OSI should maintain a cadre of DS special agents who are specially trained and designated as sexual assault investigators. Additionally, 3 FAM 1712.2-1a(1) requires that OSI assign a special agent 24 hours a day, 7 days a week to receive sexual assault allegations. Finally, the *Office of Special Investigations Handbook*¹¹ states that OSI's preferred practice is to assign two trained sexual assault investigators to each unit.

Based on OIG's analysis, in 2018, it took OSI an average of 6.7 months to obtain sexual assault investigator designation for its new special agents. For new agents joining the office in 2019, it took an average of 4.2 months to be designated. At the time of the inspection, none of the 12 special agents who joined OSI in 2020 had firm training dates, and, therefore, they could not be designated as sexual assault investigators. Certification completion was delayed, in part, by the COVID-19 pandemic; some training is delivered only in-person by external training providers. As a result, newly arrived special agents were spending an increasing portion of their 24-month tours of duty unable to lead sexual assault investigations.

OIG did not make a formal recommendation on sexual assault training for investigators because, at the time of the inspection, each of OSI's three investigative units had at least two trained sexual assault investigators, as recommended by the *Office of Special Investigations Handbook*.¹² Furthermore, the time required to be designated as a sexual assault investigator had decreased from 2017 to 2019. Nonetheless, OIG suggested, and OSI agreed, to consider developing alternate training programs in the interim to address the training backlog and prevent future gaps in covering sexual assault investigations.

Poorly Functioning Computers Hampered Case Processing

OSI staff members reported to OIG that aging computers hampered OSI's efficiency and risked affecting response times to inquiries from RSOs overseas. OSI staff reported that long load times and freezing were common occurrences as they were working on their cases. Poorly performing computers can be detrimental to a duty agent's ability to respond to an RSO in the

⁹ OIG, *Evaluation of the Department's Handling of Sexual Harassment Reports* (ESP-20-06, September 2020).

¹⁰ See 3 FAM 1712.2-1a(2)(a).

¹¹ Bureau of Diplomatic Security, *Office of Special Investigations Handbook, Version 5* (January 2020).

¹² *Office of Special Investigations Handbook, Version 5*, January 2020, at 71.

field seeking urgently needed written guidance, forms, and other information. Poor performance can reduce efficiency, result in unacceptable workarounds, and divert personnel resources. At the time of the inspection, DS's Chief Technology Officer advised OIG that a directorate-wide refresh surge was scheduled for January 2021, with OSI office projected for completion by March 2021. Therefore, OIG did not make a recommendation on this issue.

PRINCIPAL OFFICIALS

| Title | Name | Arrival Date |
|--|------------------|---------------------|
| Deputy Assistant Director for Special Investigations | Scott M. Messick | 1/2019 |
| Senior Supervisor | Matthew R. Becht | 6/2016 |

Source: Generated by OIG from data provided by the Bureau of Diplomatic Security.

APPENDIX A: OBJECTIVES, SCOPE, AND METHODOLOGY

This inspection was conducted from August 31, 2020, to February 22, 2021, in accordance with the Quality Standards for Inspection and Evaluation, as issued in 2012 by the Council of the Inspectors General on Integrity and Efficiency, and the Inspection's Handbook, as issued by OIG for the Department and the U.S. Agency for Global Media (USAGM).

Objectives and Scope

The Office of Inspections provides the Secretary of State, the Chief Executive Officer of USAGM, and Congress with systematic and independent evaluations of the operations of the Department and USAGM. Inspections cover three broad areas, consistent with Section 209 of the Foreign Service Act of 1980:

- **Policy Implementation:** whether policy goals and objectives are being effectively achieved, and whether all elements of an office or mission are being adequately coordinated.
- **Resource Management:** whether resources are being used and managed with maximum efficiency, effectiveness, and economy and whether financial transactions and accounts are properly conducted, maintained, and reported.
- **Management Controls:** whether the administration of activities and operations meets the requirements of applicable laws and regulations; whether internal management controls have been instituted to ensure quality of performance and reduce the likelihood of mismanagement; and whether instance of fraud, waste, or abuse exist; and whether adequate steps for detection, correction, and prevention have been taken.

OIG's specific objectives for this inspection of the Bureau of Security's Office of Special Investigations (OSI) were to determine whether:

- OSI's organizational structure and management practices effectively supported Regional Security officers in investigating employee misconduct and other special investigative activities, as described in 12 Foreign Affairs Manual (FAM) 226 and 12 FAM 227, 3 FAM 1712.2-1.
- Memoranda of understanding (MOUs) between OSI and other investigative entities accurately reflected current organizational structures and procedures for OSI investigations, as described in 3 FAM 1700, 12 FAM 222.2 and 12 FAM 221.
- OSI followed guidance in 12 FAM 053 regarding the development of MOUs and collaborated effectively with the Bureau of Diplomatic Security's Policy and Planning Division in preparing the MOUs.
- OSI had developed effective training, curriculum, and guidance for regional security officers, consistent with OSI's responsibilities under 12 FAM 221.4b.

Methodology

OIG used a risk-based approach to prepare for this inspection. Due to the COVID-19 pandemic and taking into consideration relevant guidance, OIG conducted this inspection remotely and relied on audio- and video-conferencing tools in lieu of in-person interviews with Department and other appropriate personnel. Additionally, OIG was not able to review case and file management or to observe the office's daily operations because of the sensitive and confidential nature of OSI's work and legal requirements to protect and control personally identifiable information. OIG reviewed pertinent records; circulated questionnaires and compiled the results; and reviewed the substance of this report and its findings and recommendations with offices, individuals, and organizations affected by the inspection. OIG used professional judgment, along with physical, documentary, testimonial, and analytical evidence collected or generated, to develop the findings and conclusions included in this report.

APPENDIX B: MANAGEMENT RESPONSE



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

April 29, 2021

INFORMATION MEMO TO ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS SANDRA LEWIS – OIG

FROM: DS – Todd J. Brown, Acting Assistant Secretary *TJB*

SUBJECT: Response to Draft OIG Report: Targeted Inspection of the Bureau of
Diplomatic Security (DS) Office of Special Investigations
(DS/DO/OSI)

Below is the Department's response to the findings described in the subject draft report.

Department Response (04/29/2021): DS concurs with the OIG's decision to not make any formal recommendations based on the outcome of its inspection of DS/DO/OSI. DS appreciates the OIG team's professionalism and cooperation as it considerately scheduled inspection events around DS/DO/OSI operational demands.

Attachments:

Edits to the OIG Targeted Inspection of the Bureau of DO/OSI

UNCLASSIFIED

ABBREVIATIONS

| | |
|------|---|
| ARSO | Assistant Regional Security Officer |
| DS | Bureau of Diplomatic Security |
| EUR | Bureau of European and Eurasian Affairs |
| FAM | Foreign Affairs Manual |
| MOU | Memorandum of Understanding |
| OSI | Office of Special Investigations |
| RSO | Regional Security Officer |
| WHA | Bureau of Western Hemisphere Affairs |

OIG INSPECTION TEAM MEMBERS

Erik Winther, Team Leader
Pasquale Capriglione
Marc Desjardins
Hanane Grini

Other Contributors

Dolores Adams
Leslie Gerson
Rebecca Sawyer



HELP FIGHT
FRAUD, WASTE, AND ABUSE

1-800-409-9926

www.stateoig.gov/HOTLINE

If you fear reprisal, contact the
OIG Whistleblower Coordinator to learn more about your rights.

WPEAOmbuds@stateoig.gov