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Office of Inspector General
United States Department of State

ISP-I-21-27

Office of Inspections

June 2021

Inspection of the Office of Global Criminal Justice

DOMESTIC OPERATIONS

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HIGHLIGHTS

Office of Inspector General
United States Department of State

ISP-I-21-27

What OIG Inspected

OIG inspected the executive direction, human resources, program and policy implementation, and foreign assistance operations of the Office of Global Criminal Justice.

What OIG Recommends

OIG made 4 recommendations to the Office of Global Criminal Justice.

In its comments on the draft report, the Department concurred with all 4 recommendations. OIG considers all 4 recommendations resolved. The Office of Global Criminal Justice's response to each recommendation, and OIG's reply, can be found in the Recommendations section of this report. The office's formal written response is reprinted in its entirety in Appendix B.

June 2021

OFFICE OF INSPECTIONS
DOMESTIC OPERATIONS

Inspection of the Office of Global Criminal Justice

What OIG Found

- The Office of Global Criminal Justice saw new leadership in January 2021 due to the change in administration. The new Senior Official leading the office began to address insufficient communication and collaboration issues which had contributed to divisions, mistrust, and morale problems in the office.
- Stakeholders from other Federal agencies and Department of State offices praised the subject matter expertise of staff in the Office of Global Criminal Justice, but some questioned its efforts to expand into new issues outside its traditional areas of engagement.
- The office lacked a functional statement to define its roles and responsibilities and to clarify its focus vis-a-vis other Department offices.
- Office leadership did not develop a strategic plan to align the office's activities and resources and to guide staff.
- The Office of Global Criminal Justice planned to implement \$10 million in FY 2020 foreign assistance funding, but it had not managed previous assistance awards in accordance with the standards.

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CONTEXT

The Office of Global Criminal Justice (GCJ) advises the Secretary on issues related to war crimes, crimes against humanity, and genocide. GCJ also focuses on prevention of, response to, and accountability for mass atrocities. As described in 22 U.S. Code § 8213, GCJ assists the Secretary in collecting information on incidents that may constitute crimes against humanity, genocide, slavery, or other violations of international humanitarian law. Incorporating the previous functions of the Office of War Crimes Issues, GCJ is led by an Ambassador at Large and falls under the supervision of the Under Secretary for Civilian Security, Democracy, and Human Rights. During the inspection, a Senior Official took charge of the office pending the appointment of a new ambassador.

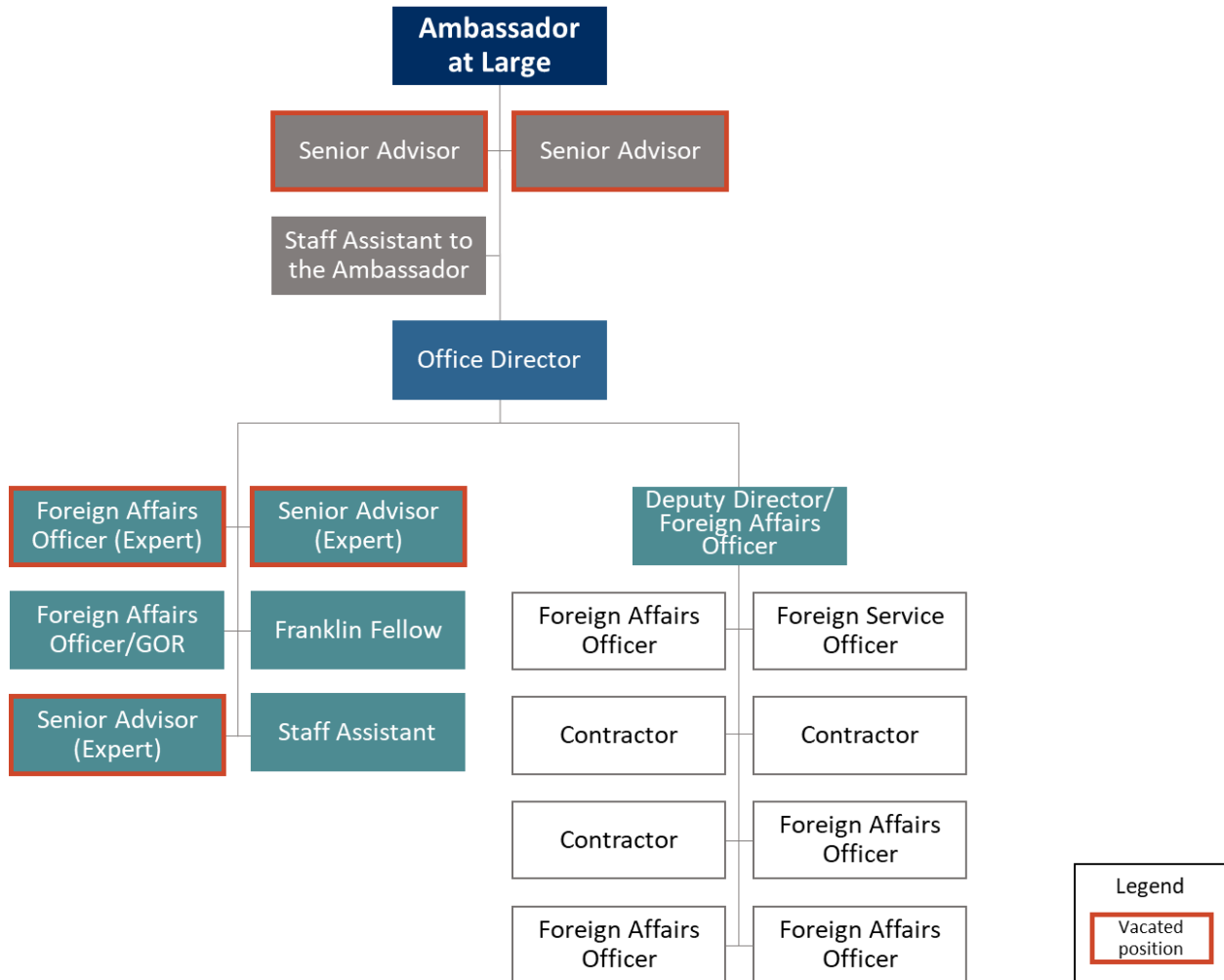
According to its intranet site, GCJ's strategic goals are to: (1) promote an international system of accountability for atrocity crimes; (2) lay the groundwork for justice during ongoing atrocities; and (3) redress and prevent future atrocities through comprehensive transitional justice policies¹ and foreign assistance programs. At the start of the inspection on January 4, 2021, GCJ leadership prioritized diplomatic engagement involving a range of countries, with a focus on Nigeria, the Democratic People's Republic of Korea (North Korea), and Syria. With the arrival of the Senior Official on January 20, 2021, GCJ began a review of its activities with an aim to focus on a narrower set of issues. GCJ also developed and implemented U.S. policy relating to the International Criminal Court.

GCJ promotes policy priorities through foreign assistance programs. For example, the Department received a total of approximately \$5 million each year in FY 2018 and FY 2019 for transitional justice programs in Iraq and Syria, for GCJ to administer in partnership with other Department of State (Department) bureaus. At the time of the inspection, the office was planning to implement \$10 million in FY 2020 foreign assistance funding for transitional justice programs. The office also manages the War Crimes Rewards Program, which offers rewards for information leading to the arrest, transfer, or conviction of defendants accused of crimes against humanity, genocide, or war crimes.

At the start of the inspection, GCJ had a total of 17 Civil Service and Foreign Service employees and 3 third-party contractors. With the January 20, 2021, change in administration, the Ambassador at Large departed and five other positions—the two senior advisors and the three experts—also were vacated. GCJ's organizational structure is shown in Figure 1, below.

¹ As defined in a report to Congress submitted pursuant to Section 1232 of the National Defense Authorization Act for FY 2019, transitional justice refers to a range of measures—judicial and non-judicial, formal and informal, retributive and restorative—employed by countries transitioning out of armed conflict or repressive regimes to redress legacies of mass atrocities and widespread human rights violations, including war crimes, genocide, and crimes against humanity, and to promote long-term, sustainable peace.

Figure 1: Office of Global Criminal Justice Organization Chart



Source: OIG generated from information obtained from the Office of Global Criminal Justice.

OIG evaluated the bureau’s executive direction, human resources, program and policy implementation, and foreign assistance operations consistent with Section 209 of the Foreign Service Act of 1980.²

EXECUTIVE DIRECTION

OIG assessed GCJ leadership based on interviews with employees of the office, questionnaires completed by GCJ personnel, a review of documents, as well as audio and video observations of virtual office meetings during the inspection. OIG also obtained comments during interviews within the Department and the interagency community as well as with representatives of nongovernmental organizations and academic institutions that engage on GCJ-related issues.

² See Appendix A.

Tone at the Top and Standards of Conduct

At the start of the inspection, the Ambassador at Large in the Office of Global Criminal Justice had been in place for approximately one year. His December 2019 appointment marked the first time in more than 4 years the office had a permanent, Senate-confirmed leader. Prior to joining the Department, the Ambassador at Large was a law professor and author of a book on international law and North Korea. On January 20, 2021, a Senior Official assumed the Ambassador at Large's duties until a new ambassador is nominated and confirmed. The Senior Official, a career member of the Senior Executive Service, previously served in senior positions in the Department, including Acting Assistant Secretary for the Bureau of Western Hemisphere Affairs, Senior Bureau Official and Principal Deputy Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, and Ambassador to Belarus. The final member of GCI's leadership team is the Office Director, who was appointed in June 2020 and previously worked in the Bureau of Democracy, Human Rights, and Labor.

Office Leadership Did Not Communicate and Collaborate Effectively

OIG found that the previous Ambassador at Large and the Office Director did not communicate and collaborate with most of the office's staff, contrary to 3 Foreign Affairs Manual (FAM) 1214b(4) and (7), which require leaders to anticipate varying points of view by soliciting input and establishing constructive relationships. Furthermore, neither the Ambassador at Large nor the Office Director encouraged an atmosphere of open dialogue and trust, contrary to 3 FAM 1214b(9), which contributed to divisions, mistrust, and morale problems in the office. Specifically, many of the staff members who served in the office prior to the arrival of the Ambassador at Large in December 2019 raised the following concerns with OIG:

- Communication and information flow worsened under the Ambassador at Large and Office Director's leadership, causing employee uncertainty about leadership's goals and priorities.
- Leadership cut off or excluded staff members from office discussions and did not advise staff of essential information they needed to do their jobs, such as readouts and taskings from meetings that the Ambassador at Large held with other Department offices.
- Hiring decisions lacked transparency and created perceptions of unfairness, bias, or discrimination in hiring new staff, which fueled mistrust and was demoralizing.
- A decision to terminate a paper-tracking system and a lack of workflow management restricted information sharing within GCI.

Soon after assuming his position in GCI, the new Senior Official took steps to improve information sharing, collaboration, and communication. For example, he reinstated the paper-tracking and tasking process and enabled office-wide discussion of policy issues that had previously been handled exclusively by employees the former Ambassador at Large had hired, many of whom departed when he did. During the inspection, OIG brought attention to the need for the Senior Official to reinforce his commitment to open dialogue and information-sharing among the staff. In response, he took additional steps, such as increasing office-wide

communications by emails. The Senior Official also told OIG that he would ensure that the development of a new strategic plan, which OIG recommended below, included input from all GCJ staff.

Execution of Foreign Policy Goals and Objectives

Office Lacked Strategic Plan to Establish Goals and Monitor Performance

OIG found that GCJ did not have a strategic plan to establish goals, objectives, and sub-objectives and to align resources with policy priorities. Instead, several staff members OIG interviewed described the office's goal setting as an ad hoc process. The need for a strategic plan was especially important because of the office's expanding foreign assistance and policy implementation responsibilities and the need to coordinate with other Department offices and bureaus. For example, GCJ supported evidence collection programs in Iraq and Syria; the International Residual Mechanism for Criminal Tribunals for war crimes committed in Yugoslavia and crimes against humanity in Rwanda; and the Independent Investigative Mechanism for Myanmar and the Special Tribunal for Lebanon that promote atrocity prevention and criminal accountability. GCJ also developed and advocated for policy regarding the International Criminal Court. Finally, GCJ's policy responsibilities overlapped with other Department bureaus and offices, including regional bureaus and the Bureaus of Democracy, Human Rights, and Labor and Conflict and Stabilization Operations.

OIG found that the lack of a formal structure to align resources with priorities was caused in part because the Department did not require the office to prepare a Functional Bureau Strategy and in part because office leadership was unfamiliar with Department requirements for strategic plans. Nonetheless, guidance in 18 FAM 301.2-1a states that strategic planning processes are essential to make informed decisions, prioritize resources, align activities with policy, identify risks, and create a management framework to monitor progress and ensure accountability. In addition, 3 FAM 1214b(2) emphasizes the development of short- and long-term goals by leadership to establish expectations, provide direction, and promote a unified effort. Without a strategic plan, the office lacked a framework for identifying its priorities, measuring the effectiveness of its operations, and prioritizing its policy and program work.

Recommendation 1: The Office of Global Criminal Justice should develop and implement a strategic plan in accordance with Department standards. (Action: GCJ)

Office of Global Criminal Justice Lacked Formal Delineation of Roles and Responsibilities

OIG found that in addition to the lack of a strategic plan, the office did not have a clear mission statement in the FAM to define its policy responsibilities. In interviews with OIG, employees in at least five other bureaus reported occasional friction with GCJ, partly as a result of the office's responsibilities not being fully defined. Some of those interviewed cited actions by some in GCJ to expand the office's work into areas already covered by other offices or bureaus. For example, GCJ sought to become more involved in one particularly sensitive country, going beyond the office's usual remit, such as monitoring and documenting atrocities. Department offices with primary responsibility for the relationship with that country strongly opposed GCJ's

efforts at broader engagement. Similarly, OIG found that GCJ attempted to expand into the review of sales of munitions and security technology, which other Department offices handle. Guidance in 1 FAM 014.8a requires bureaus and offices to submit a functional statement to define their areas of responsibility and prevent overlap; these statements should be submitted to the Bureau of Administration and Global Talent Management. Without a clear functional statement to delineate its responsibilities, the office risked duplicating activities performed by other Department bureaus and offices with overlapping responsibilities. Additionally, personnel in both regional and functional offices expressed a lack of knowledge of GCJ's mission or even frustration with GCJ performing its traditional and appropriate role, and a clear functional statement could help GCJ in its interactions with these offices.

Recommendation 2: The Office of Global Criminal Justice, in coordination with the Bureau of Administration and the Bureau of Global Talent Management, should submit a functional statement delineating its roles and responsibilities for inclusion in the Foreign Affairs Manual, in accordance with Department guidance. (Action: GCJ, in coordination with A and GTM)

HUMAN RESOURCES

OIG reviewed selected human resources issues during this inspection. Specifically, OIG reviewed whether:

- The hiring actions for six Civil Service employees complied with applicable Federal rules.
- The office followed applicable Federal rules in assigning duties to experts appointed under 5 CFR 304 authorities.
- The creation of a Deputy Director position complied with Department guidance.
- Third-party contractors complied with contract terms and conditions and Department guidance to reduce the risk of performing inherently governmental functions.

In 2020, during the former Ambassador at Large's tenure, GCJ hired eight additional staff members, including two Schedule C appointees³ and six Civil Service employees: a GS-15 office director, a GS-14 deputy director, a GS-14 foreign affairs officer, and three GS-15 experts. The eight hiring actions almost doubled the size of the office staff. Of these, only the office director position was selected through a competitive, merit-based mechanism. GCJ leadership stated that the use of noncompetitive mechanisms was intended to fill positions expeditiously. However, employees said that poor internal communication about hiring plans and promotion opportunities created a perception that such appointments were intended to bypass Civil Service merit-based promotion processes and enable the appointments of individuals personally known to the Ambassador at Large. This would be contrary to 3 FAM 1212.2 standards to appoint, assign, and promote personnel on the basis of merit and ensure that all employees have adequate and reasonable opportunities for promotion and maximum

³ Schedule C appointments are exempted from the competitive service because of their policy-making nature or because they involve a close and confidential working relationship with the agency head or other top appointed official.

utilization of skills. OIG's review of the six Civil Service hiring actions did not substantiate misuse of appointment mechanisms. However, OIG concluded that GCJ's lack of internal communication about its hiring plans and extensive use of noncompetitive mechanisms contributed to widespread perceptions of favoritism in hiring procedures among office employees. As described below, OIG, among other issues, identified instances of improper assignment of responsibilities to employees appointed under expert and consultant mechanisms.

Office Complied With Rules and Procedures for Six Hiring Actions

OIG found that actions discussed above for six Civil Service employees hired in 2020 complied with Federal rules for filling vacancies using methods described in 5 CFR 330.102. These include competitive appointment from "a list of eligibles," noncompetitive appointment under special authority, and reassignment. For example, the office appointed one employee through a lateral reassignment from within the Department, consistent with 5 CFR 335.102(a). As described above, staff told OIG the lack of communication around the hiring plans led to perceptions of favoritism in hiring procedures. During the inspection, OIG brought to the Senior Official's attention that the office could take steps to improve communication internally about merit-based competitive hiring practices and future job opportunities. The Senior Official told OIG that he had frozen all hiring actions pending GCJ's drafting of a strategic plan to guide future resource allocation and that he planned to share information about future hires with staff and make greater use of merit-based competitive hiring practices in the future.

Office Inappropriately Assigned Experts to Duties

OIG found that GCJ leadership inappropriately assigned the three GS-15 experts hired in 2020 under 5 CFR 304 authorities for appointing experts and consultants to duties that previously had been performed by Civil Service and Foreign Service employees or to fill in during staff shortages. These practices were contrary to 5 CFR 304.103(b)(4) and (5), which prohibit intermittent or temporary experts and consultants from doing work performed by the agency's regular employees and from filling in during staff shortages. For example, one expert assumed public diplomacy responsibilities handled by a regular employee and served as backup officer for issues involving Colombia, El Salvador, Guatemala, and Venezuela. A second expert took on duties involving Nigeria previously performed by a direct-hire employee, while the third expert performed duties involving Iraq, Lebanon, Libya, Tunisia, and Syria while a direct-hire employee was on a detail. Because these three employees' appointments ended effective January 20, 2021, OIG did not make a recommendation to address this problem.

Deputy Director Position Was Not Officially Established at the Time of Hiring, and Leadership Had Not Assessed How the Position Will Enhance Office Performance

OIG found that GCJ had not formally established the deputy director position at the time of hiring in 2020, nor had leadership assessed how this additional organizational layer will enhance office performance. Although GCJ leadership hired a Civil Service employee to be Deputy Director through an authorized noncompetitive appointment eligibility, GCJ used a standard foreign affairs officer position description that did not describe the deputy director

role and supervisory responsibilities when making the appointment. This was contrary to 3 FAM 2636.9, which requires managers to ensure the duties and responsibilities in a position description are accurate when filling a vacant position. During the inspection, OIG learned that a new deputy director position description was pending approval with the Office of Global Talent Management, after which it would need to be advertised. However, several staff told OIG that the position added an unnecessary and unhelpful layer of review and clearance on work products. During the inspection, OIG brought to the Senior Official's attention the need to assess whether formalizing the deputy director position would enhance GCJ's performance of its mission and its efficient use of resources, consistent with 1 FAM 014.5 guidance. The Senior Official told OIG that he intended to review the office's organizational structure, including the need for a deputy director, consistent with 1 FAM 014.5 guidance.

Third-Party Contractors Did Not Identify Themselves as Contractors in Official Correspondence

GCJ's three third-party contractors, who served as Senior Advisors on policy-related issues, did not follow 5 FAM 753.2 guidance to identify themselves as contractors in official correspondence. During the inspection OIG observed that none of the contractors identified themselves as contractors in a signature block in their email correspondence. Among their duties, the contractors represented GCJ in meetings with other Department entities and at interagency meetings. Federal Acquisition Regulation 7.503(c)(4) prohibits third-party contractor staff from engaging in the conduct of foreign relations and the determination of foreign policy. In addition, the contractors' statement of work requires them to include the name of their employer (the contractor) as part of their signature block when sending emails. After OIG brought this problem to his attention, the Senior Official confirmed that the three contractors had added signature blocks to their emails that identified them as contractors, as required by the statement of work. Therefore, OIG did not make a recommendation to address this issue.

POLICY AND PROGRAM IMPLEMENTATION

Stakeholders in Department bureaus and other agencies described GCJ's staff as generally effective in working with them to advance policy priorities. These stakeholders consistently stated that they valued GCJ's expertise on issues such as international tribunal operations and genocide and crimes against humanity determinations. The former Ambassador at Large focused on implementing executive orders related to the previous administration's approach to the International Criminal Court and promoted understanding of U.S. policy on this topic to the public. Additionally, GCJ supported atrocity determinations, transitional justice, and other accountability efforts, including single country international and "hybrid"⁴ tribunals for countries such as South Sudan, Kosovo, Cambodia, and the Central African Republic. OIG

⁴ Hybrid courts are defined as "courts of mixed composition and jurisdiction, encompassing both national and international aspects, usually operating within the jurisdiction where the crimes occurred." Office of the UN High Commissioner for Human Rights, "Rule-of-Law Tools for Post-Conflict States: Maximizing the Legacy of Hybrid Courts," 1 (2008), <https://www.ohchr.org/Documents/Publications/HybridCourts.pdf>.

determined that GCJ effectively implemented its policy and program activities, except for the design of the War Crimes Rewards Program, as discussed below.

War Crimes Rewards Program Did Not Meet Department Program Design Standards

OIG found that GCJ did not apply Department program design standards to the War Crimes Rewards Program.⁵ The War Crimes Rewards Program disbursed more than \$8 million between 1998 and the time of the inspection to aid in bringing to justice more than 20 perpetrators of atrocities and crimes against humanity. Although stakeholders credited the program manager with improving external coordination, OIG found the program lacked monitoring plans and evaluation mechanisms to assess its progress. In addition, it did not have standard operating procedures. Similar programs, such as the Rewards for Justice Program and the Narcotics Rewards Program,⁶ used standard operating procedures to define administrative responsibilities. Because the program did not follow program design guidelines, it lacked performance data that could be analyzed to assess progress against objectives, make adjustments, improve program effectiveness, and mitigate risks. As stated in 18 FAM 301.4-2a, programs must have goals and objectives. Additionally, standards in 18 FAM 301.4-3b and 18 FAM 301.4-4a require program monitoring and evaluation. The failure to include monitoring plans, evaluation mechanisms, and goals and objectives increases the risk that the program will not achieve intended outcomes.

Recommendation 3: The Office of Global Criminal Justice should bring the War Crimes Rewards Program into compliance with Department program design standards. (Action: GCJ)

FOREIGN ASSISTANCE

OIG reviewed GCJ's foreign assistance program management, including its management of Federal assistance awards. As described below, OIG found that the office's Federal assistance awards were not managed in accordance with Department requirements.

⁵ GCJ's specific responsibilities for the War Crimes Rewards Program are detailed in 2 FAM 941 and 2 FAM 942.

⁶ The Rewards for Justice Program was established by the 1984 Act to Combat International Terrorism, Public Law 98-533. Under this program, administered by the Department's Bureau of Diplomatic Security, the Secretary may offer rewards for information that prevents or favorably resolves acts of international terrorism against U.S. persons or property worldwide. The program has a 64-page standard operating procedure that defines administrative support activities needed for internal control and institutional continuity. Congress established the Narcotics Rewards Program in 1986 as an important tool to assist U.S. law enforcement in identifying and bringing to justice the major violators of U.S. narcotics laws. The Narcotics Rewards Program uses standard operating procedures for internal controls.

Office Did Not Assist With Management of Federal Assistance Awards in Accordance With Department Requirements

OIG found that GCJ did not assist with management of its Federal assistance awards in accordance with the Department's Federal Assistance Directive.⁷ At the time of the inspection, the office managed six Federal assistance awards with a total value of approximately \$6.5 million. In addition, the office was preparing to obligate an additional \$10 million in foreign assistance funds that Congress appropriated directly to GCJ in FY 2020. Because GCJ had not managed foreign assistance programs prior to 2019, the office partnered with the Bureau of Near Eastern Affairs to issue Federal assistance awards on its behalf, with GCJ employees designated as grants officer representatives (GOR)⁸ on the awards. OIG reviewed all six Federal assistance awards and found the office did not comply with applicable Department administrative requirements. Specifically, OIG found that two of six awards lacked updated risk assessments⁹ and four of six awards lacked documentation that the GORs had completed required reviews of the performance and financial reports submitted by the award recipients.¹⁰

As outlined in the Federal Assistance Directive, offices are required to prepare a risk assessment prior to issuing Federal assistance awards and update them annually.¹¹ The Directive also requires that GORs complete a written assessment of the award recipient's quarterly reports and include it in the award file.¹² These issues occurred because GCJ staff did not follow Department requirements for managing Federal assistance and because the office's primary GOR did not possess access to the Department's State Assistance Management System, the official system of record for Federal assistance awards.¹³ In addition, the GCJ GOR for three of the six awards was serving on a detail assignment in another office and therefore could not complete the required monitoring tasks. Failure to adhere to Department standards for managing Federal assistance, along with a lack of oversight and standard operating procedures, can lead to the misuse or misappropriation of Department funds or an inability to achieve program objectives.

⁷ The Department's Federal Assistance Directive established internal guidance, policies, and procedures for all domestic and overseas grant-making bureaus, offices, and posts within the Department when administering Federal financial assistance. See 1 FAM 212.2.

⁸ A GOR is certified by the Office of the Procurement Executive and designated, in writing, by the grants officer to oversee certain aspects of a specific Federal assistance award. The GOR assists the grants officer in ensuring the Department exercises prudent management and oversight of the award through monitoring and evaluation of the recipient's performance.

⁹ Title 2 of the Code of Federal Regulations, Subtitle A, Chapter II, Part 200 requires the Department to evaluate risks posed by applicants before issuing a Federal assistance award.

¹⁰ Federal Assistance Directive, Chapter 4, Section D (May 20, 2017, and later revisions).

¹¹ Federal Assistance Directive, Chapter 2, Section K (May 20, 2017, and later revisions).

¹² Federal Assistance Directive, Chapter 4, Section D (May 20, 2017, and later revisions).

¹³ The State Assistance Management System is the Department's online Federal financial assistance management system. The Department's Federal Assistance Directive Sections E.1 and E.2 require that all Federal assistance awards be issued and managed using this system.

Recommendation 4: The Office of Global Criminal Justice should comply with Department standards for management of its Federal assistance awards. (Action: GCJ)

RECOMMENDATIONS

OIG provided a draft of this report to Department stakeholders for their review and comment on the findings and recommendations. OIG issued the following recommendations to the Office of Global Criminal Justice. The office's complete response can be found in Appendix B.¹ The office also provided technical comments that were incorporated into this report, as appropriate.

Recommendation 1: The Office of Global Criminal Justice should develop and implement a strategic plan in accordance with Department standards. (Action: GCJ)

Management Response: In its June 7, 2021, response, the Office of Global Criminal Justice concurred with this recommendation. The office noted an estimated completion date of July 2021.

OIG Reply: OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Office of Global Criminal Justice developed and implemented a strategic plan in accordance with Department standards.

Recommendation 2: The Office of Global Criminal Justice, in coordination with the Bureau of Administration and the Bureau of Global Talent Management, should submit a functional statement delineating its roles and responsibilities for inclusion in the Foreign Affairs Manual, in accordance with Department guidance. (Action: GCJ, in coordination with A and GTM)

Management Response: In its June 7, 2021, response, the Office of Global Criminal Justice concurred with this recommendation. The office noted an estimated completion date of August 2021.

OIG Reply: OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Office of Global Criminal Justice submitted a functional statement delineating its roles and responsibilities for inclusion in the Foreign Affairs Manual, in accordance with Department guidance.

Recommendation 3: The Office of Global Criminal Justice should bring the War Crimes Rewards Program into compliance with Department program design standards. (Action: GCJ)

Management Response: In its June 7, 2021, response, the Office of Global Criminal Justice concurred with this recommendation. The office noted an estimated completion date of September 2021.

¹ OIG faced delays in completing this work because of the COVID-19 pandemic and resulting operational challenges. These challenges included the inability to conduct most in-person meetings, limitations on our presence at the workplace, difficulty accessing certain information, prohibitions on travel, and related difficulties within the agencies we oversee, which also affected their ability to respond to our requests.

OIG Reply: OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Office of Global Criminal Justice brought the War Crimes Rewards Program into compliance with Department program design standards.

Recommendation 4: The Office of Global Criminal Justice should comply with Department standards for management of its Federal assistance awards. (Action: GCJ)

Management Response: In its June 7, 2021, response, the Office of Global Criminal Justice concurred with this recommendation.

OIG Reply: OIG considers the recommendation resolved. The recommendation can be closed when OIG receives and accepts documentation that the Office of Global Criminal Justice complied with Department standards for management of its Federal assistance awards.

PRINCIPAL OFFICIALS

Title	Name	Arrival Date
Ambassador at Large		
Senior Official	Michael Kozak ^a	1/2021
Office Director		
	Albert Gombis ^b	6/2020

^a Ambassador Michael Kozak assumed the temporary role of Senior Official on January 20, 2021, following the departure of the prior Senate-confirmed occupant of the Ambassador at Large position.

^b Following a detail assignment to GCJ that began in early 2020, Albert Gombis was selected to fill the Office Director position starting in June 2020.

Source: Generated by OIG from data provided by the Office of Global Criminal Justice.

APPENDIX A: OBJECTIVES, SCOPE, AND METHODOLOGY

This inspection was conducted from January 4 to March 24, 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 Inspections Handbook, as issued by the Office of Inspector General (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 U.S. interests are accurately and effectively represented; 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 instances 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 included determining whether:

- The Senior Official and Office Director in the Office of Global Criminal Justice (GCJ) were self-aware and demonstrated the Department's leadership and management principles, particularly modeling integrity, communication, and managing conflict.
- Merit principles with respect to the selection of employees for Civil Service positions were followed, and if not, whether appropriate follow up action by the Bureau of Global Talent Management was warranted.
- The office followed Federal regulations that govern the hiring of three expert consultants and Department guidelines that govern other hiring activity related to the Deputy Director position.
- GCJ ensured that contractors in its office followed the terms of their statement of work.
- The office met Department standards for strategic planning to define objectives and establish performance metrics and evaluations related to these objectives.
- The roles and responsibilities of GCJ and its leadership were codified in a manner that provided for the effective pursuit of foreign policy objectives.

- GCJ developed plans to create internal controls for its foreign assistance programs that adequately address risks.

COVID-19 related restrictions limited OIG's ability to review classified materials associated with GCJ's work. As a result, its classified work was not included in the scope of the inspection.

Methodology

OIG used a risk-based approach to prepare for each 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 personnel. OIG also reviewed pertinent records; circulated questionnaires and compiled the results, as appropriate. OIG reviewed the substance of this report and its findings and recommendations with offices, individuals, and organizations affected by the review. OIG used professional judgment, along with documentary, testimonial, and analytical evidence collected or generated, to develop its findings, conclusions, and actionable recommendations.

APPENDIX B: MANAGEMENT RESPONSE



United States Department of State

Office of Global Criminal Justice
Washington, D.C. 20520

June 7, 2021

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TO: OIG – Sandra Lewis, Assistant Inspector General for Inspections

FROM: Senior Official Ambassador Michael Kozak, Office of Global Criminal Justice

SUBJECT: Response to Draft OIG Report – Inspection of the Office of Global Criminal Justice

The Office of Global Criminal Justice (J/GCJ) has reviewed the draft OIG inspection report, dated May 2021. We provide the following comments in response to the recommendations, facts, and analysis provided by OIG:

OIG Recommendation 1: The Office of Global Criminal Justice should develop a strategic plan in accordance with Department standards. (Action: GCJ)

Management Response: *J/GCJ concurs with the recommendation. Since completion of the inspection, J/GCJ has begun drafting a strategic plan. Allowing for necessary clearances, we expect completion in July 2021.*

OIG Recommendation 2: The Office of Global Criminal Justice, in coordination with the Bureau of Administration and the Bureau of Global Talent Management, should submit a functional statement delineating its roles and responsibilities for inclusion in the Foreign Affairs Manual, in accordance with Department guidance. (Action: GCJ, in coordination with A and GTM)

Management Response: *J/GCJ concurs with the recommendation. Since completion of the inspection, J/GCJ has drafted an office Functional Statement. This draft is now undergoing necessary clearances and will be submitted to the GTM and A bureaus shortly. We expect this statement to be added to the FAM no later than August 2021.*

OIG Recommendation 3: The Office of Global Criminal Justice should bring the War Crimes Rewards Program into compliance with Department program design standards. (Action: GCJ)

Management Response: *J/GCJ concurs with the recommendation. J/GCJ is currently drafting a set of Standard Operating Procedures (SOPs) that will ensure compliance with Department*

program design standards. Such SOPs will establish goals and objectives and will include a description of J/GCJ monitoring plans and evaluation mechanisms. Such SOPs will also establish categories of, and collection standards for, the acquisition of performance data that can be used to assess progress against objectives, make adjustments, improve program effectiveness, and mitigate risks. The expected completion date is September 2021.

Recommendation 4: The Office of Global Criminal Justice should comply with Department standards for management of its Federal assistance awards. (Action: GCJ)

Management Response: *J/GCJ concurs with the recommendation and benefited from questions and inputs from the OIG team. However, J/GCJ believes that the deficiencies identified in the draft Report were primarily of form rather than substance, and we would urge that the Report better reflect that this was the nature of the deficiencies. For example, to state without further specificity, that J/GCJ, “Did Not Manage Federal Assistance Awards in Accordance with Department Requirements,” can be read as implying that there was no proper oversight of federal grants. In fact, we believe that J/GCJ and its partner, the NEA Bureau, did carry out the required oversight but, in some cases, failed to record that activity in the correct form at the time of the inspection, as further explained in Tab 1. In this regard, we note that the majority of the noncompliance with Department standards identified by the OIG team appear to pertain to the Department’s State Assistance Management System (SAMS) access and documentation. While it is correct that the office lacked access to SAMS at the time of the inspection, that deficiency has now been corrected and the oversight activities that were accomplished outside of SAMS (risk assessments and review of reports) are now recorded in SAMS. Further, J/GCJ has been working to standardize and capture numerous best practices since we last spoke to the OIG. In short, each issue accurately identified by the draft Report, and discussed in greater detail in Tab 1, have now been corrected. We recommend that this information, attached at Tab 1, be reflected in the final Report.*

Other matters: *At the time of the inspection, the J/GCJ organizational chart identified in the draft Report was current. Since then, we have adopted the one attached at Tab 2. We recommend that the final Report reflect that the chart has been updated, as attached.*

The point of contact for this memorandum is Robert A. Ramey, Deputy Director, J/GCJ.

Attachments:

- Clarifications Regarding Recommendation 4 (Tab 1)
- Current J/GCJ Organizational Chart (Tab 2)

ABBREVIATIONS

FAM	Foreign Affairs Manual
GCJ	Office of Global Criminal Justice
GOR	Grants Officer Representative

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