

Office of Inspector General
Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 

Deborah J. Jeffrey
Inspector General

December 14, 2016

Mark Jones, Executive Director
Council of the Inspector General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006

Subject: Final Report on the Quality Assessment review of the Investigative Operations of the Office of Inspector General for the Office of Personnel Management

Mark
Dear Mr. Jones,

We have attached the final report of our peer review of the system of internal safeguards and management procedures for the investigative operations of the Office of Inspector General for the Office of Personnel Management, Washington, DC, in effect for the period ending September 30, 2016. Our review was conducted in conformity with the Quality Standards for Investigations and Quality Assessment Review Guidelines established by the Council of the Inspector General on Integrity and Efficiency, and the Attorney General's Guidelines for the Office of Inspectors General with Statutory Law Enforcement Authority, as applicable.

In our opinion, the system of internal safeguards and management procedures for the investigative function of the Office of Inspector General for the Office of Personnel Management in effect for the period ending September 30, 2016, is in compliance with the quality standards established by CIGIE and the applicable Attorney's General guidelines. These safeguards and procedures provide reasonable assurance of conforming to professional standards in the planning, execution and reporting of its investigations.

If you have any questions concerning the review my Assistant Inspector General for Investigations Robert Walters can be reached at [REDACTED], to assist your office.

Sincerely,


Deborah Jeffrey

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**EXTERNAL QUALITY ASSESSMENT REVIEW OF
THE OFFICE OF INSPECTOR GENERAL FOR THE
OFFICE OF PERSONNEL MANAGEMENT
INVESTIGATIVE OPERATIONS**

November 2016

**Conducted By
The Office of Inspector General for the
Corporation for National and Community Service
250 E Street SW, Suite 4100
Washington, DC 20525**

**Deborah Jeffrey
Inspector General**

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Deborah J. Jeffrey
Inspector General

December 2, 2016

Mr. Norbert E. Vint
Acting Inspector General
1900 E Street, NW
Room 6400
Washington, DC 20415-1100

Re: Report on Quality Assessment Review of Investigative Operations of the Office of Inspector General for the Office of Personnel Management

Dear Mr. Vint:

We have reviewed the system of internal safeguards and management procedures for the Office of Investigations, Office of Inspector General, Office of Personnel Management (OPM-OIG) in effect for the period ending September 30, 2016. Our review was conducted during the period November 7-9, 2016, in conformity with the *Quality Standards for Investigations and Quality Assessment Review Guidelines* for Investigative Operations of Federal Offices of Inspector General established by the Council of the Inspector General on Integrity and Efficiency (CIGIE), and the *Attorney General Guidelines for the Office of Inspectors General with Statutory Law Enforcement Authority*, as applicable.

We reviewed the Office of Investigations' compliance with OPM-OIG's system of internal policies and procedures, to the extent we considered appropriate. The review was conducted at the Washington, DC headquarters location. Reviewers sampled 20 of the 64 investigations closed during fiscal year 2016 and interviewed both agency and OIG staff.

In performing our review, we gave consideration to the requirements of Section 6(e) of the Inspector General Act of 1978, as amended (IG Act), and Section 812 of the Homeland Security Act of 2002 (Pub.L. 107-296). Those documents authorize law enforcement powers for eligible personnel within the Offices of Presidentially appointed Inspectors General. Those powers may be exercised for activities authorized by the IG Act, other statutes, or as expressly authorized by the Attorney General.

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In our opinion, the system of internal safeguards and management procedures for the investigative function of OPM-OIG in effect for the period ending September 30, 2016, was in compliance with the quality standards established by CIGIE and the applicable Attorney General guidelines. These safeguards and procedures provide reasonable assurance that the Office of Investigations conforms to professional standards in the planning, execution and reporting of its investigations.

Sincerely,

A handwritten signature in blue ink that reads "Deborah J. Jeffrey". The signature is written in a cursive style with a long, sweeping tail on the "y".

Deborah Jeffrey

Attachment A - Scope and Methodology

The objective of our quality assessment review was to determine whether the OPM-OIG had internal control systems in place to provide reasonable assurances that the OPM-OIG is following applicable professional standards when conducting criminal investigations. These standards include CIGIE's *Quality Standards for Investigations*, and the *Attorney General Guidelines for Office of the Inspectors General with Statutory Law Enforcement Authority*.

We performed our review in accordance with CIGIE's *Qualitative Assessment Review Guidelines for Investigative Operations of Federal Offices of Inspector General*. We used the questionnaires and checklist attached to the CIGIE review guidelines. At the time of our review, the OPM-OIG did not operate an internal computer forensics program; therefore, we did not use the computer forensics activities questionnaire. We analyzed existing policies and procedures, interviewed management officials and staff, reviewed closed investigative case files and other administrative records, and tested compliance with OPM-OIG's internal control systems to the extent we considered appropriate. As identified in Attachment B, we visited the OPM-OIG headquarters in Washington, DC, during the review. The OPM-OIG has its investigation personnel located throughout the United States at various location either co-located with other federal agencies or remote locations. During our review we interviewed several of the investigators located in the field. We conducted our review on November 7-9, 2016.

Investigative Case Files

We selected a sample of investigative cases to assess the OPM-OIG's consistency in practices regarding the topics in the CIGIE questionnaires and checklists. The cases had been closed during the period October 1, 2015 and September 30, 2016.

As identified in Attachment C, we randomly selected 20 of the 64 cases closed during the period for review.

Attachment B – Listing of Visited Locations

The review was conducted at the OPM-OIG Headquarters located in Washington, DC. In addition to its headquarters location, OPM-OIG has its investigation personnel located throughout the United States at various locations co-located with other federal agencies or residential locations. We telephonically contacted several of these locations* to ensure that investigators were receiving support and oversight from its headquarters to perform its mission. We found that the individuals interviewed were receiving adequate support and proper oversight.

* Locations contacted- Laguna Niguel, CA; Monroeville, PA; and Vancouver, WA

Attachment C – Listing of Sampled Closed Investigative Files

<u>Case File Number</u>	<u>Case Closing Date</u>
I-12-00234	03/03/2016
I-12-00751	02/23/2016
I-13-00449	03/24/2016
I-13-00960	11/02/2015
I-13-00980	02/11/2016
I-14-00369	02/23/2016
I-14-00547	01/20/2016
I-14-00825	03/03/2016
I-14-00840	02/11/2016
I-14-01071	03/03/2016
I-14-01182	03/03/2016
I-15-00125	08/16/2016
I-15-00225	11/27/2015
I-15-00482	03/10/2016
I-15-00546	11/23/2015
I-15-00785	05/19/2016
I-15-01184	03/03/2016
I-15-01544	02/04/2016
I-15-01933	07/08/2016
I-16-00109	08/19/2016

Attachment D – Inspector General Response



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Office of the
Inspector General

December 13, 2016

The Honorable Deborah Jeffrey
Inspector General
Corporation for National and Community Service
Office of Inspector General
250 E St SW, Suite 4100
Washington, D.C. 20525

Dear Ms. Jeffrey:

I very much appreciate your letter dated December 2, 2016, regarding the Quality Assessment Review (QAR) of the Investigative Operations of the U.S. Office of Personnel Management, Office of the Inspector General. We are pleased with your conclusions that: (1) we are in compliance with the quality standards established by the Council of Inspectors General on Integrity and Efficiency and applicable Attorney General Guidelines; and (2) our safeguards and procedures provide reasonable assurance that we are performing to professional standards in the planning, execution, and reporting of our investigations.

Thank you also for the supplement to the QAR Report, which contained observations and noted four opportunities for improvement. Our response to each of the observations is contained in the enclosed Appendix.

I commend Assistant Inspector General for Investigations Robert Walters and the review team, for conducting a thorough review and providing valuable insights to help us strengthen our operations. Please extend my appreciation and commendation for a job well done.

If my office can assist you in the future, or if you would like to discuss the draft report further, please contact me at 202-606-1200, or a member of your staff may contact Assistant Inspector General for Investigations Michelle Schmitz at [REDACTED].

Sincerely,

A handwritten signature in black ink that reads "Norbert E. Vint".

Norbert E. Vint
Deputy Inspector General

Enclosure

Appendix

Response to Observations following Quality Assessment Review of the Investigative Operations of the U.S. Office of Personnel Management (OPM), Office of the Inspector General (OIG), conducted by the Corporation for National and Community Service OIG.

Each observation is in italic font; our response beneath is in normal font.

- 1. From June through November 2015, while the OPM-OIG's investigative database was offline, OPM-OIG did not notify the Federal Bureau of Investigation (FBI) within the required 30 days of initiation of criminal investigations. Outside this period, the notifications were untimely on a few other occasions.*

Recommendation: Ensure the FBI notifications are submitted timely. If a notification is late, the case file should document the reasons for the delay.

Response: We use our investigations tracking system to maintain our case files and to compile reportable data, including the tracking of cases where an FBI notification is due. As we documented in our Semi-Annual Report to Congress Number 53 (April 1, 2015 to September 30, 2015), our investigations tracking system was taken offline from June until October 2015. Multiple large-scale information security breaches which occurred at OPM in 2015 made it clear that OPM systems were being targeted by sophisticated adversaries. Fortunately, our investigations tracking system was not one of the systems breached. However, a Security Assessment & Authorization for the system identified certain information system security vulnerabilities, and we took the system offline while we remediated the vulnerabilities. During the time period that our investigations tracking system was offline, the lack of access to investigative case files impeded our investigations. Although we were able to maintain continuity of operations, the timely reporting of data suffered, including timely reporting to the FBI. We acknowledge that the FBI notifications due during the time our investigations tracking system was offline were issued late. However, this issue has been resolved, as access to the investigations tracking system was restored for all users early in fiscal year 2015. ✓

We have addressed the “few other occasions” where FBI notifications were untimely by issuing a November 6, 2016 memorandum to all staff, reinforcing the requirement to convert a preliminary inquiry complaint to an investigation “when credible evidence is developed to indicate that a criminal, civil, or administrative violation has occurred.”

Appendix

- Evidence was not properly documented, stored and disposed of in a consistent manner because investigators were using different forms. Further, OPM-OIG's evidence policy does not specify when evidence should be transferred from temporary storage to the evidence depository. The policy also does not delineate the procedures for the approval of disposition of evidence by a disinterested individual.*

Recommendation: Update the policy to standardize the procedures for collection, documentation, storage, and disposal of physical evidence.

Response: We appreciate the suggestions for improvement of our evidence policy. We are currently in the process of updating the policy and our evidence forms. We anticipate issuing the updated policy before the end of fiscal year 2017.

- The investigative tracking system did not include supporting documentation to explain delays in case activity. In some instances, issuance of the final Report of Investigation and administrative closeout of investigation did not adhere to the time requirements in OPM-OIG's policy.*

Recommendation: Supervisors and investigators should clearly document investigative and administrative delays in the tracking system whenever an investigation does not comply with OPM-OIG's policy on timeliness.

Response: To clarify, our policy requires the Report of Investigation to be written within [REDACTED] working days of the culmination of all criminal, civil, and administrative action. That same time requirement does not apply to the administrative closeout of the investigation.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We agree that supervisors and investigators should clearly document any such administrative delays to the closeout of an investigation, as well as any delays in investigative activity. Our supervisors have been reminded of this requirement. To facilitate increased supervisory attention to this and other matters, we are adjusting the supervisory span of control within our office, by adding an additional first-line supervisor position.

- Three investigators did not complete their Legal Updates Periodic Refresher Training Program within the required three-year timeframe.*

Appendix

Recommendation: A memorandum should be placed in the individual's training file explaining the reason for the delay and the projected date the individual will complete the training.

Response: All three investigators currently overdue for periodic refresher training are registered to attend in fiscal year 2017. Going forward, we agree that a memorandum should be placed in an individual's training file in the event of a delay in training.



Deborah J. Jeffrey
Inspector General

December 2, 2016

Mr. Norbert E. Vint
Acting Inspector General
1900 E Street, NW
Room 6400
Washington, DC 20415-1100

Re: Observations following Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Office of Personnel Management

Dear Mr. Vint:

This is a supplement to our Report on the Quality Assessment Review of the Investigative Operations of the Office of the Inspector General Office of Personnel Management (OPM-OIG), dated December 2, 2016.

During the course of our review we noted four opportunities for improvement. These do not affect your Office's compliance rating.

In particular, the reviewers observed the following:

1. From June through November 2015, while the OPM-OIG's investigative database was offline, OPM-OIG did not notify the Federal Bureau of Investigation (FBI) within the required 30 days of initiation of criminal investigations. Outside this period, the notifications were untimely on a few other occasions.

Recommendation: Ensure that FBI notifications are submitted timely. If a notification is late, the case file should document the reasons for the delay.

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2. Evidence was not properly documented, stored and disposed of in a consistent manner because investigators were using different forms. Further, OPM-OIG's evidence policy does not specify when evidence should be transferred from temporary storage to the evidence depository. The policy also does not delineate the procedures for the approval of disposition of evidence by a disinterested individual.

Recommendation: Update the policy to standardize the procedures for collection, documentation, storage and disposal of physical evidence.

3. The investigative tracking system did not include supporting documentation to explain delays in case activity. In some instances, issuance of the final Report of Investigation and administrative closeout of investigation did not adhere to the time requirements in OPM-OIG's policy.

Recommendation: Supervisors and investigators should clearly document investigative and administrative delays in the tracking system whenever an investigation does not comply with OPM-OIG's policy on timeliness.

4. Three investigators did not complete their Legal Updates Periodic Refresher Training Program within the required three-year timeframe.

Recommendation: A memorandum should be placed in the individual's training file explaining the reason for the delay and the projected date the individual will complete the training.

If you or your staff have any question concerning these observations, please contact AIGI Robert Walters at [REDACTED].

Very truly,



Deborah Jeffrey