



Office of Inspector General

Report on the Quality Assessment Review of the Investigative Operations of the Special Inspector General for Afghanistan Reconstruction

Conducted in Arlington, VA

by

*The Export-Import Bank of the United States
Office of Inspector General
Office of Investigations
Washington, DC*

March 2017

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Report on the External Quality Assessment Review

COMPLIANT RATING

March 29, 2017

The Honorable John F. Sopko
Inspector General
Special Inspector General for Afghanistan Reconstruction
2530 Crystal Drive
Arlington, VA 22202

Subject: *Report on the Quality Assessment Review of the Investigative Operations of the
Special Inspector General for Afghanistan Reconstruction (SIGAR)*

Dear Mr. Sopko:

We have reviewed the system of internal safeguards and management procedures for the investigative operations of the Special Inspector General for Afghanistan Reconstruction (SIGAR) in effect for the period ended March 2017. Our review was conducted in conformity with the Quality Standards for Investigations and the Quality Assessment Review Guidelines established by the Council of the Inspectors General on Integrity and Efficiency, and the Attorney General's Guidelines for Office of Inspectors General with Statutory Law Enforcement Authority, as applicable.

We reviewed compliance with the Special Inspector General for Afghanistan Reconstruction (SIGAR) system of internal policies and procedures to the extent we considered appropriate. The review was conducted at the headquarters office in Arlington, VA. Additionally, we sampled 30 case files for investigations closed during the previous 12-month period. Additionally, we reviewed the following major program areas: Evidence/Grand Jury, Firearms, Forensics, LEO Equipment, Technical Equipment, Agent Training, Agent Personnel Files, Managerial Oversight, and Staff Policy Compliance.

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

In our opinion, the system of internal safeguards and management procedures for the investigative function of the Special Inspector General for Afghanistan Reconstruction (SIGAR) in effect for the year ended 2016-2017, is in compliance with the quality standards established by the CIGIE and the applicable Attorney General guidelines. These safeguards and procedures provide reasonable assurance of conforming with professional standards in the planning, execution and reporting of its investigations.

Please call me at (202) 565-3169 if you wish to discuss this Peer Review activity, or have your staff contact AIGI Sutkus at (202) 565-3921.

Sincerely,



Michael T. McCarthy
Acting Inspector General

Attachments:

- A) Location and Summary of Visited Field Offices/Personnel
- B) Listing of Sampled/Reviewed Closed Investigative Files

Attachment A: Location and Summary of Visited Field Offices & Personnel

Location:	Arlington, VA
Number of Closed Cases Reviewed	30
Number of Agents Interviewed	8
Number of Policies Reviewed	22
Number of Quarterly Reports Reviewed	4
Major Program Areas Assessed	Policy/Procedure Evidence Firearms Forensics Grand Jury Law Enforcement Officer Issued Equipment Management Responsibilities & Other Areas Personnel Files Staff Policy Compliance Technical Equipment Training

Note: We limited our physical peer review to the SIGAR’s Arlington, VA office. However, we assessed how the Investigations Directorate operated in both the Washington, DC location and Afghanistan locations. We reviewed the overseas assigned personnel records including: Firearm qualifications, training records, firearm/badge & credentials inventories, medical records, law enforcement academy graduation records, and higher education records. Additionally, we interviewed several Special Agents in Arlington, VA who had been stationed in Afghanistan.

Attachment B: List of Closed Investigative Files Reviewed

CASE FILE NUMBER	CASE CLOSING DATE
0015-17-WFO-0-0002	11/25/2016
0026-12-KAF-1-0005	7/11/2016
0030-16-KBL-6-0030	4/29/2016
0040-16-KBL-5-0005	4/30/2016
0051-13-WFO-1-0030	8/10/2016
0063-15-WFO-0-0025	7/25/2016
0066-15-WFO-0-0022	7/25/2016
0073-16-WFO-3-0004	3/7/2016
0081-16-WFO-0-0006	2/22/2016
0094-13-WFO-6-0056	12/19/2016
0116-13-KBL-6-0061	3/3/2016
0122-15-KBL-3-0027	6/30/2016
0128-15-KBL-1-0033	7/7/2016
0134-13-KBL-1-0085	2/18/2016
0140-12-KAF-1-0061	6/7/2016
0166-15-WFO-1-0053	10/4/2016
0179-15-KBL-1-0045	4/26/2016
0184-12-WFO-1-0091	8/11/2016
0222-12-WFO-3-0157	4/27/2016
0232-15-KAF-1-0073	8/20/2016
0238-10-WFO-1-0072	9/20/2016
0244-15-KBL-3-0076	4/17/2016
0265-15-KBL-3-0055	5/6/2016
0287-14-KBL-5-0083	10/17/2016
0297-14-MZS-0-0091	7/20/2016
0301-14-BAF-5-0093	4/27/2016
0303-15-KBL-1-0062	12/27/2016
0317-14-WFO-7-0101	2/9/2016
0320-15-KBL-3-0067	12/22/2016
0323-16-WFO-9-0039	6/8/2016

Letter of Observations

March 29, 2017

The Honorable John F. Sopko
Inspector General
Special Inspector General for Afghanistan Reconstruction
2530 Crystal Drive
Arlington, VA 22202

Subject: **Letter of Observations following the *Report on the Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Special Inspector General for Afghanistan Reconstruction (SIGAR)***

Dear IG Sopko:

This is a supplement to our *Report on the Quality Assessment Review of the Investigative Operations of the Office of Inspector General for the Special Inspector General for Afghanistan Reconstruction (SIGAR)*, conducted in March 2017.

In addition to reporting a rating of compliant, the peer review team identified five “Best Practices” or similar notable positive attributes of your investigative operations. Specifically, the review team identified the following best practice (or practices):

- SIGAR Weapons inventories are very well maintained and without discrepancies. Technical Equipment Inventories were conducted and all property was properly accounted for. Law Enforcement Officer (LEO) equipment was properly accounted for with all required annual inventories present and accounted for. A badge lost by an Agent was properly reported to NCIC and all Special Agent Handbook (SAH) mandated documents were properly annotated in the file. Additionally, the SIGAR Office of Investigations (OI) maintains a well-documented retired credential/badge program for individual retiring from the organization. Personnel files such as law enforcement academy graduation certificates, mandated medicals to travel abroad, employment-mandated educational diplomas, Lautenberg amendment certifications, and security clearances were spot-checked and found to be within 100% compliance. All-in-all, the SIGAR OI is doing an outstanding job when it comes to record keeping and major Program Area compliance.
- The SIGAR’s SAH section on Recurring and Advanced Training (SAH, Ch. 18 1807) identifies annual training requirements for SIGAR agents. The list of training is mirrored by the SIGAR’s tracking systems which consist of a spreadsheet maintained by the organization’s training officer. This documentation appears to be an efficient and effective way for keeping up-to-date on the agents’ status with regard to the

training. The training records clearly identified who needed what and when it was needed.

- Evidence/Grand Jury (Appendix C-1, Qs 18 & 19) - In a previous Peer Review, missing evidence inventories and non-sequential evidence entries were identified as having been made in the evidence log. During this Peer Review, there were no problems identified in the Evidence and Evidence Custodial areas. The SIGAR should be commended for fixing previously identified deficiencies and maintaining an Evidence and Grand Jury (GJ) room which was thoroughly inspected, and absolutely no deficiencies were found. The Evidence and GJ room appears very secure and access is controlled. The GJ material is segregated within the room and locked in secure cabinets. The SIGAR OI should be commended for remedying any previously identified Evidence/GJ program area discrepancies.
- Policy (Appendix B, C-1, & C-2) - All interviewed Special Agents demonstrated a strong grasp of SIGAR policy including case supervisory processes, confidential source management, consensual monitoring and firearms. Agents appeared to possess high morale and spoke positively of their organization, its practices, and overall mission. Agents all voiced that they have adequate resources and support to conduct thorough investigations and all seemed to thoroughly enjoy working for and at the SIGAR.
- SIGPROS & JOCs - We found that the SIGAR OI's use of Special Department of Justice Prosecutors called "SIGPROs" to be a tremendous investigative asset. Additionally, the SIGAR has an Agent permanently assigned to the Joint Operations Center, a multi-Agency task force which informs the Federal Bureau of Investigation (FBI), along with several other Investigative agencies, of all open investigations. The rapid referral process to the FBI and other agencies coupled with dedicated prosecutors to each and every SIGAR investigation fosters a rapid and highly effective case intake and prosecutorial acceptance/declination process. Additionally, numerous cases demonstrated non-criminal remedies such as suspension and/or debarment. The vast majority of the OIG community would benefit tremendously from a similar model.

In addition to reporting a rating of compliant, the peer review team identified areas for improvement or increased efficiency or effectiveness. Specifically, the review team identified the following area (or areas):

- Garrity/Kalkines Warnings (Appendix C-1, Qs 17) – We noted through interviews that the investigative staff did not always understand the difference between these two types of federal employee warnings or their required application. Several interviewees considered them solely for the purpose of Administrative cases while others confused which warning was criminal versus compelled. We recommend a legal refresher on these employee warnings to SIGAR OI investigators. In fairness, the SIGAR OI does not issue these warnings in the vast majority of their cases which involve primarily

foreign nationals or members of the U.S. Armed Forces. It was made clear to reviewers by several interviewed agents that members of the U.S. military are subject to Uniform Code of Military Justice (UCMJ), Article 31b warnings and not Garrity or Kalkines. However, our peer review clearly identified that some sort of legal refresher was needed regarding these warnings when conducting federal employee investigations.

- Agent Interviews - The chief complaint of Agents during their interviews was their 13-month contracts and the potential for employment at the SIGAR to NOT be renewed. This singular item was repeatedly cited as being detrimental to any long-term employee development and any employee incentives as well as its impact on continuity in investigations.
- Case File Documentation (Appendix D-1, Qs 7, 9, 10, 17) - There was a lack of consistency in the use of the case management system. Different managers and agents adhered to different document management and reporting standards. The location of case-related documents, such as supervisory quarterly case review or investigative plans, varied widely in the SIGAR's case management system. This nonconformity of document placement made the review process extremely tedious and difficult. Many investigations, albeit a minority of overall cases reviewed, were missing documents such as supervisory reviews or case plans. Several cases failed to properly document how evidence was obtained. The organization would benefit tremendously from a uniform use of their case management system. Furthermore, there were numerous cases that exhibited long gaps, some more than two years, between the last dates of investigative activity to the case closing. It may be highly beneficial to implement a quarterly or semi-annual investigative status report process which identifies the current status of the investigation. The SIGAR Office of Investigations does not have a dedicated reporting mechanism which clearly identifies the status of activities being conducted on an investigation. Alternatively, a more concerted effort to close cases in a timelier manner might be beneficial.

We hope you find the review team's suggestions helpful. We note that implementation of the suggestions is done at your discretion and will not be tracked or monitored by the review team.

Please call me at (202) 565-3169 if you wish to discuss this activity, or have your staff contact AIGI Sutkus at (202) 565-3921.

Sincerely,



Michael T. McCarthy
Acting Inspector General