

**Oversight Review of the
Department of Homeland
Security Immigration and
Customs Enforcement,
Office of Professional
Responsibility,
Investigations Division**





DHS OIG HIGHLIGHTS

Oversight Review of the Department of Homeland Security Immigration and Customs Enforcement, Office of Professional Responsibility, Investigations Division

December 6, 2018

Why We Did This Review

We conducted this review as part of the planned periodic review of the Department of Homeland Security component internal affairs offices by the DHS Office of Inspector General in keeping with the oversight responsibilities mandated by the *Inspector General Act of 1978*, as amended.

What We Recommend

We made 12 recommendations to improve operational management and help ensure investigative activities comply with applicable standards.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000 or email us at DHS-OIG.OfficeofPublicAffairs@oig.dhs.gov

What We Found

In most instances, Immigration and Customs Enforcement (ICE), Office of Professional Responsibility, Investigative offices accurately maintained equipment records and complied with vehicle and availability pay requirements. Offices were also accurate in accounting for all firearms. Investigative staff were diligent in complying with the DHS Management Directive relating to the referral of allegations. However, we noted deficiencies in compliance with evidence inventory requirements, and observed inaccuracies in ammunition records. We also found a systemic absence of training on certain firearms and problems with the timeliness of submitting investigative reports. Finally, we found that supervisors did not always review cases on a quarterly basis.

Investigations Division Response

ICE concurred with 10 of 12 recommendations and proposed steps to improve operational management and compliance with applicable standards. However, they non-concurred with two recommendations, and we will work with ICE to resolve these recommendations.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

December 6, 2018

MEMORANDUM FOR: Waldemar Rodriguez
Associate Director
Immigration and Customs Enforcement

FROM: Thomas M. Salmon *Thomas M. Salmon*
Assistant Inspector General
Office of Integrity and Quality Oversight

SUBJECT: *Oversight Review of the Immigration and Customs Enforcement, Office of Professional Responsibility, Investigations Division*

Attached for your action is our final report, *Oversight Review of the Immigration and Customs Enforcement, Office of Professional Responsibility, Investigations Division, OIG-19-14*. We incorporated the formal comments provided by your office.

The report contains 12 recommendations aimed at improving the Investigations Division's operational management and compliance with applicable standards. Your office concurred with ten recommendations and non-concurred with two recommendations. Although ICE non-concurred with two recommendations, we considered their actions responsive to one recommendation and nonresponsive to one recommendation. We consider recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12 open and resolved. Based on information provided in your response to the draft report, we consider recommendation 11 open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendation will be considered open and unresolved.

Once your office has fully implemented the resolved recommendations, please submit a formal closeout letter to us within 30 days so that we may close the



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Angela Garvin, Director, Investigations Quality Assurance Division, at (202) 981-6107.

Attachment



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table of Contents

SUMMARY 1

BACKGROUND 2

RESULTS OF OVERSIGHT REVIEW 4

 Employee Workforce Assessment..... 4

 Operational Management 5

 Investigations..... 10

 Summary of Recommendations, ICE OPR Response, and OIG Analysis 15

Appendices

Appendix A: Objective, Scope, and Methodology 21

Appendix B: ICE OPR Comments to the Draft Report..... 22

Appendix C: Checklists, Questionnaires, and Surveys 27

Appendix D: Major OIG Contributors to this Report..... 28

Appendix E: Report Distribution..... 29

Abbreviations

CBP	Customs and Border Protection
CY	calendar year
DTA	Designated Technical Agent
FACTS	Firearms, Armor, and Credentials Tracking System
HSI	Homeland Security Investigations
ICE	Immigrations and Custom Enforcement
IIFP	Interim ICE Firearms Policy
LEAP	Law Enforcement Availability Pay
JIC	Joint Intake Center
JICMS	Joint Integrity Case Management System
OIG	Office of Inspector General
OPR	Office of Professional Responsibility
ROI	Report of Investigation



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

SUMMARY

The Office of Integrity and Quality Oversight, Investigations Quality Assurance Division conducted an oversight review of the Immigration and Customs Enforcement (ICE), Office of Professional Responsibility (OPR), Investigations Division from October 11, 2017, through April 18, 2018. The review covered activity from October 1, 2015, to September 30, 2017. We conducted this review as part of the planned, periodic reviews that Department of Homeland Security Office of Inspector General (OIG) conducts of Department component internal affairs offices, which is in keeping with the oversight responsibilities mandated by the *Inspector General Act of 1978*, as amended.

The review focused on three areas — workforce assessment, administration, and investigation. We inspected offices for compliance with relevant policies and procedures; reviewed closed case files; and conducted interviews and surveys with ICE OPR staff. We assessed compliance with ICE internal policies and procedures; the Memorandum of Understanding between ICE and DHS OIG; and referenced guidelines established by the Council of the Inspectors General on Integrity and Efficiency, as applicable.

Overall, Investigations Division employees are satisfied with their experience in working for ICE OPR. Employees expressed positive views of the working environment their peers created but would like to see improvement in the frequency of communication from local and senior management.

In most instances, ICE OPR offices accurately maintained equipment records and complied with vehicle and availability pay requirements. Offices were also accurately accounted for all firearms. ICE OPR staff were diligent in complying with the DHS Management Directive relating to the referral of allegations. However, we noted deficiencies in compliance with evidence inventory requirements, and observed inaccuracies in ammunition records. We also found a systemic absence of training on certain firearms and problems with the timeliness of submitting investigative reports. Finally, we found that supervisors did not always review cases on a quarterly basis.

We made 12 recommendations to improve operational management and help ensure investigative activities comply with applicable standards. The ICE OPR Investigations Division concurred with 10 of the 12 recommendations.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

BACKGROUND

ICE OPR is the division of ICE responsible for upholding the agency's standards for integrity and professionalism. A key part of that responsibility involves investigations, conducted by the Investigations Division, related to allegations of misconduct by ICE employees and contractors.

An Assistant Director manages the Investigations Division, which consists of 285 employees throughout 4 Special Agent in Charge regions and 26 offices within the United States and Puerto Rico.

U.S. Customs Service and U.S. Immigration and Naturalization Service under Titles 8 and 19 United States Code, as well as the *Immigration and Nationality Act of 1952* and the Code of Federal Regulations, originally authorized ICE Special Agents to conduct criminal investigations, make arrests, conduct searches and seizures, administer oaths, and carry weapons. The *Homeland Security Act of 2002* transferred this original authority to ICE to conduct misconduct investigations of ICE and Customs and Border Protection (CBP) employees that DHS OIG declines to pursue. While CBP now conducts its own misconduct investigations, the Assistant Secretary of ICE delegated authority to conduct misconduct investigations of ICE employees to OPR in June 2004. Along with this authority comes the responsibility for OPR to protect the overall integrity of ICE and investigate all allegations of employee misconduct impartially, independently, and thoroughly.

The Investigations Division relies on the Joint Intake Center (JIC) to refer and document ICE and CBP employee allegations of wrongdoing. The JIC is a complaint intake center staffed by both ICE OPR and CBP OPR staff. Together, they run a 24-hour operation that receives complaints through several different avenues, to include an intake email and a hotline phone number. The JIC staff are responsible for entering complaints into the Joint Integrity Case Management System (JICMS) and assessing requirements for referral, among other actions.

Investigations Data

ICE OPR agents completed 2,108 investigations in fiscal years 2016 and 2017. Of those investigations, agents in the 26 field offices completed 97 percent. Agents in the Special Investigations Unit, located in Washington, DC, completed the remaining 3 percent. Additionally, Investigations Division agents completed 58 of these investigations jointly with DHS OIG agents.

Employees within Homeland Security Investigations (HSI) and Enforcement and Removal Operations were the main subjects of the Investigations Division's work, each representing approximately 17 percent of investigation subject



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

types. Detainees, and contractors and employees also represented a large portion of the investigation subject types (see table 1).

TABLE 1: Investigations by Subject Type, FYs 2016 and 2017

Subject Type	Number of Investigations	Percentage of Investigations
HSI employees (managers and agents)	356	16.9%
Enforcement and Removal Operations employees (officers, agents, and managers)	355	16.8%
Detainees	332	15.7%
Contractors and Employees	294	13.9%
Civilians	132	6.3%
Detention and Removal, Contract Detention Officers	55	2.6%
All Other Subject Types	584	27.7%
TOTAL	2,108	100.0%

Source: ICE OPR data

The top five allegation types the Investigations Division pursued involved detainee sexual assaults; impersonation of a DHS official; criminal and non-criminal misconduct; and conflict of interest as shown below in table 2.

Table 2: Top 5 Primary Allegations by Type, FYs 2016 and 2017

Primary Allegation	Number of Allegations	Percentage of Allegations
Detainee sexual assault	244	11.6%
Impersonation of a DHS official	162	7.7%
Other, criminal misconduct	138	6.5%
General misconduct, non-criminal	137	6.5%
Conflict of interest	122	5.8%
All other allegation types	1305	61.9%
TOTAL	2,108	100.0%

Source: ICE OPR data

In 48 of the 50 cases reviewed (96 percent), complainants submitted the original complaint to the JIC or directly to ICE OPR field offices. One complaint was submitted by another agency, and one complaint was developed from an existing case.



RESULTS OF OVERSIGHT REVIEW

Employee Workforce Assessment

In an effort to understand employee sentiments toward management, workload, personnel matters, and overall satisfaction, we emailed a workforce assessment questionnaire to all ICE OPR Investigations Division employees. The questionnaire contained 15 multiple-choice questions and 6 open-ended questions. We received a 54 percent employee response.

In addition to the emailed questionnaire, we conducted in-person interviews with 26 Investigations Division employees during our site visits to two field offices. We asked employees questions similar to those asked on the questionnaire.

Overall, 79 percent of the questionnaire respondents reported they are satisfied with ICE OPR. When asked to rate their satisfaction with ICE OPR as an organization on a scale from 1 to 5 (5 being the most satisfied), in-person respondents reported an average rating of 4.3. Employees expressed positive views on the working environment created by their peers but would like to see an improvement in the frequency of communication from local and senior management. The following results represent an aggregate of responses from the questionnaire and in-person interviews in the two most notable areas — environment and communication.

Environment

A majority of employees reported positive working relationships with their coworkers. One employee noted, “The people make the office great.” Employees also reported positive attitudes toward ICE OPR’s mission. They particularly enjoyed the role of “weeding out” bad employees and clearing wrongly accused employees.

Some employees reported concern with the way OPR senior management views ICE OPR. Specifically, employees feel ICE management does not consider an employee’s time with ICE OPR as a positive step in the employee’s career progress. Some believe senior management conveys the idea that “OPR experience does not matter” when competing for promotions. Additionally, 56 percent of surveyed employees feel their senior leadership generates high levels of motivation and commitment to the workforce, and 63 percent are satisfied with the information they receive from senior leaders regarding the organization.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Communication

Some employees reported an absence in communication from their supervisors, which contributes to questions employees have about ICE OPR's direction. For example, one employee expressed concern and confusion over the perceived push to work *Prison Rape Elimination Act* cases. Another employee expressed the need for training specific to the Act if that was going to be the investigative focus of the office. However, 77 percent of surveyed employees said they knew know what the goals and priorities of the organization are.

ICE OPR employees also reported receiving mixed messages regarding the availability of funds for training during a continuing resolution. Several employees believed that they could not take training classes because of the continuing resolution; yet, other employees said they received adequate training. Eighty-six percent of questionnaire respondents reported that their supervisor supports their training needs.

Operational Management

Evidence

One of the offices we visited did not conduct the required, unannounced, annual inventory of seized property specified by Chapter 5 of the *HSI Evidence Handbook* (Evidence Handbook). We also noted the office did not have documentation verifying, "Group Supervisors conduct monthly reviews of ... seized storage facilities." These inventories and reviews ensure that:

- seized property and evidence are properly labeled;
- current, applicable forms are located in the master seized property case file and copies are attached to the seized property and evidence;
- seized Property/Evidence Logbook is properly maintained;
- contents of any open boxes are identified and reported;
- biennial self-inspection worksheets are completed and action is taken to correct deficiencies; and
- 100 percent annual physical year-end inventory of seized and forfeited property is completed and reconciled.

The *FY 2016 Self-Inspection Program Results Report* that the Management Inspection Unit within ICE OPR conducted, noted evidence handling as the highest frequency of deficiencies throughout the program. The report specifies that, "If the Seized Property Manager does not conduct a monthly evidence review, the likelihood of a violation of policy and potential for evidence tampering is increased. If evidentiary chain of custody is not strictly maintained and documented to prove that the evidence is what it purports to



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

be, evidence could be vulnerable to authentication challenges during prosecution.”

ICE OPR references the Evidence Handbook for proper procedures regarding the storage of evidence and refers to its guidance in the ICE OPR guidebook. Each inspected office properly restricted access to the evidence room and maintained a sign-in logbook that documented access to the room, as Chapter 12 of the Evidence Handbook requires. Both offices had a designated Evidence Custodian; however, one office did not have an alternate, as required. In addition, one office did not properly record annual changes to combinations for safes or locks inside the evidence room on the appropriate form. The office instead recorded changes to combinations on a spreadsheet. The Evidence Handbook mandates “combinations must be changed annually, upon change of the Evidence Custodian, or as deemed necessary. These changes must also be documented in the DHS Form 6025 sign-in logbook.”¹

Agents in both offices immediately turned over all non-forfeitable evidence items to HSI upon seizure of the items, as the Evidence Handbook requires. When applicable, agents conducted an inventory of the evidence prior to turning items over to HSI and completed the appropriate forms. Agents labeled all evidence stored at ICE OPR facilities with the case number and property description and was packaged and sealed in approved containers in accordance with Chapter 8 of the Evidence Handbook. We noted one instance in which the Evidence Custodian checked-in evidence for a case he was also assigned to investigate. Although the Evidence Handbook does not specifically address or prohibit this practice, in an effort to protect the integrity of the evidence, an independent party should log in evidence.

Recommendations

1. We recommend the Assistant Director for Investigations ensure that all offices conduct an annual, unannounced inventory of all seized property.
2. We recommend the Assistant Director for Investigations ensure that all offices conduct monthly reviews of storage facilities containing seized property.
3. We recommend the Assistant Director for Investigations ensure that all offices document changes to combinations on the appropriate form.
4. We recommend the Assistant Director for Investigations ensure that all offices designate an alternate Evidence Custodian.

¹ *Homeland Security Investigations Evidence Handbook* 15-05, Section 12.8, November 9, 2015



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Firearms and Ammunition

We observed issues with the adherence to policies related to both firearms and ammunition.

Firearms

We identified two unissued firearms that the office should no longer maintain at that location. An individual in that office previously held a position that required the assignment of those firearms. However, that individual no longer occupied that position and ICE OPR removed the position from the office. Office personnel said they should and would properly transfer these weapons to ICE OPR headquarters. Additionally, the office did not store the unassigned firearms in an appropriate storage container. The two handguns were stored in an unlocked container in one of the technical equipment storage rooms. Part 6 of the *ICE Interim Firearms Policy (IIFP)* requires that, "All unissued, unattended firearms shall be stored separately from ammunition in locked firearms storage vaults or safes in an ICE secure area."

The offices documented all issued and unissued firearms in the agency's Firearms, Armor, and Credentials Tracking Systems (FACTS); and agents possessed their assigned weapons, which was verified during the in-person interviews. In addition, the physical inventory of unassigned weapons matched the records in FACTS. Finally, all offices conducted annual firearms inventories, as required by IIFP Part 6, and none reported any lost or stolen firearms during the reporting period.

Ammunition

Part 6 of the IIFP requires that offices manage and maintain ammunition records in FACTS. However, both offices had more ammunition on site than was recorded in FACTS. One office had 70 more rounds of 12-gauge shotgun slugs than were listed in the FACTS inventory. That office also had 50 more rounds of both .40 caliber and 9 mm ammunition than indicated in FACTS. In another office, we found greater disparities. The ammunition inventory did not include more than 1,000 rounds of ammunition that were located in the ammunition safe. The Firearms Instructor explained that once he opened the bulk shipping boxes, he no longer tracked the number of individual boxes or bullets on the inventory. This resulted in discrepancies with various types of ammunition in FACTS.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Recommendations

5. We recommend the Assistant Director for Investigations ensure that offices store all unissued, unattended firearms in a locked firearms storage vault or safe in a secure area.
6. We recommend the Assistant Director for Investigations ensure that all offices maintain an accurate inventory of ammunition in FACTS.

Training

Training records for FYs 2016 and 2017, showed that all agents completed or were properly exempt from their quarterly familiarization course for handguns, as required by the IIFP. One office maintains several shoulder-fired firearms, including rifles and shotguns, which are located in their firearms and weapons storage room. The IIFP states, “Annually, each officer should complete the familiarization course of fire ... for all primary shoulder-fired firearms ... that are located in that local office.” However, only one individual in that office completed the required annual familiarization course for all types of shoulder-fired firearms for FYs 2016 and 2017. Another individual completed the rifle familiarization course but did not complete the annual familiarization course for shotguns. The remainder of the staff within that office did not complete the annual familiarization course for either rifles or shotguns.

The other inspected office also maintained several rifles and shotguns in its firearms and weapons storage facility. However, staff members only completed their annual familiarization training for shotguns in FY 2016 but not in FY 2017, and did not complete the familiarization course for rifles in FY 2016 or FY 2017, as required by Part 3 of the IIFP.

Recommendation

7. We recommend the Assistant Director for Investigations ensure that all agents located in offices with shoulder-fired firearms complete the required annual familiarization training.

Technical Equipment

ICE OPR generally complied with requirements identified in Chapter 5 of the *OPR Investigative Guidebook* (the Guidebook). The offices accounted for most of the technical equipment; however, there were two instances of inaccurate inventories and concerns with the storage of technical equipment.

Each office visited maintained an equipment usage log, and the offices recorded all equipment used by office personnel for a period of at least 3 years, as required by Chapter 5 of the Guidebook. The offices produced inventory lists of



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

their technical investigative equipment, and we identified two instances in which those lists did not match the onsite items. In one instance, the inspected office had previously transferred the item to headquarters, but the item remained on the inventory record for that office. Office personnel said they did not have the proper access to update the technical equipment inventory database, but would work with ICE OPR Headquarters to ensure the inventory was accurate. The Guidebook states that the Technical Operations Section is responsible for maintaining an inventory of technical investigative equipment.

In another instance, an office had received an additional desktop computer that was not added to the technical investigative equipment inventory. Office personnel said that the annual inventory had occurred just before they received the item, and there was not a process for them to have the inventory updated until the following year's annual inventory.

Both offices, in compliance with Guidebook Chapter 5, had Designated Technical Agents (DTA) and alternate DTAs. In one office, however, a DTA had not yet received the required training.² Office personnel explained that budget constraints prevented personnel from attending most training, including the technical agent training.

In addition, there were security concerns with the storage of some technical equipment. Due to space restrictions, one of the offices maintained technical equipment in multiple rooms and closets. We observed that access to these spaces was not limited, as Chapter 5 of the Guidebook requires. Specifically, it states, "Only the DTA, alternate DTA, and office supervisor(s) will have access to the secured [Technical Investigative Equipment] storage area." In those observed circumstances, the office DTAs unlocked and opened the doors; then continued other work around the office with the equipment room door remaining open. Additionally, the DTA or alternate DTA maintained some of the items on the technical equipment list in their personal offices or open access cubicles.

Recommendations

8. We recommend the Assistant Director for Investigations ensure the Technical Operations Section maintains an accurate technical equipment inventory for all offices.
9. We recommend the Assistant Director for Investigations ensure the offices maintain technical investigative equipment in a secure area designated for the storage of technical investigative equipment, which only the DTA, alternate DTA, and office supervisors can access.

² Federal Law Enforcement Training Center's Technical Surveillance School or an OPR-approved equivalent.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Law Enforcement Availability Pay

Records related to the documentation of Law Enforcement Availability Pay (LEAP) for both offices visited showed that all employees met annual LEAP hour requirements. Title 5 United States Code § 5545a, requires that all LEAP eligible employees must average at least 2 hours of unscheduled duty hours in excess of each regular workday and be available annually at least 2 hours per regular workday for unscheduled duty upon the agency's request.

In addition to meeting LEAP hour requirements, ICE OPR employees are required to initially certify and annually recertify their expectations to meet LEAP hour requirements. According to ICE Directive 1-27.0, *Law Enforcement Availability Pay for Criminal Investigators*, "Each criminal investigator receiving LEAP and the appropriate supervisory officer shall make an initial certification ... attesting that the investigator is expected to meet the substantial hours requirement during the upcoming 1-year period." That Directive also states, "By January 30th of each year, recertification will be made by a criminal investigator and his or her supervisor." Most employees and supervisors in the field offices visited accurately completed the required recertification for calendar years (CY) 2016 and 2017. However, we noted five instances in CY 2016 and one instance in CY 2017 in which a supervisor did not date the appropriate LEAP hour certification forms. We also noted one instance in CY 2017 in which a supervisor's signature and corresponding date were missing.

We also determined that both inspected offices complied with Section 1 of the Home-to-Work Transportation Directive, 1-16.1. We noted that all personnel participating in the program submitted the appropriate forms, as required. Additionally, an appropriate authorizing official signed and dated all of the completed forms.

Investigations

We reviewed a sample of 50 closed investigations for compliance with investigative policies and standards³ (see appendix A for a full description of our case sample selection process). We reviewed the sample of cases for a variety of investigative activities. However, not every case involved each of these criteria; therefore, the population of applicable cases differs for some of the areas reviewed.

Case File Management and Reports

³ *Council of the Inspectors General for Integrity and Efficiency Quality Standards for Investigations*, 2011; DHS Management Directive 0810.1; & *OPR Investigative Guidebook*, October 2012



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

ICE OPR categorized all cases with appropriate primary file descriptions in JICMS. Additionally, a supervisor approved all initial and interim Reports of Investigation (ROI) within 5 days of the case agent uploading the case, as Chapter 3 of the Guidebook requires. Finally, only one case in the sample contained Grand Jury material, and ICE OPR properly encrypted that information in JICMS using password protection, as required.

The inspected offices had some areas of noncompliance with investigative requirements. For example, in 19 of the 33 applicable cases (58 percent), a supervisor did not conduct case reviews every 90 days, as required by Chapter 3 of the Guidebook. Further, in 12 of the 50 cases (24 percent) ICE OPR agents did not submit a closing ROI within 30 business days following the completion of the final investigative activity, as required by Chapter 3 and Appendix H of the Guidebook.

Chapter 3 of the Guidebook states, "Interim ROIs will be used to document all additional investigative activity prior to the writing of the closing ROI." In 6 of the 49 applicable cases (12 percent), there was no documentation for interviews or investigative activity that had occurred. The Guidebook also states that agents can use closing ROIs to document investigative activities that occur at the end of an investigation. ICE OPR leadership confirmed that activities could be included in the closing ROI if submitted within 30 days of the activity. For 8 of the 49 applicable cases (16 percent), agents conducted investigative activity but did not document the activity in an interim ROI and waited more than 30 days to document the information in a closing ROI. For example, in one case the agent did not document the Assistant United States Attorney's declination to prosecute (July 20, 2015) or the subject interview (August 6, 2015) until the closing ROI, which was submitted on October 23, 2015.

ICE OPR investigations and reports reviewed appeared to "be based solely on the facts, be free of opinion, speculation, interpretation and embellishment," as Chapter 3 of the Guidebook requires. The Guidebook also requires supervisors to ensure that "all allegations were properly addressed," "all leads were pursued," and "all witnesses were interviewed." However, agents did not properly address all allegations in 3 of the 47 applicable cases (6 percent) and did not pursue all leads or interview all witnesses in 5 of the 48 applicable cases (10 percent).



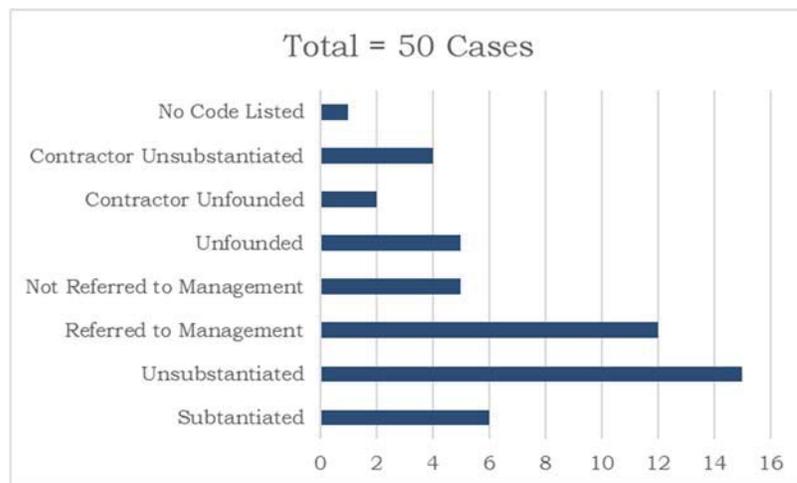
Recommendations

- 10. We recommend the Assistant Director for Investigations ensure that supervisors conduct case reviews every 90 days.
- 11. We recommend the Assistant Director for Investigations ensure agents comply with *ICE OPR Investigative Guidebook* requirements on thoroughness.

Investigative Activity

The duration of each investigation varied greatly, with some cases open for weeks and others open for years. The average number of days a case in our sample remained open was 246 days. We observed that 15 of the 50 cases (30 percent) were closed as “Unsubstantiated.” Additionally, 12 of the 50 cases (24 percent) had the resolution code of “Referred to Management,” and another 6 of the 50 cases (12 percent) were considered “Substantiated” (see figure 1).

Figure 1: ICE OPR Case Sample Resolution Codes



Source: Information provided by ICE OPR and review team analysis

Our review did not include any cases that used undercover operations, electronic intercepts, confidential informants, or confidential funds. Neither office we visited managed any active confidential informants, nor had they used any during the review period. Agents conducted a polygraph examination on a witness or subject of an investigation in only one of the cases reviewed, and the agents properly documented the results of the polygraph in the closing ROI, as Chapter 3 of the Guidebook requires.

Chapter 3 and Appendix H of the Guidebook also require that agents upload documentation of investigative activity; such as updated case summaries, case notes, and ROIs, to JICMS at least every 30 days. Seventeen of the 46



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

applicable cases (37 percent) did not comply with this requirement. In addition, agents did not attach rights advisements or waivers to ROIs in JICMS in 5 of the 19 applicable cases (26 percent). Chapter 3 of the Guidebook requires the attachment of those documents to the closing ROI as exhibits.

Finally, five cases in our sample involved instances in which ICE OPR agents interviewed a bargaining unit employee as the subject of an investigation. We were only able to find evidence in two of those cases that agents provided advance notice of the interview to the union. Chapter 3 of the Guidebook states, “An Investigator will notify the applicable union of his/her intent to interview a bargaining unit employee as a subject. The notification will be made at least [48] hours in advance of the planned interview.”

Recommendation

12. We recommend the Assistant Director for Investigations ensure that agents update JICMS with documentation of investigative activity at least every 30 days, as the *ICE OPR Investigative Guidebook* requires.

Compliance with the DHS Management Directive

According to the DHS Management Directive, DHS components are required to refer specific allegations of wrongdoing to DHS OIG prior to taking any action themselves.⁴ These allegations include criminal misconduct against DHS employees; serious non-criminal misconduct against law enforcement officers; all instances regarding discharging a firearm that resulted in serious injury or death; allegations of fraud by those receiving DHS funds; and all allegations of visa fraud by DHS visa issuance employees.

Data from ICE OPR reports shows referral of 1,934 complaints to DHS OIG in FY 2016 and 2,136 complaints in FY 2017, for a total of 4,070 complaints. The DHS OIG complaint intake system shows receipt of slightly more ICE complaints during that period (20 more in FY 2016 and 82 more in FY 2017). However, the discrepancy between complaints referred to DHS OIG and complaints received from ICE OPR could be due to a timing lag or system errors. The JIC recently underwent a system reconfiguration, and the JIC supervisor attributes some of the discrepancies to that transfer of data. ICE OPR reported 97 percent of applicable complaints to DHS OIG, which we consider compliant with the requirements (see table 3).

⁴ DHS Management Directive Number: 0810.1, *Inspector General*, November 2009



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Table 3: Accuracy of Reporting Complaints to DHS OIG

	FY 2016	FY 2017	TOTAL
Complaints ICE OPR Reported to DHS OIG	1,914	2,054	3,968
ICE Complaints Received by DHS OIG	1,934	2,136	4,070
Percentage Reported	99%	96%	97%

Source: JICMS and Enforcement Data System

Through our review of referred complaints and our discussions with the JIC supervisor, we found JIC employees accurately understand the complaint referral process and have an amicable and professional working relationship with the current DHS OIG Hotline staff. Out of the 50 cases we reviewed as part of our inspection, ICE OPR referred all (100 percent) of those cases to DHS OIG.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Summary of Recommendations, ICE OPR Response, and OIG Analysis

We recommend the Assistant Director for Investigations:

Recommendation #1: Ensure that all offices conduct an annual, unannounced inventory of all seized property.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct the OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct an inventory of all seized property by the end of the third quarter; and subsequent annual, unannounced inventories thereafter. ICE OPR officials said they would document the responses and any corrective action in a memorandum and send it to the Assistant Director for Investigations on or prior to July 30, 2019. The Assistant Director will provide the memorandums to OIG. The estimated completion date is August 30, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when ICE OPR provides documentation of the seized property inventories and corresponding corrective actions.

Recommendation #2: Ensure that all offices conduct monthly reviews of storage facilities containing seized property.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct a review of storage facilities containing seized property by end of the third quarter and subsequent monthly reviews thereafter. ICE OPR officials said they would document the results of the review, and any corrective action, in a memorandum and send it to the Assistant Director for Investigations on or prior to July 30, 2019. The estimated completion date is August 30, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation once we receive documentation that ICE OPR personnel reviewed the storage facilities and planned any corrective actions.

Recommendation #3: Ensure that all offices document changes to combinations on the appropriate form.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to verify all combinations and document combination changes on the appropriate form by December 31, 2018. ICE OPR officials said they would document the results of this review, and any corrective action and send it in a memorandum



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide the memorandums to OIG. The estimated completion date is January 31, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive the memorandum that documents combination changes on the appropriate form.

Recommendation #4: Ensure that all offices designate an alternate Evidence Custodian.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to designate an alternate Evidence Custodian for applicable offices by December 31, 2018. ICE OPR officials said that they would immediately update a list of Evidence Custodians and Alternate Evidence Custodians. They will also document the responses to this directive in a memorandum and provide copies of the lists identifying the Evidence Custodians and Alternate Evidence Custodians to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide OIG the memorandum and Evidence Custodian/Alternate Evidence Custodian lists. The estimated completion date is January 31, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive documentation that all offices designate an alternate Evidence Custodian.

Recommendation #5: Ensure that offices store all unissued, unattended firearms in a locked firearms storage vault or safe in a secure area.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct an inspection to ensure that all OPR offices have proper storage facilities for unissued and unattended firearms as outlined in the ICE Interim Firearms Policy by December 31, 2018. ICE OPR officials said they would document the responses to this directive, and any corrective action in a memorandum and send it to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigation will provide the memorandums to OIG. The estimated completion date is January 31, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive documentation that firearms are properly secured.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Recommendation #6: Ensure that all offices maintain an accurate inventory of ammunition in FACTS.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct the OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct an inventory of ammunition by December 31, 2018. ICE OPR officials said they would document the findings of the inventory, including FACTS documents that list the updated inventory, in a memorandum and send it to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigation will provide OIG the memorandum and FACTS documents. The estimated completion date is January 31, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when we receive documentation that all offices maintain an accurate ammunition inventory in FACTS.

Recommendation #7: Ensure that all agents located in offices with shoulder-fired firearms complete the required annual familiarization training.

ICE OPR Response: Non-Concur. According to ICE OPR officials, the Interim ICE Firearms Policy identifies actions officers “must” take, as well as actions officers “should” take. When a local office has shoulder-fired firearms, the policy states that officers in that office “should” complete annual familiarization. It is not always feasible for every officer at every local office to complete the annual familiarization. Notwithstanding this, the Assistant Director for Investigations will direct the OPR Special Agents in Charge and Unit Chiefs to provide shoulder-fired firearms to specific personnel who are current in their qualifications for the shoulder-fired firearms. ICE did not provide an estimated completion date for this recommendation.

OIG Analysis: Although ICE OPR non-concurred with this recommendation, we consider their actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when we receive documentation (1) that the Assistant Director for Investigations has directed OPR Special Agents in Charge and Units Chiefs to provide shoulder-fired firearms to personnel current in their qualifications, and (2) documentation showing those assigned shoulder-fired firearms have received required training.

Recommendation #8: Ensure the Technical Operations Section maintains an accurate technical equipment inventory for all offices.

ICE OPR Response: Concur. In August and September of 2018, the OPR Operational Support Unit conducted a 100 percent inventory of all Technical Investigative Equipment assets to ensure accountability. During this inventory, OPR officials reminded Designated Technical Agents (DTAs) that they



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

must keep all interim documentation of transactions, to include hand receipts, with inventory sheets to show a total accountability of all Technical Investigative Equipment assets under their control. After the Technical Investigative Equipment inventory, staff generated and distributed new inventory listings, dated October 2, 2018, to field offices. The Assistant Director for Investigations will provide OIG a copy of the inventory results and new inventory listing. The estimated completion date is December 31, 2018.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when ICE OPR provides documentation that supports the inventory results and the new inventory listing.

Recommendation #9: Ensure the offices maintain Technical Investigative Equipment in a secure area designated for the storage of Technical Investigative Equipment, which only the DTA, alternate DTA, and office supervisors can access.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct the OPR Operational Support Unit to issue guidance to all OPR DTAs on maintaining Technical Investigative Equipment as prescribed in the OPR Guidebook by December 31, 2018. Operational Support Unit will require each DTA acknowledge in writing that they understand their role in securing Technical Investigative Equipment. ICE OPR officials said they would document the responses to this directive in a memorandum, including copies of the DTAs' acknowledgements, and send it to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide OIG the memorandum and copies of the DTAs' acknowledgements. The estimated completion date is February 28, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when ICE OPR provides documentation of the guidance issued to OPR DTAs regarding maintaining technical investigative equipment and the written DTA acknowledgements that they understand their role in securing the equipment.

Recommendation #10: Ensure that supervisors conduct case reviews every 90 days.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct all OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct case reviews of all open cases by December 31, 2018. Staff will document case reviews in the "Notes" Section of the Joint Integrity Case Management System (JICMS). ICE OPR officials said they would document the responses to this directive, and any corrective action in a memorandum, and send it to the Assistant Director for Investigations on or prior to January 31,



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

2019. The Assistant Director for Investigations will provide the memorandums to OIG. The estimated completion date is February 28, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when ICE OPR provides documentation of the case reviews and any planned corrective actions.

Recommendation #11: Ensure agents comply with *ICE OPR Investigative Guidebook* requirements on thoroughness.

ICE OPR Response: Non-Concur. The OIG report stated that ICE OPR investigations and reports reviewed appeared to “be based solely on the facts, be free of opinion, speculation, interpretation and embellishment,” as Chapter 3 of the Guidebook requires. The Guidebook also requires that supervisors ensure that “all allegations were properly addressed,” “all leads were pursued,” and “all witnesses were interviewed.” However, OIG found that agents did not properly address all allegations in 3 of the 47 applicable cases (6 percent) and did not pursue all leads or interview all witnesses in 5 of the 48 applicable cases (10 percent).

ICE OPR officials stated they did not concur with this finding because they review all allegations of misconduct and instituted safeguards to ensure that they address all allegations, pursue all leads, and interview all witnesses. However, to ensure compliance in future investigations, OPR will examine the three cases where auditors found OPR investigations did not properly address all allegations and/or did not pursue all leads, as well as the five investigations where auditors found OPR investigators failed to interview all witnesses.

ICE OPR officials also said that the existence of a Redbook or comprehensive written closing report is an indicator that they exhausted all investigative leads. ICE OPR’s internal review process requires that Redbooks and comprehensive written closing reports are reviewed by two layers of management, both the first line supervisor (Resident Agent in Charge) and the second line supervisor (Assistant Special Agent in Charge). According to ICE OPR officials, this rigorous review process ensures that they properly address allegations, establish all elements of proof, interview all necessary witnesses, pursue the necessary leads, and address all critical issues. Furthermore, the ICE Office of the Principal Legal Advisor, Labor and Employment Law Division reviews all Redbooks with a finding of “Referred to Management” for legal sufficiency. A finding of “Referred to Management” indicates that the evidence obtained during the investigation establishes it is more likely than not that, the employee committed actionable misconduct that management should review. ICE did not provide an estimated completion date for this recommendation.

OIG Analysis: Although ICE OPR non-concurred with this recommendation, we consider their actions nonresponsive to this recommendation, which is



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

unresolved and open. The existence of a Redbook only attests that a case was open, not that it was investigated to standards. ICE OPR's process may help to ensure thoroughness but it still allows for error. We will close this recommendation when we receive documentation that (1) shows the results of OPRs examination of the eight cases that the OIG found did not comply with *ICE OPR Investigative Guidebook* requirements on thoroughness, and (2) reminds agents of the *Guidebook* thoroughness requirements.

Recommendation #12: Ensure that agents update JICMS with documentation of investigative activity at least every 30 days, as the *ICE OPR Investigative Guidebook* requires.

ICE OPR Response: Concur. The Assistant Director for Investigations will direct all OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct a review of all open cases to identify lapses in the 30-day update requirement in JICMS by December 31, 2018. ICE OPR officials said they would document the responses to this directive, and any corrective action in a memorandum and send it to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide the memorandums to OIG. The estimated completion date is February 28, 2019.

OIG Analysis: We consider these actions responsive to this recommendation, which is resolved and open. We will close this recommendation when ICE OPR provides documentation of the responses to the open case review and corresponding corrective actions.



Appendix A

Objective, Scope, and Methodology

The DHS OIG Office of Integrity and Quality Oversight, Investigations Quality Assurance Division, in keeping with the oversight responsibilities mandated by the *Inspector General Act of 1978*, as amended, examined ICE OPR's Investigations Division operations to assess overall compliance with relevant DHS and ICE policies. We conducted this review from October 2017 through April 2018 and completed the onsite portions in the months of February and March 2018. We visited ICE OPR Headquarters in Washington, DC, as well as the Chicago and Miami offices. The review covered activity from October 1, 2015, through September 30, 2017 (fiscal years 2016 and 2017).

Prior to the site visits, we spoke with ICE OPR management at Headquarters, as well as the heads of two field offices to obtain background information. Information ICE OPR provided included policies governing the ICE OPR Investigations Division operations; an explanation of the complaint intake process; the number of employees assigned to each division and each office; and operational statistics.

During our review period, ICE OPR closed 2,108 cases. These include employee and labor relation cases, internal affairs cases, office of professional responsibility cases, and cases worked with DHS OIG. In determining our sample size, we relied on the Council of the Inspectors General for Integrity and Efficiency standards for random sampling. These standards state that for a random sample in which the universe is more than 500 cases, the sample size should be 50 cases. ICE OPR provided the inspection team with data spanning two fiscal years and we selected a random sample of 50 cases to review using the Excel random number generator tool.

During our review, we conducted site visits to two ICE OPR field offices. We reviewed several administrative and investigative areas using checklists based on ICE policies and procedures, and Council of the Inspectors General for Integrity and Efficiency standards. The full list of areas reviewed is in appendix C. We also conducted in-person interviews with 26 Investigations Division employees during the site visits. Our interviews provided an insight into employee sentiments toward management, workload, personnel matters, and overall satisfaction.

In addition, we administered an electronic questionnaire to all 270 Investigations Division employees. The questionnaire asked similar questions to the in-person interviews. It contained 15 multiple-choice questions and 6 open-ended questions. There were 147 respondents to the electronic survey, representing approximately 54 percent of the Investigations Division workforce. We used the OMB MAX survey to administer the questionnaire and ensure all responses were anonymous.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix B
ICE OPR Response to the Draft Report

Office of the Chief Financial Officer

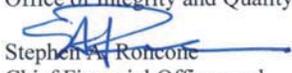
U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

OCT 16 2018

MEMORANDUM FOR: Thomas M. Salmon
Assistant Inspector General
Office of Integrity and Quality Oversight

FROM: 
Stephen A. Roncone
Chief Financial Officer and
Senior Component Accountable Official

SUBJECT: Management's Response to OIG Draft Report: "Oversight Review
of the Department of Homeland Security Immigration and
Customs Enforcement, Office of Professional Responsibility,
Investigations Division"
(Project No. OIG-18-07-IQO)

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

ICE is pleased to note the OIG's positive recognition that law enforcement personnel in the ICE Office of Professional Responsibility (OPR) were diligent in complying with the DHS Management Directive regarding the referral of allegations to the OIG. The OIG also acknowledges ICE OPR personnel are accurate in their accounting for all firearms, maintaining equipment records, and remain compliant with vehicle and availability pay requirements.

ICE OPR is committed to continuously improving the timeliness of OPR investigative reports, ensuring that OPR agents obtain requisite training, and addressing any discrepancies with respect to record keeping, inventory, or agency policy compliance.

The draft report contained 12 recommendations. ICE concurs with 10 of the recommendations. Please see the attached for our detailed response to [the/each] recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. We look forward to working with you in the future.

Attachment

www.ice.gov



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Attachment: Management Response to Recommendations Contained in OIG-18-07-IQO

The OIG recommended the Assistant Director for Investigations ensure:

Recommendation 1: That all offices conduct an annual, unannounced inventory of all seized property.

Response: Concur. The Assistant Director for Investigations will direct the OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct an inventory of all seized property by the end of the 3rd quarter; and subsequent annual, unannounced inventories thereafter. Results of the inventory, and any corrective action, will be documented in a memorandum and sent to the Assistant Director for Investigations on or prior to July 30, 2019. The Assistant Director will provide the memorandums to OIG. Estimated Completion Date (ECD): August 30, 2019.

Recommendation 2: That all offices conduct monthly reviews of storage facilities containing seized property.

Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct a review of storage facilities containing seized property by end of the 3rd quarter; and subsequent monthly reviews thereafter. Results of the review, and any corrective action, will be documented in a memorandum and sent to the Assistant Director for Investigations on or prior to July 30, 2019. The Assistant Director will provide the memorandums to OIG. ECD: August 30, 2019.

Recommendation 3: That all offices document changes to combinations on the appropriate form.

Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to verify all combinations and ensure changes to combinations are documented on the appropriate form by December 31, 2018. The results of this review, and any corrective action, will be documented in a memorandum and sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide the memorandums to OIG. ECD: January 31, 2019.

Recommendation 4: That all offices designate an alternate Evidence Custodian.

Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to designate an alternate Evidence Custodian for applicable offices by December 31, 2018. A list of Evidence Custodians and Alternate Evidence Custodians will be immediately updated. Responses to this directive will be documented in a memorandum and copies of the lists identifying the Evidence Custodians and Alternate Evidence Custodians will be sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide OIG the



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

memorandums and Evidence Custodian/Alternate Evidence Custodian lists. ECD: January 31, 2019.

Recommendation 5: That offices store all unissued, unattended firearms in a locked firearms storage vault or safe in a secure area.

Response: Concur. The Assistant Director for Investigations will direct OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct an inspection to ensure that all OPR offices have proper storage facilities for unissued and unattended firearms as outlined in the ICE Interim Firearms Policy by December 31, 2018. Responses to this directive, and any corrective action, will be documented in a memorandum and sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigation will provide the memorandums to OIG. ECD: January 31, 2019.

Recommendation 6: That all offices maintain an accurate inventory of ammunition in the Firearms, Armor and Credentials Tracking System (FACTS).

Response: Concur. The Assistant Director for Investigations will direct the OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct an inventory of ammunition by December 31, 2018. The findings of the inventory will be documented in a memorandum and FACTS documents listing the updated inventory will be sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigation will provide OIG the memorandums and FACTS documents. ECD: January 31, 2019.

Recommendation 7: That all agents located in offices with shoulder-fired firearms complete the required annual familiarization training.

Response: Non-Concur. The Interim ICE Firearms Policy identifies actions officers “must” take, as well as actions officers “should” take. When a local office has shoulder-fired firearms, the policy states that officers in that office “should” complete annual familiarization. It isn’t always feasible for every officer at every local office to complete the annual familiarization. Notwithstanding this, the Assistant Director for Investigations will direct the OPR Special Agents in Charge and Unit Chiefs to ensure shoulder-fired firearms are only assigned and available to specific personnel who are current in their qualifications for said weapons.

Recommendation 8: The Technical Operations Section maintains an accurate technical equipment inventory for all offices.

Response: Concur. In August and September of 2018, the OPR Operational Support Unit (OSU) conducted a 100 percent inventory of all Technical Investigative Equipment (TIE) assets to ensure accountability. During this inventory, Designated Technical Agents were reminded that all interim documentation of TIE transactions, to include hand receipts, must be kept with inventory sheets to show a total accountability of all TIE assets under their control. After the TIE inventory was completed, new inventory listings, dated October 2, 2018, were generated and



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

distributed to field offices. The Assistant Director for Investigations will provide OIG a copy of the inventory results and new inventory listing. ECD: October 31, 2018.

Recommendation 9: The offices maintain technical investigative equipment in a secure area designated for the storage of technical investigative equipment, which only the Designated Technical Agent (DTA), alternate DTA, and office supervisors can access.

Response: Concur. The Assistant Director for Investigations will direct the OPR OSU to issue guidance to all OPR DTAs on maintaining TIE as prescribed in the OPR Guidebook by December 31, 2018. OSU will require each DTA acknowledge in writing that they understand their role in securing TIE. Responses to this directive will be documented in a memorandum and copies of the DTA's acknowledgements will be sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide OIG the memorandums and copies of the DTA's acknowledgements. ECD: February 28, 2019.

Recommendation 10: That supervisors conduct case reviews every 90 days.

Response: Concur. The Assistant Director for Investigations will direct all OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct case reviews of all open cases by December 31, 2018. Case reviews will be documented in the "Notes" Section of the Joint Integrity Case Management System (JICMS). Responses to this directive will be documented in a memorandum and sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide the memorandums to OIG. ECD: February 28, 2019.

Recommendation 11: Agents comply with *ICE OPR Investigative Guidebook* requirements on thoroughness.

Response: Non-Concur. The OIG report stated that ICE OPR investigations and reports reviewed appeared to "be based solely on the facts, be free of opinion, speculation, interpretation and embellishment," as Chapter 3 of the Guidebook requires. The Guidebook also requires that supervisors ensure that "all allegations were properly addressed," "all leads were pursued," and "all witnesses were interviewed." However, the OIG found that agents did not properly address all allegations in 3 of the 47 applicable cases (6 percent) and did not pursue all leads or interview all witnesses in 5 of the 48 applicable cases (10 percent).

The existence of a Redbook or comprehensive written closing report is an indicator that all investigative leads have been exhausted. ICE OPR's internal review process requires that Redbooks and comprehensive written closing reports are reviewed by two layers of management; both the first line supervisor (Resident Agent in Charge) and the second line supervisor (Assistant Special Agent in Charge). This rigorous review process ensures that allegations are properly addressed, all elements of proof were established, all necessary witnesses were interviewed, the necessary leads were pursued, and that all critical issues were addressed. Furthermore, all Redbooks with a finding of "Referred to Management" are reviewed for legal sufficiency by the ICE Office of the Principal Legal Advisor, Labor and Employment Law Division. A finding of "Referred to Management" indicates that the evidence obtained during



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

the investigation establishes it is more likely than not that the employee committed actionable misconduct that should be reviewed by management.

OPR reviews all allegations of misconduct and has instituted safeguards to ensure that all allegations are properly addressed, all leads are pursued, and all witnesses are interviewed. Therefore, OPR does not concur with this finding. However, to ensure compliance in future investigations, OPR will examine the three cases where auditors found OPR investigations did not properly address all allegations and/or did not pursue all leads, as well as the five investigations where auditors found OPR investigators failed to interview all witnesses.

Recommendation 12: That agents update the Joint Integrity Case Management System (JICMS) with documentation of investigative activity at least every 30 days, as the *ICE OPR Investigative Guidebook* requires.

Response: Concur. The Assistant Director for Investigations will direct all OPR Special Agents in Charge and the Special Investigations Unit Chief to conduct a review of all open cases to identify lapses in the 30-day update requirement in JICMS by December 31, 2018. Responses to this directive, and any corrective action, will be documented in a memorandum and sent to the Assistant Director for Investigations on or prior to January 31, 2019. The Assistant Director for Investigations will provide the memorandums to OIG. ECD: February 28, 2019.



Appendix C

Checklists, Questionnaires, and Surveys

- Case File Review Checklist
- Electronic Questionnaire
- Evidence Review Checklist
- Field Office Operations Survey
- Firearms/Ammunition Checklist
- Home-to-Work Vehicle Checklist
- Law Enforcement Officer Training Checklist
- Pre-Inspection Survey
- Technical Equipment Checklist
- Training Checklist
- Workforce Assessment Questionnaire



Appendix D

Major OIG Contributors to This Report

- Francisco da Rosa, Director, Office of Integrity and Quality Oversight, Investigations and Program Integrity Division, OIG, Headquarters
- Gwendolyn Schrade, Supervisory Program Analyst, Office of Integrity and Quality Oversight, Investigations and Program Integrity Division, OIG, Headquarters
- Thad Brennan, Senior Criminal Investigator, Office of Integrity and Quality Oversight, Investigations and Program Integrity Division, OIG, Headquarters
- Alonzo Parker, Senior Program Analyst, Office of Integrity and Quality Oversight, Investigations and Program Integrity Division, OIG, Headquarters
- Bill McCarron, Chief Inspector, Office of Integrity and Quality Oversight, Investigations and Program Integrity Division, OIG, Headquarters
- Kevin Dolloson, Communications Analyst, Office of Audits, OIG, Headquarters



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Appendix E Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Assistant Secretary for Office of Policy
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
ICE Liaison

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

Congressional Oversight and Appropriations Committees

Additional Information and Copies

To view this and any of our other reports, please visit our website at:
www.oig.dhs.gov.

For further information or questions, please contact Office of Inspector General
Public Affairs at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov.
Follow us on Twitter at: [@dhsoig](https://twitter.com/dhsoig).



OIG Hotline

To report fraud, waste, or abuse, visit our website at www.oig.dhs.gov and click on the red "Hotline" tab. If you cannot access our website, call our hotline at (800) 323-8603, fax our hotline at (202) 254-4297, or write to us at:

Department of Homeland Security
Office of Inspector General, Mail Stop 0305
Attention: Hotline
245 Murray Drive, SW
Washington, DC 20528-0305