

**Oversight Review of
the Office of the Chief
Security Officer,
Internal Security
Division**



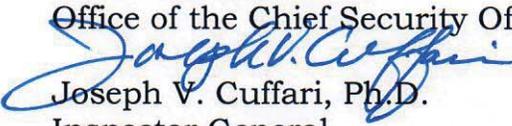


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Department of Homeland Security

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

MEMORANDUM FOR: Rich McComb
Chief Security Officer
Office of the Chief Security Officer

FROM: 
Joseph V. Cuffari, Ph.D.
Inspector General

SUBJECT: *Oversight Review of the Office of the Chief Security Officer, Internal Security Division*

Attached for your action is our final report, *Oversight Review of the Office of the Chief Security Officer, Internal Security Division*. We incorporated the formal comments provided by your office.

The report contains 20 recommendations aimed at improving the Internal Security Division's operations. Your office concurred with all 20 recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 through 8, 12, 14, and 16 through 18 resolved and open. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days accompanied by evidence of completion of agreed-upon corrective actions so that we may close the recommendations. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Recommendations 9, 10, 11, 13, 15, 19, and 20 are resolved and closed. Please send your future responses and closure requests to LaDana.Crowell@oig.dhs.gov.

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, Acting Assistant Inspector General, Office of Integrity and Quality Oversight, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

Oversight Review of the Office of the Chief Security Officer, Internal Security Division

**September 21,
2020**

Why We Did This Review

We conducted this review as part of planned, periodic reviews of DHS component offices performing internal investigations, as mandated by the *Inspector General Act of 1978*, as amended.

What We Recommend

We made 20 recommendations to OCSO's Executive Director for Threat Management Operations to address the Internal Security Division's deficiencies and improve operations.

For Further Information:

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

What We Found

Our review of the Office of the Chief Security Officer's (OCSO), Internal Security Division (ISD) found that ISD possessed all assigned technical equipment and government assigned vehicles, and periodic background investigations were current. ISD staff also met operational firearms training requirements. However, ISD needs to improve its policies and guidance, administrative requirements for evidence and firearms, accountability for law enforcement sensitive equipment, case file management and documentation, and compliance with DHS Management Directive 0810.1.

DHS Response

DHS concurred with all 20 recommendations. Also, OCSO leadership stated it is committed to ensuring it maintains current policies that help standardize operations, improve evidence handling procedures, address discrepancies regarding the management of firearms, and better manage case documents.



DHS OIG HIGHLIGHTS

Oversight Review of the Office of the Chief Security Officer, Internal Security Division

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Abbreviations

CFL	Cyber Forensics Lab
CSO	Chief Security Officer
ISD	Internal Security Division
OCSO	Office of the Chief Security Officer
OIG	Office of Inspector General
ROI	Report of Investigation
SOP	standard operating procedures
U.S.C.	United States Code



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Summary

The Department of Homeland Security Office of Inspector General (OIG), Office of Integrity and Quality Oversight, Investigations Quality Assurance Division, conducted an oversight review of the DHS' Office of the Chief Security Officer (OCSO), Internal Security Division (ISD) from October 2019 through February 2020. The review covered the division's investigative activity from October 1, 2017 through September 30, 2019. We conducted this review as part of our planned, periodic reviews of Department component internal affairs offices, as mandated by the *Inspector General Act of 1978*, as amended.

We assessed compliance with ISD's internal policies and procedures, DHS policies, Attorney General Guidelines (including the Attorney General's *Guidelines for the Exercise of Law Enforcement Authorities, by Officers and Agents of the Department of Homeland Security* under 40 United States Code (U.S.C.) § 1315 (b) & (f)), and other relevant laws and guidelines, as applicable. We also reviewed investigative case files closed during our review period.

We verified that ISD possessed all assigned technical equipment and Government-assigned vehicles. In addition, periodic background reinvestigations for ISD staff were current. Personnel also met operational training requirements for firearms.

Areas for improvement include standardized guidance for investigative operations; administrative requirements for evidence and firearms; accountability for law enforcement sensitive equipment; case file management, reports, and documentation; and compliance with DHS Management Directive 0810.1.

We made 20 recommendations to ISD to address these deficiencies and improve its operations.



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Background

Title 40 U.S.C. § 1315(b)(1) authorizes the Secretary to designate DHS employees as “officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property.” DHS Delegation 12000, *Delegation for Security Operations within the Department of Homeland Security*, delegates authority to DHS’ Chief Security Officer (CSO) “to designate not more than 30 employees of the OCSO as officers and agents under Title 40 U.S.C. § 1315(b).” The employees designated by the DHS CSO under this delegation will exercise law enforcement authority in accordance with the *Attorney General Guidelines for the Exercise of Law Enforcement Authorities by Officers and Agents of the Department of Homeland Security*.

OCSO ISD, located in Washington, D.C., comprises four units including Investigations, Administrative Investigations, Cyber Forensics Lab, and Force Protection Branch. The Administrative Investigations and Force Protection Branches merged with ISD on October 1, 2019, and January 1, 2020, respectively. ISD is a part of the Threat Management Operations Directorate, led by an Executive Director. At the time of our fieldwork, a Director managed ISD, which consisted of 23 employees, including special agents, security specialists, IT specialists, and other administrative personnel. One employee resigned and another employee retired during our fieldwork.

According to internal briefing documents, ISD conducts criminal and administrative investigations, including insider threats, to secure the Department from illegal and exploitative activities against personnel, facilities, and programs. This includes investigating unauthorized disclosure, employee misconduct, and personnel and strategic security assessments.



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Results of Oversight Review

ISD possessed all assigned technical equipment and Government-assigned vehicles, and periodic background investigations were current. ISD staff also met operational firearms training requirements. However, ISD needs to improve its policies and guidance, administrative requirements for evidence and firearms, accountability for law enforcement sensitive equipment, case file management and documentation, and compliance with DHS Management Directive 0810.1. Implementing the recommendations that address these deficiencies will improve ISD operations.

Operational Management

Standardized Guidance

ISD's policies do not provide special agents and other ISD staff with adequate guidance to properly and consistently conduct its investigations. ISD officials agreed their policies should be updated and indicated they are drafting a handbook. ISD must immediately review and update policies that are no longer relevant to its current mission and practices to ensure compliance with sound investigative operations.

To evaluate ISD's compliance with requirements, we requested all approved policies, procedures, and standard operating procedures (SOP) in effect during fiscal years 2018 and 2019. ISD provided eight policies approved between 2009 and 2014. Since then, OCSO restructured ISD, but ISD's policies have not been updated accordingly. In fact, ISD policies and SOPs have not been updated to reflect the division's new name, which changed in January 2017. The policies reference the Internal Security and Investigations Division or the Counterintelligence and Investigations Division.

According to Section 11.2 of the *Case Management* SOP,

Agents will be expected to use a variety of procedures during the investigative process: interviewing, electronic and physical sources of information, report writing, questioned documents, undercover operations, informants, surveillance, crime scene search, photography, execution of warrants, knowledge of violations of the law or agency policy, and physical tactics.

With the exception of report writing, ISD does not have any standardized policies or guidance for performing these investigative techniques, which may



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cause special agents to perform these techniques in an inconsistent and ineffective manner.

We noted that ISD did not have standardized policies for the issuance of employee advisements of rights, including Miranda,¹ Garrity,² Kalkines,³ and Weingarten.⁴ Furthermore, ISD did not have standardized policies for the safeguarding of Federal grand jury material. DHS OIG also noted that ISD did not have policies for the use of confidential informants or confidential funds. ISD acknowledged they do not use confidential informants or funds, and do not have corresponding policies for those programs. However, Section 11.2 states that agents are expected to use a variety of procedures, including “informants,” in their investigations.

As a result of these outdated or nonexistent policies and guidance, we used the following references to evaluate ISD’s effectiveness to conduct our inspection:

- *Attorney General Guidelines for the Exercise of Law Enforcement Authorities by Officers and Agents of DHS*;
- *Attorney General Guidelines for Procedures for Lawful, Warrantless Monitoring of Verbal Communications*;
- DHS policy directives for recording interviews;
- DHS’ *Personal Property Asset Management Program Manual*; and,
- the Federal Rules of Evidence.

¹ Miranda warnings apply when an individual is in custody and subject to interrogation. *Miranda v. Arizona*, 384 U.S. 436 (1966).

² Garrity warnings advise an employee that an interview is voluntary but the information obtained can be used in both criminal and administrative proceedings. *Garrity v. New Jersey*, 385 U.S. 493 (1967).

³ Kalkines warnings advise an employee that failure to participate in an investigation may result in administrative disciplinary action but cannot be used in a criminal proceeding. A Kalkines warning protects an employee from prosecution. *Kalkines v. U.S.*, 473 F.2d 1391 (Ct. Claims 1973).

⁴ Weingarten warnings apply if the employee is a bargaining unit employee and entitled to union representation during an interview if disciplinary action is foreseeable. *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975).



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Recommendations

We recommend the Executive Director for Threat Management Operations:

Recommendation 1: Develop policies and standard operating procedures pertaining to the Internal Security Division to ensure applicability to current mission standards.

OCSO Comments

Concur. Prior to initiation of the OIG's review, OCSO ISD supervisors and subject matter experts had already begun revising and updating all existing Division policies and SOPs to ensure alignment with current operations. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. However, OCSO's response does not address its efforts to create new policies and guidance regarding employee advisement of rights, or the safeguarding of federal grand jury material. We acknowledge that ISD does not use confidential informants or confidential funds. We will close this recommendation when OCSO provides documentation of the division's new and updated policies and SOPs.

Recommendation 2: Create a special agent's handbook to provide consistent procedural guidance to Internal Security Division personnel for conducting investigations.

OCSO Comments

Concur. Prior to the OIG's review, OCSO ISD had already begun drafting a handbook for ISD investigators, which will address all subject areas pertinent to conducting both criminal and administrative investigations, including: 1) acquisition and handling of evidence; 2) documenting investigative efforts and report writing; 3) case file management; and 4) coordination with other law enforcement organizations. The estimated completed date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the completed ISD handbook for investigators.



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Evidence

ISD's evidence is maintained by the Cyber Forensics Lab (CFL). The CFL provides cyber investigative and operational support to OCSO. The CFL's evidence room is a secure storage area and meets the requirements identified in *DHS' Physical Security Construction and Equipment Specifications Manual*. However, we found areas of concern regarding the inventory, documentation, maintenance, and disposition of evidence. Failure to accurately document and maintain evidence could jeopardize the admissibility or strength of the evidence in judicial or administrative proceedings.

According to Section 11 of ISD's *Evidence Handling Procedures*, the Program Director or designee will conduct a monthly inspection of the evidence room to ensure security and accountability of the evidence. Section 12 states that evidence inventories will be conducted once a quarter, upon change of the primary evidence custodian, or loss of evidence. However, we did not find evidence to support that CFL personnel conducted monthly or quarterly inspections or inventories as required by sections 11 and 12 of the *Evidence Handling Procedures*. CFL staff stated they last conducted an evidence inventory in March 2019, and the previous inventory was conducted sometime in 2017.

Section 7 of the *Evidence Handling Procedures* states that an evidence log will be maintained in the evidence room. The CFL does not maintain a traditional evidence log or documentation that evidence has been signed in or out of the evidence storage room, but instead, maintains evidence folders containing original evidence vouchers inside the evidence room. Only the primary and alternate evidence custodians have access to the folders within the evidence room.

Additionally, the CFL maintains an electronic spreadsheet containing a list of all evidentiary and nonevidentiary items stored in the evidence room. However, the spreadsheet is accessible and can be manipulated by all CFL personnel, including the evidence custodians. Although this practice potentially compromises the integrity of the data, the primary evidence custodian stated the CFL has not had any known losses of evidence since the individual has been with the lab.

Sections 5.3 and 5.4 of the *Evidence Handling Procedures* provide some guidance for properly documenting the receipt of evidence. We observed several instances where the Chain of Custody form, which provides an inventory and accounting of all physical evidence including any changes in the



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possession of the evidence, was not properly completed. For example, we observed Chain of Custody forms with missing information including the seizing special agent's signature. In another case, the agent used a continuation form to log evidence items instead of the first page of the Chain of Custody form.

We also found the case numbering system used by special agents is inconsistent with the numbering/tracking system used by CFL staff. Special agents use an investigative case number, but the CFL creates and assigns a different case number compatible with CFL's system to track evidence. The different numbering systems could create confusion and lead to miscategorized evidence. ISD needs a consistent case numbering system that more closely correlates investigative case numbers with evidence tracking case numbers. The *Evidence Handling Procedures* as written do not provide special agents or CFL staff with adequate guidance to properly document and control evidence.

The CFL's electronic spreadsheet documented 107 cases, with the oldest case originating in 2009. CFL staff said they have not removed or disposed of any evidence in 4 to 5 years and could make final disposition of more than half of the evidence. We noted that ISD's policies did not have a procedure for having witnesses present during the destruction or return of evidence. According to Section 10 of the *Evidence Handling Procedures*, evidence will be expeditiously disposed of if it has no further evidentiary value.

We reviewed evidence related to 27 cases from FYs 2018 and 2019. During our fieldwork we noticed that agency property not related to an investigation was commingled with ISD investigative evidence. This could potentially lead to cross-contamination of evidence, which is prohibited by Section 8 of the *Evidence Handling Procedures*. CFL staff stated that establishing a baseline for what is considered evidence and eliminating all items not identified as evidence would help establish accountability.

Recommendations

We recommend the Executive Director for Threat Management Operations:

Recommendation 3: Ensure the Cyber Forensics Lab conducts monthly inspections of the evidence room.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD staff completed a full inspection and inventory of the CFL evidence room and documented the results of these



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efforts in a memorandum to the ISD Director, “Inventory of Evidence Room,” dated July 14, 2020. OCSO ISD also implemented interim guidance requiring a monthly inspection and quarterly inventory of the CFL evidence room. Due to COVID-19 restrictions, effective March 16, 2020, the monthly inspections were postponed and the quarterly inventories reduced in scope until further notice per a memorandum, “Monthly and Quarterly Inspections of Evidence Room,” dated July 14, 2020. OCSO ISD will formalize this interim guidance in an upcoming revision to the ISD SOP. The estimated completion date is July 30, 2021.

OIG Analysis of OCSO’s Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. OCSO should provide any interim guidance as it becomes available. We will close this recommendation when OCSO provides documentation of the completed SOP and monthly inspections.

Recommendation 4: Ensure the Cyber Forensics Lab conducts quarterly evidence inventories.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD completed a full inspection and inventory of the CFL evidence room and documented the results in a memorandum to the ISD Director, “Inventory of Evidence Room,” dated July 14, 2020. OCSO ISD conducted the third quarter inspection on July 15, 2020, and documented the results in a memorandum for the record, “FY20 Q3 Inspection Report (thru 7/15/2020),” dated July 15, 2020. OCSO ISD also implemented interim guidance for the monthly inspection and quarterly inventory of the CFL evidence room. However, effective March 16, 2020, the monthly inspections were postponed and the quarterly inventories reduced in scope until further notice due to the COVID-19 pandemic per memorandum “Monthly and Quarterly Inspections of Evidence Room,” dated July 14, 2020. To help ensure the health and safety of OCSO personnel, the reduced scope of quarterly evidence inventories limits the personnel involved to members of the Cyber Forensics Branch only. OCSO ISD will formalize this interim guidance in an upcoming revision to the ISD SOP. The estimated completion date is July 30, 2021.

OIG Analysis of OCSO’s Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. OCSO should provide any interim guidance as it



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becomes available. We will close this recommendation when OCSO provides documentation of the completed evidence handling SOP and quarterly evidence inventories.

Recommendation 5: Ensure the Cyber Forensics Lab creates and maintains a secure evidence log, which can be viewed by Cyber Forensics Lab personnel but can only be edited by the evidence custodians.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD implemented interim guidance for maintaining a more secure evidence log, which will be formalized in an upcoming revision to the ISD SOP. The logbook was fully implemented on July 22, 2020. Under this guidance, a review of the evidence logs is included in the monthly inspections and quarterly inventories of the CFL evidence room. The estimated completion date is April 30, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. OCSO should provide any interim guidance as it becomes available. We will close this recommendation when OCSO provides documentation of the completed SOP including guidance for maintaining a secure evidence log.

Recommendation 6: Establish procedures for Internal Security Division special agents and Cyber Forensics Lab personnel to accurately complete evidence Chain of Custody forms.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD implemented interim guidance for improving the review process for all Chain of Custody forms when checking in evidence, which will be formalized in a chapter specific to handling and processing of evidence in an upcoming revision to the ISD SOP. Under this guidance, a review of the Chain of Custody forms is included in monthly inspections and quarterly inventories. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. OCSO should provide any interim guidance as it



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becomes available. We will close this recommendation when OCSO provides documentation of the completed SOP including procedures for handling and processing evidence.

Recommendation 7: Develop a consistent case numbering system to cross-reference investigative case numbers with evidence case numbers.

OCSO Comments

Concur. On June 8, 2020, OCSO ISD implemented an automated process to generate consistent case numbers within the new OCSO case management system, the Joint-Threat Information Management System (J-TIMS). In J-TIMS, the evidence case numbers are maintained in bound notebooks located in the secure evidence room by the evidence custodian. Further, although this automated system ensures the cross-reference, it is verified as part of routine inspection procedures. This effort will be addressed in an upcoming revision to the ISD SOP. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the completed SOP including the system for cross-referencing investigative case numbers with evidence case numbers.

Recommendation 8: Establish a procedure to ensure final disposition of evidence is made when the item is no longer of evidentiary value.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD implemented interim guidance for ensuring evidence is properly and timely disposed when determined to no longer have evidentiary value, which will be formalized in an upcoming revision to the ISD SOP. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to this recommendation, which is resolved and open. OCSO should provide any interim guidance as it becomes available. We will close this recommendation when OCSO provides documentation of the completed SOP including guidance for properly disposing of evidence when it is no longer of evidentiary value.



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Recommendation 9: Conduct a full inventory of all items in the evidence room and properly identify items as evidence, property, etc.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD completed a full inventory of the evidence room, and documented the results in a memorandum to the ISD Director, "Inventory of Evidence Room," dated July 14, 2020. During this inventory, the inventory team included a non-ISD OCSO employee to serve as a third-party witness, and all items of evidence were matched with the corresponding evidence logs. Verification of the segregation of evidence and property was also completed February 21, 2020. We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO's Comments

OCSO provided documentation of a 100 percent inventory of ISD's evidence room. We consider these actions responsive to this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.

Recommendation 10: Establish segregated storage areas for investigative evidence and miscellaneous agency property.

OCSO Comments

Concur. On February 21, 2020, OCSO ISD established segregation of evidence and ISD property. Specifically, ISD consolidated property to a separate shelf on the opposite side of the room away from all evidence items. OCSO ISD also verified the segregation of evidence and property on February 21, 2020. A memorandum to the ISD Director, "Property Removed from Evidence Room," dated July 15, 2020, documents that all non-evidence property was removed from the evidence room. We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO's Comments

OCSO provided documentation stating they identified non-evidence items and removed these items from the evidence room. We consider these actions



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responsive to this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.

Firearms

According to Section VI of OCSO's 2014 *Weapons Policy*, the firearms custodian is responsible for overseeing the firearms program, and with assistance, shall conduct an annual firearms and ammunition inventory. OCSO does not have an alternate firearms custodian, as required by section VI(A)(1) of OCSO's *Weapons Policy*. OCSO does have an individual with collateral duties as the firearms instructor; however, this individual was not designated as the alternate firearms custodian.

We found the firearms custodian conducted an annual inventory and accounted for all issued and non-issued firearms. However, during our inventory, we also observed several firearms that were either inoperable or in poor condition. For example, during the physical inspection of one firearm, several parts fell off the firearm. Another firearm was stored in a gun case covered in gun lubricant. Other firearms had brown spots, which appeared to be dirt or dry rot on the handgrips.

We also found that ISD personnel were carrying personally-owned firearms while off-duty without written authorization or proper weapons qualifications.⁵ ISD officials cited the *Law Enforcement Officer's Safety Act*⁶ as their authority to carry personally-owned firearms while in off-duty status and stated that section I(F) of OCSO's *Weapons Policy* supports this:

....OCSO officers and agents who meet the definition of 'qualified law enforcement officers' in LEOSA are permitted to carry a concealed firearm while off-duty.

However, Section V(E) of OCSO's *Weapons Policy* states that an officer or special agent must request, in writing, annual approval to carry a firearm while off-duty. Additionally, the policy states, "An OCSO officer or special agent authorized for off-duty firearms carry must meet FLETC [Federal Law Enforcement Training Center] qualification standards quarterly," and is "responsible for alerting the OCSO firearms range scheduler of the need to

⁵ Officers and special agents carry personally-owned firearms while off-duty because OCSO's *Weapons Policy* does not allow them to carry their assigned firearms at that time.

⁶ LEOSA, 18 U.S.C. § 926B & 926C, is a 2004 U.S. Federal law that allows qualified law enforcement officers, and retired or separated law enforcement officers, in some circumstances, to carry a concealed firearm in any jurisdiction in the United States and its territories, regardless of state or local laws, with exceptions.



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qualify with an authorized off-duty firearm.” OCSO personnel stated previous senior management had granted special agents permission to carry personally-owned firearms while off-duty without the required written authorization or qualification. This practice violates OCSO’s own policy, and staff could not provide any documentation, such as a formal memorandum, to support this authorization.

Recommendations

We recommend the Executive Director for Threat Management Operations:

Recommendation 11: Designate an alternate firearms custodian.

OCSO Comments

Concur. On July 10, 2020, the Executive Director for Threat Management Operations designated the alternate firearms custodian in writing via a memorandum to all OCSO law enforcement personnel, “Firearms Custodian Designation.” We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO’s Comments

OCSO ISD provided documentation designating an alternate firearms custodian per OCSO’s *Weapons Policy*. We consider these actions responsive to the intent of this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.

Recommendation 12: Repair or dispose of any inoperable firearms.

OCSO Comments

Concur. In June 2020, OCSO ISD law enforcement personnel transitioned to a new duty firearm, increasing the quantity of firearms requiring disposal to 35 handguns and 9 shotguns. OCSO ISD is undertaking the disposal process with the appropriate stakeholders, while conforming with federal property regulations and the existing OCSO Weapons Policy. The disposal of the firearms will be documented in a signed memorandum that will include the serial numbers of the weapons either: 1) excessed using established General Services Administration guidelines to another entity; or 2) destroyed while monitored by a manager and a witness. The estimated completion date is March 31, 2021.



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OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the firearms disposal.

Recommendation 13: Enforce established weapons policy and procedures for carrying off-duty firearms by Internal Security Division special agents.

OCSO Comments

Concur. On March 16, 2020, the Acting ISD Division Director reminded all OCSO law enforcement personnel via email of the current policy requirements codified in the existing OCSO Weapons Policy, dated June 2, 2014. Although subsequent corrective action was delayed due to the COVID-19 pandemic, as evidenced by the March 19, 2020, "OCSO Weapons Policy Qualification Waiver (FY20, Q2)" memorandum from the Deputy Chief Security Officer, all OCSO law enforcement personnel requesting approval to carry firearms while off-duty have since completed the required training.

Additionally, a June 24, 2020 memorandum from the Chief Security Officer, "Law Enforcement Officer Designation," designated the Executive Director for Threat Management Operations as the OCSO Senior Law Enforcement Official. A July 29, 2020, "2020 Off-Duty Firearms Authorization," memorandum from the Executive Director for Threat Management Operations documented approval for specified OCSO law enforcement personnel to carry off-duty firearms. We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.

Accountability for Law Enforcement Sensitive Equipment

Our review found that, although ISD maintains a record of badges and credentials issued to special agents, ISD did not recover the badge and credentials from a special agent who resigned from DHS in January 2020. According to the DHS' Personal Property Asset Management Program manual, "Sensitive assets must be formally accounted for in an accountable system of record." Sensitive assets such as credentials are included in the category of



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law enforcement equipment requiring special control and accountability due to unusual rates of loss, theft, or misuse. At the conclusion of our fieldwork, ISD had not recovered the badge and credentials, which could allow an unauthorized person access to facilities normally inaccessible.

Recommendations

We recommend the Executive Director for Threat Management Operations:

Recommendation 14: Strengthen protocols to ensure that, when special agents separate from the agency, ISD can account for the return of all equipment, including sensitive assets.

OCSO Comments

Concur. OCSO ISD has existing procedures for issuing and collecting sensitive law enforcement assets when onboarding and offboarding employees from ISD, such as a protocol that includes the use of an individually assigned hand receipt property form, requiring a signature by the employee and custodian of the unassigned property (typically a supervisor). This protocol enables the efficient return of all sensitive law enforcement assets on the last day of work.

It is important to note that the example identified in the OIG's draft report was an isolated incident in which a former ISD employee disregarded the established protocol by resigning unexpectedly while on leave. On July 21, 2020, OCSO ISD provided the OIG with examples of the hand receipts used to document the issuance and collection of sensitive assets from ISD employees to demonstrate correct application of the existing procedures.

Further, OCSO ISD will identify and obtain access to an automated system of record approved to store all sensitive assets currently not stored in the Sunflower Asset Management System such as badges, armor, and law enforcement credentials. The enhanced protocols will be formalized in an upcoming revision to the ISD SOP. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the enhanced protocols for equipment including sensitive assets.



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Recommendation 15: Recover the badge and credentials assigned to the former special agent.

OCSO Comments

Concur. OCSO ISD recovered the badges and credential within three weeks of the former employee resigning. On July 21, 2020, OCSO ISD provided the OIG documentation confirming the badges and credential for the former special agent were recovered and the credential properly destroyed. Additionally, OCSO provided the OIG: 1) a DHS Credential Accountability Form; 2) screenshots from the DHS Identity Management System; and 3) further documentation of the return, revocation, and destruction of the credential. We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO's Comments

OCSO ISD provided documentation confirming the recovery of the former employee's badges and credential, and the destruction of the credential. We consider these actions responsive to the intent of this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.

Investigations

Case File Management, Reports, and Documentation

ISD's special agents closed 59 investigations in FYs 2018 and 2019. Seven cases lacked significant investigative activity and were removed from the review. Of the 52 remaining cases, ISD special agents completed 12 investigations jointly with DHS OIG Office of Investigations or other agencies. We evaluated those 52 cases based on ISD's procedures for case management and investigative report writing.

According to Section 5.1 of ISD's *Investigative Report Writing* SOP, after initiating a case, the special agent is expected to "ascertain and record facts concerning the suspected or alleged activities," and "document all investigative actions." Of the 52 cases we reviewed, ISD special agents did not document all investigative activities in 15 cases (29 percent). For example, in one case, the file did not indicate that a subject was interviewed, while another failed to document the witness interview. In yet another case, the final Report of Investigation (ROI) indicated the special agent interviewed the complainant; however, the file did not contain any documentation of the interview. In 18 of



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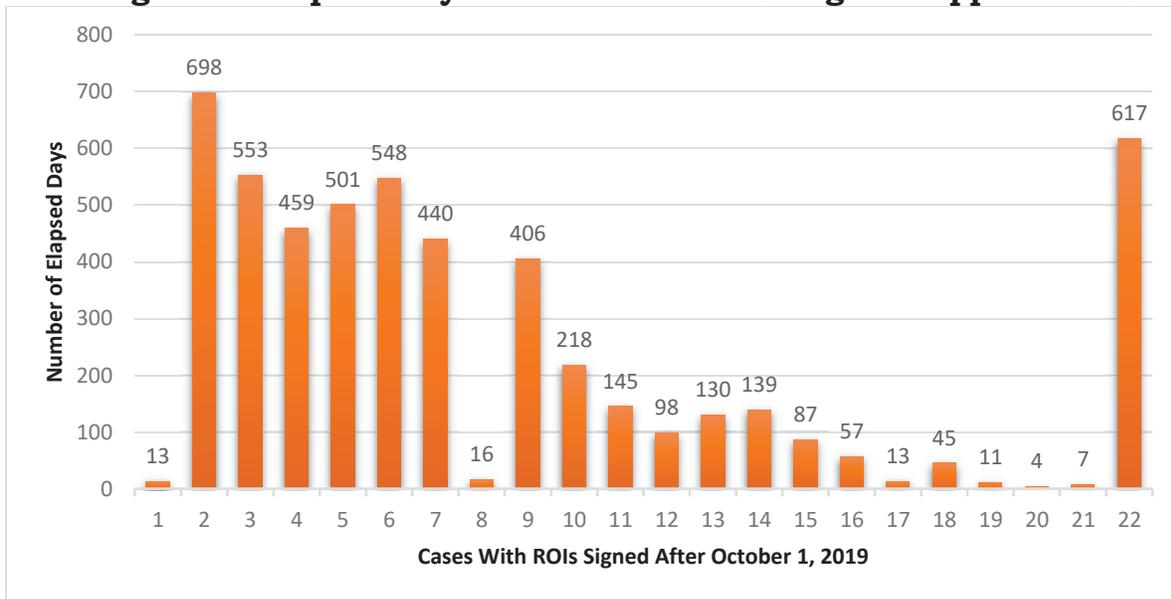
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the 52 cases reviewed, ISD special agents did not document pertinent activity at least every 30 days.

Section 5.0 of ISD’s *Investigative Report Writing* SOP provides a listing of qualities ISD reports should contain to be considered a “good report.” Those qualities describe a good report as “effective; clear; objective; accurate; complete; concise; coherent; and timely...” Our review of ISD’s 52 case files found that 34 (65 percent) of the ROIs demonstrated all of the traits described in the SOP.

Additional analysis of closed cases showed that, in 22 (42 percent), the final ROI was signed by a supervisor after the initiation of our inspection and 16 (31 percent) had ROIs signed more than 30 days after ISD reported that the case was closed, as shown in figure 1. We were unable to determine supervisor approval in 2 cases.

Figure 1. Elapsed Days between Case Closing and Approved ROI



Source: Internal Security Division data

Section 9.0(a) of ISD’s *Case Management* SOP mandates, in part, that investigative case folders will contain an Investigative Case Record, which serves as a case review sheet to record investigative activity and supervisory case review comments. We found that 7 of the 52 cases reviewed (14 percent), did not contain a Case Activity Record.

Of the remaining 45 cases that contained a Case Activity Record, only 2 cases (4 percent) demonstrated a bi-weekly case review by the Branch Chief or any



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other supervisor as required by Section 10.1.1 of the *Investigative Report Writing SOP* and Section 12.1.2 of the *Case Management SOP*. ISD management explained that they conduct weekly group case review discussions with all special agents present as individual case reviews can be labor intensive. While this practice can be beneficial to all special agents, it does not provide documentation that supervisors are reviewing individual case files.

Recommendations

We recommend the Executive Director for Threat Management Operations:

Recommendation 16: Establish protocols to ensure all investigative case folders contain required documentation and document all investigative activities.

OCSO Comments

Concur. On July 29, 2020, OCSO ISD implemented interim guidance, via a memorandum from the ISD Director to the ISD staff, “Investigation Timeliness Standards,” requiring investigative activity be completed and documented on the Case Activity Report form every 30 days. A chapter dedicated to case file management and reporting procedures will be included in an upcoming revision to the ISD SOP. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO’s Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the completed SOP including case management and reporting procedures.

Recommendation 17: Establish protocols to ensure ISD reports, including reports of investigations, are “...effective; clear; objective; accurate; complete; concise; coherent; and timely...”

OCSO Comments

Concur. On July 29, 2020, OCSO ISD implemented a Case Closing Checklist via a memorandum from the ISD Director to the ISD staff, “Investigation Timeliness Standards.” This checklist is used to ensure the Branch Chiefs and Division Director conduct and document supervisory reviews of all reports of investigation before the investigations are closed. ISD will formalize this



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guidance in an upcoming revision to the ISD SOP. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the completed SOP.

Recommendation 18: Assess current policies and establish protocols to ensure Branch Chiefs or a designated supervisor conduct and document case file reviews at designated intervals.

OCSO Comments

Concur. On July 29, 2020, OCSO ISD implemented a formal case file review to be conducted on a quarterly basis via a memorandum from the ISD Director to the ISD staff, "Investigation Timeliness Standards." Consequently, copies of the Quarterly Case Review Worksheets will be maintained in the reviewed case files. Furthermore, a chapter dedicated to case file management and reporting procedures will be included in an upcoming revision to the ISD SOP. The estimated completion date is March 31, 2021.

OIG Analysis of OCSO's Comments

We consider these actions responsive to the intent of this recommendation, which is resolved and open. We will close this recommendation when OCSO provides documentation of the completed SOP to include case management and reporting procedures.

Compliance with the DHS Management Directive

According to DHS Management Directive 0810.1, all DHS organizations are required to refer specific allegations of wrongdoing to DHS OIG prior to taking any action. These allegations include:

- criminal misconduct against a DHS employee;
- misconduct against employees at the GS-15, GM-15 level, or higher;
- serious, non-criminal misconduct against a law enforcement officer;
- all instances regarding discharging a firearm resulting in death or personal injury;
- fraud by contractors, grantees, or other individuals/entities receiving DHS funds; and



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- visa fraud by DHS employees working in the visa issuance process.

In addition to the DHS Management Directive, Section 5.1(d) of ISD's *Investigative Report Writing* SOP directs that following case initiation, the assigned special agent is expected to make all appropriate notifications to entities including DHS OIG. Of the 52 closed cases reviewed, we identified 8 cases warranting OIG referral where ISD did not document the referral in the file and we could not substantiate the referral to DHS OIG, in accordance with DHS Management Directive 0810.1.

We requested investigative statistics and data from ISD for FYs 2018 and 2019; specifically, the number of complaints ISD received. DHS Management Directive 0810.1 directs all organizational elements to provide OIG with any requested records or information. ISD staff said they could not comply with the requests, stating their office "lacks a comprehensive database system of record to catalog such complaints, allegations, or information." ISD staff reported they received more than 500 complaints, allegations, or information in FYs 2018 and 2019; however, that information is stored in more than 500 email sub-folders. ISD staff stated they do not have the "resources necessary" to manipulate the relevant data. Without this information, we could not determine the total number and types of complaints ISD received, or whether ISD appropriately handled or referred all applicable complaints or allegations, as required. OCSO staff acknowledged the lack of a database system of record as an area for improvement and stated they have implemented a temporary solution until the deployment of a new OCSO information management system, which will assist with future data requests.

Recommendations

We recommend the Executive Director for Threat Management Operations:

Recommendation 19: Comply with the DHS Management Directive to refer all relevant cases to DHS OIG and document in their case files such referral in the case file.

OCSO Comments

Concur. OCSO will continue to comply with DHS Management Directive 0810.1, "The Office of Inspector General," dated June 10, 2004. For example, on June 8, 2020, OCSO initiated a Threat Management Operations Intake process, which enhances internal controls requiring an OIG complaint number be obtained for all relevant referrals provided to OCSO. The interim intake guidance was provided to Threat Management Operations staff from the



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Executive Director for Threat Management Operations via a memorandum, “Threat Management Operations Intake Process,” dated June 8, 2020. The interim intake guidance memorandum was provided to current OCSO ISD staff, and new employees receive the information as part of onboarding. Additionally, J-TIMS was implemented on June 8, 2020, and contains a field to record the OIG case number. We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO’s Comments

OCSO provided documentation of its new electronic case management system, which tracks ISD’s case referrals of specific allegations of wrongdoing to the OIG as required by DHS Management Directive 0810.1. We consider these actions responsive to the intent of this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.

Recommendation 20: Implement a permanent information management system to properly store and track all case related activity.

OCSO Comments

Concur. On April 24, 2020, the “DHS Privacy Impact Assessment for the Joint-Threat Information Management System (J-TIMS),” (DHS/ALL/PIA-084) was approved, allowing J-TIMS to be implemented as the official permanent case management system for OCSO ISD. On June 8, 2020, OCSO also successfully implemented J-TIMS for all aspects of OCSO ISD investigative activities. The transition to J-TIMS is explained in a memorandum from the then-Acting ISD Director to ISD staff, “Transition Plan of Case Management System,” dated June 5, 2020. We request that the OIG consider this recommendation resolved and closed, as implemented.

OIG Analysis of OCSO’s Comments

OCSO provided documentation showing the implementation of a new case management systems. We consider these actions responsive to the intent of this recommendation, which is resolved and closed. No further reporting is necessary for this recommendation.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security, Office of Inspector General, Office of Integrity and Quality Oversight, Investigations Quality Assurance Division examined the Office of the Chief Security Officer (OCSO), Internal Security Division's (ISD) operations to assess overall compliance with relevant DHS and OCSO policies. We conducted this review from October 2019 through February 2020 completing the onsite fieldwork, January 21–29, 2020. The review covered ISD activity from October 1, 2017 through September 30, 2019. We conducted this review as part of planned, periodic reviews of DHS component offices performing internal investigations, as mandated by the *Inspector General Act of 1978*, as amended. In addition, we conducted this review pursuant to the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*.

Prior to the site visit, we held discussions with ISD management officials to obtain background information. ISD management officials also provided policies and procedures governing operations; an explanation of the complaint intake process; ISD's organizational structure, including the number of employees; and available operational statistics.

During the review period, ISD closed 59 cases. These cases included various suspected violations and involved employees, non-employees, and contractors. Due to the small number of closed cases, we reviewed all 59 case files. However, seven cases lacked significant investigative activity and were excluded from our analysis.

During the review, we conducted site visits at two locations within Washington, D.C., including ISD headquarters. We reviewed several administrative and investigative program areas using checklists tailored to ISD's policies and procedures, DHS policies, Attorney General Guidelines, and applicable laws. The full list of areas reviewed is in appendix C. We also conducted six interviews with ISD employees during the site visits.



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Appendix B
OCSO Comments to the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

August 14, 2020

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Jim H. Crumacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management Response to Draft Report: "Oversight Review of the Office of the Chief Security Officer, Internal Security Division" (Project No. 19-069-IQO-DHS)

JIM H
CRUMPACKER
Digitally signed by
JIM H CRUMPACKER
Date: 2020.08.14
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Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

The Department is pleased with OIG's acknowledgement that the Office of the Chief Security Officer (OCSO) Internal Security Division (ISD) staff successfully accounted for all assigned technical equipment and government-assigned vehicles, were current on their background reinvestigations, and met operational training requirements for firearms. We also noted the OIG did not identify any missing firearms or evidence during the review. OCSO is committed to ensuring it maintains current policies that help standardize operations, improve evidence handling procedures, address discrepancies regarding the management of firearms, and better manage case documents.

The draft report contained 20 recommendations with which the Department concurs. Attached find our detailed response to each recommendation. DHS previously submitted technical comments under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Attachment



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Attachment: Management Response to Recommendations Contained in 19-069-IQO-DHS

OIG recommended that the Executive Director for Threat Management Operations:

Recommendation 1: Develop policies and standard operating procedures pertaining to the Internal Security Division to ensure applicability to current mission standards.

Response: Concur. Prior to initiation of the OIG's review, OCSO ISD supervisors and subject matter experts had already begun revising and updating all existing Division policies and standard operating procedures (SOPs) to ensure alignment with current operations. Estimated Completion Date (ECD): March 31, 2021.

Recommendation 2: Create a special agent's handbook to provide consistent procedural guidance to Internal Security Division personnel for conducting investigations.

Response: Concur. Prior to the OIG's review, OCSO ISD had already begun drafting a handbook for ISD investigators, which will address all subject areas pertinent to conducting both criminal and administrative investigations, including: 1) acquisition and handling of evidence; 2) documenting investigative efforts and report writing; 3) case file management; and 4) coordination with other law enforcement organizations. ECD: March 31, 2021.

Recommendation 3: Ensure the Cyber Forensics Lab conducts monthly inspections of the evidence room.

Response: Concur. On February 21, 2020, OCSO ISD staff completed a full inspection and inventory of the Cyber Forensics Lab (CFL) evidence room and documented the results of these efforts in a memorandum to the ISD Director, "Inventory of Evidence Room," dated July 14, 2020. OCSO ISD also implemented interim guidance requiring a monthly inspection and quarterly inventory of the CFL evidence room; however, effective March 16, 2020, the monthly inspections were postponed and the quarterly inventories reduced in scope until further notice due to the COVID-19 pandemic, as memorialized in a memorandum to the ISD Director, "Monthly and Quarterly Inspections of Evidence Room," dated July 14, 2020, to help ensure the health and safety of OCSO personnel. OCSO ISD will formalize this interim guidance in an upcoming revision to the Internal Security Division (ISD) SOP. Copies of these two memoranda were provided to the OIG under a separate cover. ECD: July 30, 2021.



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Recommendation 4: Ensure the Cyber Forensics Lab conducts quarterly evidence inventories.

Response: Concur. On February 21, 2020, OCSO ISD completed a full inspection and inventory of the CFL evidence room and documented the results in a memorandum to the ISD Director, "Inventory of Evidence Room," dated July 14, 2020. OCSO ISD conducted the third quarter inspection on July 15, 2020, and documented the results in a memorandum for the record, "FY20 Q3 Inspection Report (thru 7/15/2020)," dated July 15, 2020. OCSO ISD also implemented interim guidance for the monthly inspection and quarterly inventory of the CFL evidence room; however, effective March 16, 2020, the monthly inspections were postponed and the quarterly inventories reduced in scope until further notice due to the COVID-19 pandemic, as memorialized in a memorandum to the ISD Director, "Monthly and Quarterly Inspections of Evidence Room," dated July 14, 2020. To help ensure the health and safety of OCSO personnel, the reduced scope of quarterly evidence inventories limits the personnel involved to members of the Cyber Forensics Branch only. OCSO ISD will formalize this interim guidance in an upcoming revision to the ISD SOP. Copies of these memoranda were provided to the OIG under a separate cover. ECD: July 30, 2021.

Recommendation 5: Ensure the Cyber Forensics Lab creates and maintains a secure evidence log, which can be viewed by Cyber Forensics Lab personnel but can only be edited by the evidence custodians.

Response: Concur. On February 21, 2020, OCSO ISD implemented interim guidance for maintaining a more secure evidence log, which will be formalized in an upcoming revision to the ISD SOP. The logbook was fully implemented on July 22, 2020. Under this guidance, a review of the evidence logs is included in the monthly inspections and quarterly inventories of the CFL evidence room. ECD: April 30, 2021.

Recommendation 6: Establish procedures for Internal Security Division special agents and Cyber Forensics Lab personnel to accurately complete evidence Chain of Custody forms.

Response: Concur. On February 21, 2020, OCSO ISD implemented interim guidance for improving the review process for all Chain of Custody forms when checking in evidence, which will be formalized in a chapter specific to handling and processing of evidence in an upcoming revision to the ISD SOP. Under this guidance, a review of the Chain of Custody forms is included in monthly inspections and quarterly inventories. ECD: March 31, 2021.



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Recommendation 7: Develop a consistent case numbering system to cross-reference investigative case numbers with evidence case numbers.

Response: Concur. On June 8, 2020, OCSO ISD implemented an automated process to generate consistent case numbers within the new OCSO case management system, the Joint-Threat Information Management System (J-TIMS). In J-TIMS, the evidence case numbers are maintained in bound notebooks located in the secure evidence room by the evidence custodian. Further, although this automated system ensures the cross-reference, it is verified as part of routine inspection procedures. This effort will be addressed in an upcoming revision to the ISD SOP. ECD: March 31, 2021.

Recommendation 8: Establish a procedure to ensure final disposition of evidence is made when the item is no longer of evidentiary value.

Response: Concur. On February 21, 2020, OCSO ISD implemented interim guidance for ensuring evidence is properly and timely disposed when determined to no longer have evidentiary value, which will be formalized in an upcoming revision to the ISD SOP. ECD: March 31, 2021.

Recommendation 9: Conduct a full inventory of all items in the evidence room and properly identify items as evidence, property, etc.

Response: Concur. On February 21, 2020, OCSO ISD completed a full inventory of the evidence room, and documented the results in a memorandum to the ISD Director, "Inventory of Evidence Room," dated July 14, 2020. During this inventory, the inventory team included a non-ISD OCSO employee to serve as a third-party witness, and all items of evidence were matched with the corresponding evidence logs. Verification of the segregation of evidence and property was also completed February 21, 2020. A copy of the memorandum was provided to the OIG under a separate cover.

We request that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 10: Establish segregated storage areas for investigative evidence and miscellaneous agency property.

Response: Concur. On February 21, 2020, OCSO ISD established segregation of evidence and ISD property. Specifically, ISD consolidated property to a separate shelf on the opposite side of the room away from all evidence items. OCSO ISD also verified the segregation of evidence and property on February 21, 2020. A memorandum to the ISD Director, "Property Removed from Evidence Room," dated July 15, 2020, documents that all non-evidence property was removed from the evidence room. A copy of this memorandum was provided to the OIG under a separate cover.



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We request that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 11: Designate an alternate firearms custodian.

Response: Concur. On July 10, 2020, the Executive Director for Threat Management Operations designated the alternate firearms custodian in writing via a memorandum to all OCSO law enforcement personnel, "Firearms Custodian Designation." A copy of this memorandum was provided to the OIG under a separate cover.

We request that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 12: Repair or dispose of any inoperable firearms.

Response: Concur. In June 2020, OCSO ISD law enforcement personnel transitioned to a new duty firearm, increasing the quantity of firearms requiring disposal to 35 handguns and nine shotguns. OCSO ISD is undertaking the disposal process with the appropriate stakeholders, while conforming with federal property regulations and the existing OCSO Weapons Policy. The disposal of the firearms will be documented in a signed memorandum that will include the serial numbers of the weapons either: 1) excessed using established General Services Administration guidelines to another entity; or 2) destroyed while monitored by a manager and a witness. ECD: March 31, 2021.

Recommendation 13: Enforce established weapons policy and procedures for carrying off-duty firearms by Internal Security Division special agents.

Response: Concur. On March 16, 2020, the Acting ISD Division Director reminded all OCSO law enforcement personnel via email of the current policy requirements codified in the existing OCSO Weapons Policy, dated June 2, 2014. Although subsequent corrective action was delayed due to the COVID-19 pandemic, as evidenced by the March 19, 2020, "OCSO Weapons Policy Qualification Waiver (FY20, Q2)" memorandum from the Deputy Chief Security Officer, all OCSO law enforcement personnel requesting approval to carry firearms while off-duty have since completed the required training.

Additionally, a June 24, 2020, memorandum from the Chief Security Officer, "Law Enforcement Officer Designation," designated the Executive Director for Threat Management Operations as the OCSO Senior Law Enforcement Official. Meanwhile, the July 29, 2020, "2020 Off-Duty Firearms Authorization," memorandum from the Executive Director for Threat Management Operations (as the OCSO Senior Law Enforcement Official) documented approval for specified OCSO law enforcement



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personnel to carry off-duty firearms. Copies of these memoranda were provided to the OIG under a separate cover.

We request that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 14: Strengthen protocols to ensure that, when special agents separate from the agency, ISD can account for the return of all equipment, including sensitive assets.

Response: Concur. OCSO ISD has existing procedures for issuing and collecting sensitive law enforcement assets when onboarding and offboarding employees from ISD, such as a protocol that includes the use of an individually assigned hand receipt property form, requiring a signature by the employee and custodian of the unassigned property (typically a supervisor). This protocol enables the efficient return of all sensitive law enforcement assets on the last day of work.

It is important to note that the example identified in the OIG's draft report was an isolated incident in which a former ISD employee disregarded the established protocol by resigning unexpectedly while on leave. On July 21, 2020, OCSO ISD provided the OIG with examples of the hand receipts used to document the issuance and collection of sensitive assets from ISD employees to demonstrate correct application of the existing procedures.

Further, OCSO ISD will identify and obtain access to an automated system of record approved to store all sensitive assets currently not stored in the Sunflower Asset Management System such as badges, armor, and law enforcement credentials. The enhanced protocols will be formalized in an upcoming revision to the ISD SOP. ECD: March 31, 2021.

Recommendation 15: Recover the badge and credentials assigned to the former special agent.

Response: Concur. OCSO ISD recovered the badges and credential within three weeks of the former employee resigning. OCSO deemed this matter an isolated and unavoidable incident due to the circumstances of the employee resigning unexpectedly while on leave and disregarding the established protocol.

On July 21, 2020, OCSO ISD provided the OIG documentation confirming the badges and credential for the former special agent were recovered and the credential properly destroyed. Additionally, OCSO provided the OIG: 1) a DHS Credential Accountability Form; 2) screenshots from the DHS Identity Management System; and 3) further

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documentation of the return, revocation, and destruction of the credential under a separate cover.

We request that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 16: Establish protocols to ensure all investigative case folders contain required documentation and document all investigative activities.

Response: Concur. On July 29, 2020, OCSO ISD implemented interim guidance, via a memorandum from the ISD Director to the ISD staff, "Investigation Timeliness Standards," requiring investigative activity be completed and documented on the Case Activity Report form every 30 days. A chapter dedicated to case file management and reporting procedures will be included in an upcoming revision to the ISD SOP, and a copy of this memorandum was provided to the OIG under a separate cover. ECD: March 31, 2021.

Recommendation 17: Establish protocols to ensure ISD reports, including reports of investigations, are "... effective; clear; objective; accurate; complete; concise; coherent; and timely..."

Response: Concur. On July 29, 2020, OCSO ISD implemented a Case Closing Checklist via a memorandum from the ISD Director to the ISD staff, "Investigation Timeliness Standards." This Checklist is used to ensure the Branch Chiefs and Division Director conduct and document supervisory reviews of all reports of investigation before the investigations are closed. ISD will formalize this guidance in an upcoming revision to the ISD SOP. Copies of the memorandum and Case Closing Checklist were provided to the OIG under a separate cover. ECD: March 31, 2021.

Recommendation 18: Assess current policies and establish protocols to ensure Branch Chiefs or a designated supervisor conduct and document case file reviews at designated intervals.

Response: Concur. On July 29, 2020, OCSO ISD implemented a formal case file review to be conducted on a quarterly basis via a memorandum from the ISD Director to the ISD staff, "Investigation Timeliness Standards." Consequently, copies of the Quarterly Case Review Worksheets will be maintained in the reviewed case files. Furthermore, a chapter dedicated to case file management and reporting procedures will be included in an upcoming revision to the ISD SOP. Copies of the memorandum and Quarterly Case Review Worksheet were provided to the OIG under a separate cover. ECD: March 31, 2021.



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Recommendation 19: Comply with the DHS Management Directive to refer all relevant cases to DHS OIG and document in their case files such referral in the case file.

Response: Concur. OCSO will continue to comply with DHS Management Directive 0810.1, “The Office of Inspector General,” dated June 10, 2004. For example, on June 8, 2020, OCSO initiated a Threat Management Operations Intake process, which enhances internal controls requiring an OIG complaint number be obtained for all relevant referrals provided to OCSO. The interim intake guidance was provided to Threat Management Operations staff from the Executive Director for Threat Management Operations via a memorandum, “Threat Management Operations Intake Process,” dated June 8, 2020. The interim intake guidance memorandum was provided to current OCSO ISD staff, and new employees receive the information as part of onboarding. A copy of the memorandum was provided to the OIG under a separate cover.

Additionally, J-TIMS was implemented on June 8, 2020, and contains a field to record the OIG case number. Copies of two screenshots of J-TIMS were provided to the OIG under a separate cover.

We request that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 20: Implement a permanent information management system to properly store and track all case related activity.

Response: Concur. On April 24, 2020, the “DHS Privacy Impact Assessment for the Joint-Threat Information Management System (J-TIMS),” (DHS/ALL/PIA-084) was approved, allowing J-TIMS to be implemented as the official permanent case management system for OCSO ISD. On June 8, 2020, OCSO also successfully implemented J-TIMS for all aspects of OCSO ISD investigative activities. The transition to J-TIMS is explained in a memorandum from the then-Acting ISD Director to ISD staff, “Transition Plan of Case Management System,” dated June 5, 2020. Documentation of these efforts, as well as two screenshots of J-TIMS, along with the “J-TIMS ISD User Guide Supervisor,” and “J-TIMS ISD User Guide Case Agent/Investigator,” were provided to the OIG under a separate cover.

We request that the OIG consider this recommendation resolved and closed, as implemented.



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Appendix C
Areas of Inspection

- Case File Review
- Evidence Review
- Firearms/Ammunition
- Operational and Administrative Training Requirements
- Personnel Security
- Technical Equipment
- Fleet Management



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Appendix D
Major Contributors to This Report

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Appendix E
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