

**Assessment of
Law Enforcement Powers Implementation
(Law Enforcement Authority Pursuant to Statute Other than Section 6(e) of the IG Act)**

Review Step	N/A	<u>REVIEW STEP 1</u> Does Policy/ Procedure Exist?		<u>REVIEW STEP 2</u> Practice Consistent with Policy/ Procedure?		Reviewed Agency Policy/Manual Reference	AG Guideline Reference and Page Number	Comments
		Yes	No	Yes	No			

PURPOSE. Appendix B-2 will only be used for those OIGs who derive their law enforcement authority from statutes other than Section 6(e) of the IG Act.

When applicable, various Attorney General Guidelines were used as a frame of reference for the questions below. The purpose of this appendix is to assist in making a determination whether adequate internal safeguards and management procedures exist and are effectively implemented. The review team should read the full text of any external regulation, policy, or guideline noted. The OIG being reviewed will complete sections I, II, and the “Agency Policy/Manual Reference” column throughout the appendix. The appendix will be given to the review team prior to the onsite review. The reviewed agency will select “N/A” when a section is not applicable to the reviewed agency (e.g., does not have a confidential source program). External regulations or policies that pertain to the questions should be noted in the “Comments” column. The review team should complete the Review Step 1 column prior to conducting the onsite to compare the agency policy with the external regulation, policy, or guideline noted. The review team should complete the Review Step 2 column while onsite and after the onsite review is conducted as necessary. Answers to certain questions below may not be readily available or apparent. In these instances, the peer review team should assess whether there is clear, specific and articulable information in the case file to suggest whether the OIG complied with the policy or regulation. The “Comments” field may be used by the reviewed or reviewing agency for miscellaneous notes or explanations (denote who made entry).

I.	IF THE OIG OBTAINS ITS LAW ENFORCEMENT POWERS FROM A SPECIFIC GRANT OF STATUTORY AUTHORITY OTHER THAN THE IG ACT OF 1978, AS AMENDED, CITE THE AUTHORITY(S) BELOW:
II.	IF THE OIG OPERATES UNDER ANY ATTORNEY GENERAL GUIDELINES (INCLUDING VOLUNTARILY), CITE THE GUIDELINE(S) BELOW:

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		Yes	No	Yes	No			
III. GENERAL LAW ENFORCEMENT OPERATIONS								
A. LAW ENFORCEMENT TRAINING AND QUALIFICATIONS								
1. Have all individuals exercising law enforcement powers hired since the last Peer Review (or since the OIG obtained statutory LE authority if not previously peer reviewed) completed the basic Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC) or a comparable course of instruction? (Examples: Certification of training may be through documentation in the individual's file, HR records, training center records, or certificate. The review team may use random sampling for verification of the records.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
2. Does the OIG have an agency policy requiring periodic refresher training to its investigators covering the following areas: Trial process, federal criminal and civil legal updates, interviewing techniques and policy, law of arrest, search, and seizure, physical conditioning/defensive tactics?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
B. FIREARMS TRAINING AND QUALIFICATIONS								

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		Yes	No	Yes	No			
3. Have eligible individuals received initial and quarterly firearms training and requalification with their issued weapon(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
4. Has the OIG adopted a deadly force policy and provided training on the policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
5. Does the OIG have an agency policy for determining the individuals authorized to carry a firearm off-duty?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
6. Does the OIG have an agency policy for reporting all significant and credible allegations of abuse of authority (and disposition of matter) for eligible individuals receiving law enforcement powers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
C. USE OF SPECIALIZED INVESTIGATIVE PROCEDURES AND TECHNIQUES								
7. Did the OIG consult with the appropriate DOJ component, or other agency (such as the CIGIE Undercover Review Committee (URC)), when appropriate or necessary?								
a. Does the OIG have an agency policy requiring consultation with a U.S. Attorney's Office, or other investigative agency (as applicable), relating to Court-Ordered Electronic Surveillance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
b. Does the OIG have an agency policy requiring consultation with a U.S. Attorney's Office, and/or CIGIE URC (as applicable), relating to Undercover Investigative Operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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c. Does the OIG have an agency policy requiring consultation with the FBI and/or DOJ relating to Especially Sensitive Targets?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
d. Does the OIG have an agency policy requiring General Counsel, OIG management, or U.S. Attorney concurrence for Consensual Monitoring requests in routine cases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
D. NOTIFICATIONS AND CONSULTATIONS								
8. Does the OIG have an agency policy that requires consultation with a Federal prosecutor at an early stage of the criminal investigation and periodically?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
9. Does the OIG have a policy regarding press releases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
10. Do supervisors approve the initiation of investigations when required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
11. Is there an approval process for extensions of preliminary investigations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
IV. SPECIFIC LAW ENFORCEMENT OPERATIONS								
A. ADHERENCE TO POLICIES/STANDARDS RELATED TO THE USE OF CONFIDENTIAL INFORMANTS								
12. Does the OIG ensure that the initial and periodic suitability determination assessments were conducted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
13. Does the OIG's policy establish procedures for registration and documentation of the Confidential Informant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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14. Does the OIG's policy establish procedures protecting the true identity of the Confidential Informant from unauthorized release?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
15. Does the OIG's policy establish procedures when approvals and notifications are required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
16. Does the OIG's policy establish procedures for prohibited or illegal activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
17. Does the OIG's policy establish procedures for Informant payments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
18. Does the OIG's policy establish the criteria and procedures for the deactivation of Confidential Informants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

B. ADHERENCE TO POLICIES/STANDARDS RELATED TO UNDERCOVER OPERATIONS								
19. Did the OIG establish a policy to address undercover operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
20. Does the OIG's policy establish the approval process for Undercover Operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
21. Does the OIG's policy establish an application/proposal process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
22. Does the OIG's policy establish procedures regarding the funding of undercover operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
23. Does the OIG's policy require reauthorization of Undercover Operations longer than six months, where applicable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
24. Does the OIG's policy establish authorized and unauthorized activities during Undercover Operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
25. Is coordination maintained with legal counsel throughout the Undercover Operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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26. Does the OIG’s policy establish a reporting criteria for serious legal, ethical, prosecutorial or OIG policy questions and previous unforeseen sensitive circumstances during Undercover Operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
27. Does the OIG’s approval process include a review by an internal panel or external entity (such as the CIGIE Undercover Review Committee) prior to initiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
28. Does the OIG’s policy appropriately distinguish the different approval levels depending on the type of Undercover Operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
29. Does the OIG’s policy address emergency interim authorization procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
30. Does the OIG’s policy address if/when notification must be made to the FBI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			