

**CIGIE INVESTIGATIONS QUALITATIVE ASSESSMENT REVIEW
MEMORANDUM OF UNDERSTANDING
BETWEEN THE INSPECTORS GENERAL FOR (AGENCY NAME)
AND (AGENCY NAME)**

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to ensure a mutual understanding between the reviewing agency, (insert name of reviewing agency) Office of Inspector General (OIG) and the reviewed agency, (insert name of reviewed agency) OIG regarding the fundamental aspects of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Quality Assessment Review of the reviewed agency's investigative organization (also known as a peer review). The parties listed in the MOU entered into this agreement pursuant to the authority of the Inspector General Act of 1978, as amended, and in accordance with CIGIE's Quality Assessment Review Guidelines for Investigative Operations of Federal Offices of Inspector General.

II. Points of Contact

(List contacts for reviewing agency OIG)

(List contacts for the reviewed agency OIG)

III. Staffing of (insert name of agency) OIG Review Team

Review team leader: (name and title).

Review team members:

1. (name and title)

The team members will collectively have sufficient knowledge to perform the CIGIE Peer Review. To the extent feasible, the team includes personnel with prior experience with external peer or internal quality assessment reviews. The review team leader is responsible for the proper supervision of the review team. The review team members meet the independence standards in the *Quality Standards for Federal Offices of Inspector General*, the *CIGIE Quality Standards of Investigations (QSI)*, and the *Quality Assessment Review (QAR) Guidelines for Investigative Operations of Federal Offices of Inspector General*.

IV. Objective

The objective of this CIGIE Peer Review is to determine whether, for the period under review, the reviewed agency has internal control systems that are in place and operating effectively to provide reasonable assurance that the reviewed agency is complying with professional investigative standards (i.e., CIGIE's QSI), as well as other requirements. The reviewing agency must be cognizant of the structure of the

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reviewed agency and how they have adapted QSI and other professional standards to the unique circumstances of the reviewed agency.

V. Review Approach

The CIGIE *Qualitative Assessment Review Guidelines for Investigative Operations of Federal Offices of Inspector General (QAR)* will be used in the conduct of the review. As set forth in the Guide, the approach will be to:

- Gain an understanding of reviewed agency's investigative function(s) and its system of quality control.
- Evaluate whether the reviewed agency's policies and procedures are designed to provide reasonable assurance that they are complying with professional investigative standards, as well as other requirements via the QAR assessments.
- Optionally interview a sample of various levels of the reviewed agency's professional staff to assess their understanding of and compliance with relevant quality control policies and procedures.
- Gain an understanding of the reviewed agency's internal controls, and review internal self-inspection reports.
- Using the knowledge obtained from the preceding steps, select the office(s) and elements of investigative functions to review, and determine the nature and extent of tests to perform.
- Review a sample of individual investigations to assess compliance with professional investigative standards, as well as other requirements.
- Review other documents necessary for assessing compliance with standards; for example, training documentation, and relevant human resources files.
- Maintain open communication with the reviewed agency to ensure an understanding of the issues evaluated and an awareness of potential issues as they arise.

As indicated above, the office(s) selected for review and the nature and extent of testing will depend largely on the pre-onsite review assessment. The reviewing agency will sample the investigations, policies, and procedures at headquarters and field offices, if applicable. The reviewing agency will also sample the functions it believes are necessary to meet the review objectives (e.g. evidence, firearms, grand jury, case management, etc.). During the review, the reviewing agency will exercise professional judgment in all matters relating to planning, performing, and reporting the results of the CIGIE Peer Review.

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VI. Purpose and Scope of the CIGIE Peer Review

The scope of the CIGIE Peer Review will cover [insert the name(s) of the investigative unit(s)].

The reviewing agency will review internal self-inspection reports and related review documentation conducted since the last peer review or within the previous 3 years.

Additionally, the review team may, at its discretion, review closed cases from prior years for further validation if the original sample is either too small or suggests potential deficiencies. However, the review team generally should not examine cases closed more than 2 years prior to the review.

VII. Administration

The reviewed agency shall designate an individual to facilitate administrative support and provide the review team with the appropriate office space, desks, telephone service, and other office equipment; and access to copying facilities. The reviewing agency shall have access to the reviewed agency's personnel, as necessary. The reviewing team shall be provided access to all procedure documents, investigative documentation, policy manuals, and other files of the reviewed OIG's investigative organization deemed necessary to conduct the peer review. The reviewed agency will inform the reviewing agency of any circumstances, such as investigations containing classified information that will require a certain level of security clearance to review. The reviewing agency will provide personnel with the appropriate clearance level to review these investigations, as well as follow the reviewed agency's procedures for handling classified information.

VIII. Review Milestones

The following represents the reviewing agency's estimated timeline for its review (dates below are for illustrative purposes only):

- Request necessary information from the reviewed agency, January 1, 2017.
- Reviewed agency provides information to the reviewing agency, February 1, 2017.
- Entrance conference, March 2, 2017.
- Fieldwork to be completed, March 30, 2017.
- Discussion draft report transmitted to the reviewed agency's AIGI, April 30, 2017.

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- Exit conference and submission of any unofficial comments, April 30, 2017.
- Formal draft report transmitted to the reviewed agency's AIGI, May 15, 2017.
- Formal written response from the reviewed agency's AIGI, May 30, 2017.
- Final report issued to the reviewed agency's Inspector General, June 15, 2017.
- Memorandum from reviewed agency on status of corrective actions, if any, August 1, 2017.

IX. Preliminary Findings and Briefings

There will be timely interim discussions of preliminary findings with the goal of reaching agreement on each potential issue at the earliest point in the review process. An exit meeting may be held for each site reviewed. The primary purpose of these meetings is to verify facts related to the investigations or other documentation.

At the completion of the fieldwork, the reviewing agency will hold an exit briefing. The purpose of this exit briefing is to discuss the preliminary results of the review, the opinion to be expressed, and any areas of noncompliance.

X. Reporting

After the preliminary findings have been discussed and facts verified the reviewing agency's AIGI will issue a discussion draft report to the reviewed agency's AIGI rendering preliminary results and opinion on the system of quality control. The reviewing agency will then arrange and hold an exit conference. The purpose of the exit conference is to discuss the results of the review, the opinion to be expressed, and any areas of noncompliance. The reviewed agency will provide informal comments on the discussion draft at the exit conference. The reviewing agency's AIGI or equivalent will issue a formal draft report to the reviewed agency's AIGI or equivalent. The reviewed agency will provide its written comments within 15 days after the formal draft report is issued. A final written report will be signed by the reviewing agency Inspector General and issued to the reviewed agency Inspector General. The final written report will be prepared in accordance with the CIGIE QAR. The reviewed agency will be responsible for distributing the report in accordance with CIGIE guidance, except that the reviewing agency will be responsible for submitting directly to DOJ any report involving an OIG that receives its law enforcement authority pursuant to the IG Act. The reviewing agency will refer any third party requests for the report to the reviewed agency.

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XI. Disposition and Disclosure of Review Documentation

The reviewing agency will prepare appropriate documentation to support the work performed and the results of the peer review. The reviewed agency shall have access, upon request, to the reviewing agency's documentation during the comment period and after the issuance of the final report. The reviewing agency shall keep this documentation until the next peer review is completed of the reviewed agency. Documentation must be turned over to the reviewed agency (if requested) or destroyed using a secure method (e.g., shredding). If either OIG receives a request (e.g., Freedom of Information Act requests, litigation or discovery demands, or requests from oversight bodies) for documentation that was obtained from the other OIG during the external peer review, the OIG receiving the request shall not release or disseminate such documentation without first consulting with the other OIG. Additional details on the handling of such requests are outlined in Attachment A.

[Attachment A is optional if the reviewing and reviewed agency deem it necessary.]

XII. Semiannual Reports to Congress

The reviewed agency and the reviewing agency will report on this CIGIE Peer Review in their respective semiannual reports to Congress in accordance with the Inspector General Act of 1978, as amended, consistent with the CIGIE *Implementing Guidance for OIG Reporting of Peer Review Results in Semiannual Reports to the Congress*.

XIII. Disclosure Restrictions

[This section is optional for those circumstances where a non-disclosure agreement or similar is required. The non-disclosure document is attached.]

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The undersigned are in agreement with the conditions contained in this MOU.

Date _____

(Name)
Inspector General
(Reviewed Agency Name)

Date _____

(Name)
Inspector General
(Reviewing Agency Name)

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Attachment A

[Attachment A is optional. The language that follows is for illustrative purposes only. The language should be tailored to the needs and requirements of the OIGs involved in the peer review].

Additional Information Related to Disposition and Disclosure of Review Documentation

In the case of requests or legal demands received by the **reviewing OIG** for the CIGIE Peer Review documentation, the reviewing OIG will consider the documentation it received from the reviewed OIG to still be within the reviewed OIG's possession and control, and:

- For requests under the Freedom of Information Act (5 U.S.C. § 552), the reviewing OIG (a) will provide **documentation supplied** by the reviewed OIG to the reviewed OIG for response directly to the requester; and (b) will consult with the reviewed OIG regarding **reviewed-OIG information** contained in documentation **generated** by the reviewing OIG and will obtain the reviewed OIG's disclosure recommendations and legal basis relative to such information, provided however, that the reviewing OIG (or, where applicable, the reviewing OIG's agency) has final say as to the response to the requester. In all cases, the reviewed and reviewing entities will comply with statutory provisions, implementing guidance from the reviewed OIG's agency, and applicable case law in making their disclosures or withholding of peer review documentation.
- For discovery demands under the applicable rules of civil procedure or similar legal process and other legal authorities—to include subpoenas—for some or all of the CIGIE Peer Review documentation, the reviewing OIG will advise the reviewed OIG of the existence of such demands and will advise the litigating parties or adjudicative body that the documentation being sought belongs to the reviewed OIG. The reviewed OIG will have the responsibility to (a) advise the reviewing OIG regarding whether, or under what circumstances, to produce the documentation being sought or (b) intervene or otherwise communicate with the litigating parties or adjudicative body regarding the production of such documentation or the obtaining of protective orders or equivalent, as permitted under applicable law.
- For requests from oversight bodies, such as the Government Accountability Office or reviewing bodies empowered to examine peer reviewing OIGs, the reviewing OIG will advise the reviewed OIG of the existence of such requests

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and will advise the oversight body that the requested documentation belongs to the reviewed OIG. The reviewed OIG will have the responsibility (a) to advise the reviewing OIG regarding whether, or under what circumstances, to provide the requested documentation or (b) communicate with the oversight body regarding the requested documentation.

In the case of requests or legal demands received by the *reviewed* OIG for CIGIE Peer Review documentation, the reviewed OIG will consider the documentation it provided to the reviewing OIG to still be within the reviewed OIG's possession and control. If, as part of its efforts to respond to such requests or legal demands, the reviewed OIG needs access to the documentation that it had provided to the reviewing OIG, the reviewed OIG shall be given access, upon its request, to the documentation and may review and/or copy the documentation (or, if agreed upon by the parties, the reviewing OIG shall make copies of the documentation and provide those copies to the reviewed OIG).