

# Characteristics of Inspector General Investigations



## President's Council on Integrity and Efficiency

### A Report of the Committee on Integrity/Law Enforcement

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## FOREWORD

This report on the The Characteristics of Inspector General Investigations follows a study published last year on the Characteristics of Successful Procurement and Financial Investigations. The first study examined "successful" investigations relating to procurement and financial matters. Success was defined as investigations narratively reported upon by the Inspectors General in their semiannual reports to Congress. That first report described certain key characteristics of the cases such as sources of the cases, the nature of the offenses investigated, the methods of investigation, and the results of the investigations.

This study looks at similar investigative characteristics but expands the survey to a sample of all investigations conducted by 18 Inspectors General and closed during a specified 1-month period. Taking an "across-the-board" sample allows us to more thoroughly examine the relationships among characteristics than could be done with just a "successful" portion of cases.

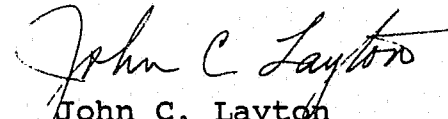
In this study, we collected responses to a 27-page questionnaire on 919 investigative cases. Thus, we have accumulated a large amount of data that can be analyzed and presented in a great many ways. In this report we have attempted to present the data in such a way as to provoke discussion regarding key questions facing managers of investigations and perhaps provide partial answers to some of these questions. For example, some of the results found in this report are:

- o Only 4 percent of the cases in the sample resulted in recommendations for management improvement. Of the cases where there was criminal prosecution, less than 1 percent resulted in recommendations.
- o Only about 3 percent of the cases were predicated on IG hotline sources. Of these cases, only one case resulted in a conviction.
- o Only about 3 percent of the cases were predicated on IG Audit referral.
- o In 35 percent of the cases there was a written investigative plan. The percentage of convictions in cases with and without a written investigative plan was about the same.

This report does not attempt to draw broad conclusions, but rather provides a reference document on some characteristics of IG investigations. For example, the following are questions that can be addressed based on the data presented in this report:

- o How common are investigations initiated with information from an anonymous source, and once such an investigation is started, how often does it lead to successful prosecution?
- o What are the most frequent legal theories underlying cases successfully prosecuted?
- o What are the most common dispositions of cases based upon Federal contracting issues?
- o How often do investigations which utilize methods that require considerable resources, e.g. undercover operations, result in successful prosecutions?

I believe that investigators and managers of investigations will find this report interesting and useful. Your comments and reactions to this study and this report are solicited.

  
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## I. INTRODUCTION

This report presents results of a survey of a 1-month sample of investigations conducted by Offices of Inspectors General. A project of the Committee on Integrity/Law Enforcement of the President's Council on Integrity and Efficiency, the survey includes data from 18 Offices of Inspectors General.

After this introductory section the report is divided into the following two major parts:

Section II, Investigative Case Results, describes the results of the investigations. In this section, topics related to criminal prosecutions, civil remedies and administrative actions are considered in turn.

Section III, Comparative Case Characteristics, reports the data regarding other case characteristics and relates these characteristics to results.

### Methodology

A task group comprised of representatives from the Department of Energy, the Department of Health and Human Services, the Department of Agriculture, the Department of Defense, and the Federal Bureau of Investigation defined the scope of the survey and developed the questionnaire to be used in the survey. As determined by the task group, the survey consisted of all investigative cases closed in February 1988.

To delineate the limits of the survey, the task group developed definitions of an "investigative case" and a "closed case." These definitions are as follows:

- (1) Investigative case: only officially assigned, numbered, jacketed, and documented investigative work on which OIG professional resources were expended to resolve an allegation.
- (2) Closed case: an investigative case for which the investigative case file is no longer open, and for which no further civil or administrative actions are anticipated.

As further determined by the task group, these definitions included "preliminary investigations" which were closed without further action, but excluded investigative work used solely for the administrative purposes of the Inspector General, i.e., background investigations of applicants for employment within the Offices of Inspectors General.

It should be noted that this survey was restricted to the operations directly within the Offices of Inspectors General. The survey does not include data on investigations conducted by other Executive agency investigative units, including the investigative units of the Armed Services.

The 18 Offices of Inspectors General reported on 919 cases closed in February 1988 and included within this survey. For each of these investigations, the reporting Inspector General returned a questionnaire with data on various subjects. The data from the questionnaire was placed in a computer. The results of the task group's analysis of the computerized data is included in this report.

## II. INVESTIGATIVE CASE RESULTS

Three hundred and eight, or about one-third, of the cases in the sample were closed without any referral for action. Thus, two-thirds of the 919 cases in the survey sample were referred to a prosecutor or agency management, or both, for remedial action based on the investigative results. Table 1 summarizes the major results of the cases referred for further action: criminal, civil or administrative.

TABLE 1

### SUMMARY OF CASE RESULTS

<u>Result</u>	<u>Cases</u>		<u>Total Recovery</u>	<u>Other Penalties</u>
	<u>Number</u>	<u>Percent of 919</u>		
Criminal Conviction	225	24%	\$106.5M	127 subjects given prison sentences
Pretrial Diversion	40	4%	2.5M	53 subjects in pretrial diversion settlements
Declined for Criminal Prosecution by DOJ	189	21%	-----	-----
Civil Action	15	2%	6.5M	-----
Admin. Action-- Federal Employee	39	4%	.5M	41 employees terminated or disciplined
Admin. Action-- Contractor	30	3%	2.0M	34 contractors suspended/debarred
Admin. Action-- Program Participant	131	14%	11.4M	192 program participants excluded/suspended debarred
Recommendations for Mgmt. Improvements	40	4%	-----	-----
Administrative Closing Without Referral	308	34%	-----	-----
TOTAL	1017*	110%*		

\* Greater than 919 and 100% because some cases had multiple results.

The remainder of this section discusses the data compiled on criminal prosecutions, civil actions, administrative actions, and administrative closings.

A. Criminal Prosecutions

Fifty-one percent of the sample (473 cases) were referred to prosecutorial authorities for consideration, either criminal only or for civil and criminal. It might be noted that only five cases were referred to such authority for civil action only. Sixty percent of the cases referred to prosecutors were accepted for criminal prosecution. Ninety percent (255 cases) of those cases accepted for prosecution ended with either a pretrial diversion settlement only (30 cases) or a criminal conviction only (215 cases) or both (10 cases). Table 2 presents this data.

TABLE 2

ANALYSIS OF REFERRALS RESULTING IN SUCCESSFUL CRIMINAL PROSECUTIONS

<u>Step</u>		<u>Cases</u>		<u>Percent of Previous Step</u>
		<u>Number</u>	<u>Percent of Total Sample</u>	
1	Total Sample	919	100%	-----
2	Referred for Criminal Prosecution	473	51%	51%
3	Accepted for Criminal Prosecution	283	31%	60%
4	Successful Prosecution	255	28%	90%



### Criminal Penalties

Of the 255 cases with successful criminal prosecutions, 221 resulted in monetary recoveries and 80 cases resulted in prison sentences. The tables below set out the dollar ranges for fines and restitution amounts. Note that of these 221 cases, 56 had both fines and restitutions and, thus, these tables show results for fines in 95 cases and restitutions in 182 cases. As can be seen, nearly 80 percent of the fines were below \$10,000. Restitution was the more common remedy, with nearly twice as many cases requiring restitution as levying fines. Restitution recovery was generally for larger sums than that of fines, with 44 percent of the restitution amounts exceeding \$10,000.

TABLE 3

#### FREQUENCY DISTRIBUTION OF THE DOLLAR AMOUNTS OF FINES

<u>Dollar Range</u>	<u>Cases</u>		<u>Cumulative Percentage</u>
	<u>Number</u>	<u>Percent</u>	
\$0-49	15	16%	16%
\$50-99	21	22%	38%
\$100-999	25	26%	64%
\$1000-9999	14	15%	79%
\$10,000-999,999	18	19%	98%
>\$1,000,000	2	2%	100%
	95	100%	

TABLE 4

#### FREQUENCY DISTRIBUTION OF THE DOLLAR AMOUNTS OF RESTITUTIONS

<u>Dollar Range</u>	<u>Cases</u>		<u>Cumulative Percentage</u>
	<u>Number</u>	<u>Percent</u>	
\$50-99	1	1%	.1%
\$100-999	21	12%	12%
\$000-9999	79	43%	55%
\$10,000-19,999	18	10%	65%
\$20,000-99,999	39	21%	87%
\$100,000-499,999	13	7%	94%
\$500,000-999,999	5	3%	97%
+\$1,000,000	6	3%	100%
	182	100%	

Overall, 127 subjects in 80 cases received prison sentences as a result of criminal prosecutions. Of the subjects, 93 spent actual time in prison. Table 5 compares the lengths of prison sentences awarded in the criminal prosecution with the lengths of incarceration time incurred by criminal subjects.

TABLE 5

PRISON TERMS:  
INCARCERATION TIME FOR 127 SUBJECTS RECEIVING PRISON SENTENCES

Prison Sentence	Total Rec'g Sentence	Actual Incarceration Time					
		0	6mo or less	7mo-1yr	13mo-2yr	25mo-3yr	More than 3yr
6 mo or less	39	9	30				
7 mo - 1 yr	12	5	2	5			
13 mo - 2 yr	24	10	3	3	8		
25 mo - 3 yr	19	7	1	1	1	9	
More than 3 yr	<u>33</u>	<u>8</u>	<u>6</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>16</u>
Total	127	39	42	10	10	10	16

Criminal Declinations

A total of 473 cases were referred to Department of Justice prosecutors, State and local prosecutors or both. Three hundred and eighty, or 80 percent, of those cases referred to prosecutors were referred only to the Department of Justice. Eighty-one cases, or 17 percent, went only to the State and local prosecutors. Thirteen cases, or 3 percent, went both to State and local prosecutors and to the Department of Justice (3%).

Cases referred to State and local prosecutors were accepted for criminal prosecution more frequently than those referred to the Department of Justice. As indicated below in Table 6, 94 percent of the cases referred to the State and local prosecutors were accepted for criminal prosecution as compared to only 52 percent accepted by the Department of Justice.

TABLE 6

PERCENTAGE OF CASES DECLINED BY DOJ AND STATE/LOCAL AUTHORITIES

	<u>Cases</u>		
	<u>Referred</u>	<u>Declined</u>	<u>Accepted</u>
DOJ			
Number	393*	189	205
Percent		48%	52%
State/Local			
Number	94*	5	89
Percent		5%	95%

\* Includes the 13 cases that went to both DOJ and State/Local prosecutors.

As reported in Table 6, the Department of Justice declined prosecution in 48 percent of the cases which were referred to its offices. Table 7 lists the respondent's view of the major reasons for Department of Justice declination:

TABLE 7

REASONS FOR DOJ DECLINATION OF 189 CASES

<u>Reason</u>	<u>Cases</u>	
	<u>Number</u>	<u>Percent</u>
Alternative civil/administrative or State action	75	40%
Minimal Federal interest/ below dollar threshold	32	17%
Weak or insufficient evidence	19	10%
Lack of criminal intent	17	9%
No Federal offense	16	8%
Statute of limitations problem due to amount of time lapsed since offense	6	3%
Other	20	11%
No response	4	2%
Total	189	100%

In 40 percent of these cases, criminal prosecution was declined in favor of another remedy, either civil, administrative or State action.

### B. Civil Actions

In a small number of cases (15 cases), prosecutorial authorities initiated civil judicial action separate from any criminal proceeding. Two-thirds of these cases (10 cases) resulted in monetary recoveries, with a median recovery (i.e., 50 percent of these cases above and 50 percent below) of \$25,000. However, it might be noted that 7 percent of all 919 cases reported that action in a criminal proceeding included a "global" settlement, indicating that civil and administrative remedies were subsumed in the criminal settlement.

### C. Administrative Actions

Table 8 shows that 30 percent (273 cases) of the investigations were referred to agency management for some type of administrative action, including recommendations for management improvement. In 73 percent (200 cases) of the cases with administrative referrals, some type of administrative action was taken directly against the subject of the investigation. Table 8 presents these statistics.

TABLE 8

#### ANALYSIS OF REFERRALS RESULTING IN ADMINISTRATIVE ACTIONS

<u>Step</u>	<u>Cases</u>		<u>Percent of Previous Step</u>
	<u>Number</u>	<u>Percent</u>	
1 Total Sample	919	100%	--
2 Referred for Administrative Action	273	30%	30%
3 Administrative Action Taken	200	22%	73%

Where administrative action was taken, 65 percent of the cases involved program participants, 20 percent Federal employees and 15 percent contractors. Table 9 presents these statistics.

TABLE 9  
TYPES OF SUBJECTS OF ADMINISTRATIVE ACTION

	Number of <u>Cases</u>	Percent of <u>200 Cases</u>	Percent of <u>919 Cases</u>
Federal Employees	39	20%	4%
Contractors	30	15%	3%
Program Participants	<u>131</u>	<u>65%</u>	<u>14%</u>
Total	200	100%	21%

Management Recommendations

Only 4 percent (40 cases as shown in Table 1) of all cases surveyed reported recommendations for management improvements as a result of the investigation. Of the 283 cases accepted for criminal prosecution, as shown in Table 2, only two resulted in a recommendation for management improvement.

Administrative Remedies and Criminal Prosecutions

As can be seen from Table 10, if an administrative action was taken regarding a Federal employee, there was a low likelihood that the matter was also referred or accepted for prosecution. On the contrary, if a contractor was debarred there was a very good chance that there was also a referral for prosecution and a criminal conviction. Interestingly, Table 10 shows that where a program participant suspension/exclusion and recoupment occurred, there is high likelihood that the case was also referred for prosecution and declined.

TABLE 10

ANALYSIS OF THE CRIMINAL PROSECUTION OF CASES THAT  
HAD CERTAIN ADMINISTRATIVE ACTION TAKEN

Step	Type of Administrative Action					
	Federal Employee		Contractor Suspension Debarment or Termination		Program Participant Suspension/Exclusion and Recoupment	
	Cases	Percent	Cases	Percent	Case	Percent
1. Sample	39	100%	22	100%	82	100%
2. Referred for Prosecution	11	29%	18	82%	61	75%
3. Accepted for Prosecution	3	8%	16	73%	4	5%
4. Successful Prosecution	3	8%	15	68%	4	5%

D. Cases Closed Administratively

Thirty-three percent (308 cases) of all cases in the sample were closed administratively without referral of investigative results for any type of action: criminal, civil or administrative. The reason most often given for administrative closing was that the complaint was deficient (45 percent of the administratively closed cases). The other reasons cited for closing the investigation without any referral are as follows:

- o insufficient evidence: 13%
- o de minimus: 11%
- o no recourse: 3%
- o delay in investigation: 3%
- o "other": 25%

### III. COMPARATIVE CASE CHARACTERISTICS

This section will describe other characteristics of investigations and relate them to results. The other case characteristics described are case sources, programs, theories, subjects, methods, joint investigations and investigative staff time. In order to more easily analyze the relationship of these characteristics to the results of cases, we defined five types of results. These types of results are as follows:

- (1) Criminal convictions and/or pretrial diversion settlements: 255 cases. These are the cases which resulted in either a criminal conviction or pretrial diversion settlement, or both. In the tables that follow, these results will be labeled "Convictions."
- (2) Department of Justice declinations: 189 cases. These are the cases which the Department of Justice declined to prosecute criminally. In the tables that follow, these results will be labeled "DOJ Declined."
- (3) Administrative referrals only: 127 cases. These are the cases which were referred for administrative action only, without referral for criminal prosecution. In the tables that follow, these results will be labeled "Admin Ref Only."
- (4) Administratively closed: 308 cases. These are the cases which were closed without referral for any type of action, criminal, civil or administrative. In the tables that follow, these results will be labeled "Closed."
- (5) Other outcomes: 40 cases not included in the four categories defined above. These results includes, for example, cases where criminal prosecution ended with dismissal or acquittals and cases where prosecution was declined by State and local authorities. In the tables that follow these results will be labeled "Other."

Note that the types of results are defined so that each case falls into only one type of result. We believe that this approach simplifies the presentation and does not materially impact the general interpretation of the data. However, this presentation, as would be true in any presentation of the data, does not permit all aspects of the data to be analyzed. For example, if it were desired to analyze administrative referrals, irrespective of any other action taken, this presentation would not be useful. Table 8 shows that there were 273 administrative referrals while the "Admin Ref Only" results category has 127 cases. The difference is basically due to the cases that were both referred to DOJ for criminal prosecution and also referred for administrative action.



### A. Case Source

The sources of investigative data is presented on Tables 11, 12, 13, and 14. Table 11 below presents the number of cases by source and results. The last columns in the table show the total number of cases from each source. For example, 31 cases came from the FBI. The results "box" breaks out this total of 31 into the number of cases that reported the specified result. Thus, 11 of the 31 cases from the FBI resulted in a conviction.

From this table we can see that the most frequent source of cases (338 cases) was information obtained from agency management. Further, the 338 cases developed from agency management can be divided into the following categories: 74 resulted in convictions and/or pretrial diversions, 72 declined for criminal prosecution by the Department of Justice, 62 referred only for administrative action, 109 closed administratively without action, and 21 closed after acquittal or dismissal.

TABLE 11

#### NUMBER OF CASES BY SOURCE AND RESULTS

<u>Case Source</u>	<u>Results (Number of Cases)</u>					<u>Total for Each Source</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Agency Management	74	72	62	109	21	338	37%
Non-Federal	83	19	24	72	3	201	22%
Proactive	28	49	0	16	5	98	11%
Federal Invest. Units/Not FBI	17	10	5	13	3	48	5%
Management-Other Agency	11	8	3	12	0	34	4%
FBI	11	6	1	13	0	31	3%
IG Audits	5	7	3	14	1	30	3%
IG Hotline	1	5	6	17	1	30	3%
Other Case Leads	6	1	10	7	2	26	3%
U.S. Attorney	11	2	0	3	2	18	2%
GAO Hotline	0	2	1	4	0	7	1%
DCAA	0	2	2	2	0	6	1%
Other	8	6	10	26	2	52	6%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

Table 12 differs from Table 11 in that the results "box" contains percentages. These percentages represent the relative "success" of a given source. That is, the 11 convictions for the 31 cases from FBI appear in this table as 35 percent (11 divided by 31). Looking down the first column we can see that 61 percent of the cases from the U.S. Attorney's Office resulted in successful prosecutions. On the other hand, cases from the IG Hotline were successfully prosecuted only 3 percent of the time, and 57 percent of IG Hotline cases were closed without any action.

TABLE 12

FOR THE LISTED CASE SOURCES, THE PERCENTAGE  
OF CASES WITH THE SPECIFIED RESULTS

Case Source	Results(Percent of Total Cases in Each Row)					Total for Each Source	
	Convic- tion	DOJ Declined	Admin Ref Only	Closed	Other	Num.	Percent
Agency Management	22%	21%	18%	32%	7%	338	37%
Non-Federal	41%	9%	12%	36%	2%	201	22%
Proactive	28%	50%	0%	16%	6%	98	11%
Federal Invest.							
Units/Not FBI	35%	21%	10%	27%	7%	48	5%
Management-Other							
Federal Agency	32%	22%	11%	35%	0%	34	4%
FBI	35%	19%	4%	42%	0%	31	3%
IG Audits	17%	23%	10%	47%	3%	30	3%
IG Hotline	3%	17%	20%	57%	3%	30	3%
Other Case Leads	23%	4%	38%	27%	8%	26	3%
U.S. Attorney	61%	11%	0%	17%	11%	18	2%
GAO Hotline	0%	29%	14%	57%	0%	7	1%
DCAA	0%	33%	34%	33%	0%	6	1%
Other	15%	12%	17%	50%	6%	52	6%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

Table 13 is different from Table 12 in that the percentages are computed in a different way. The results "box" of Table 13 shows, for a given result, the percentage of cases that came from each source. That is, of the 255 convictions, 11 cases (4%) came from the FBI (11 divided by 255). It is important to note that in the same table location (Convictions column and FBI row) we show 35 percent in Table 12 and 4 percent in Table 13. These percentages are quite different in magnitude and are also different in how they should be interpreted. The 35 percent in Table 12 is the relative rate of a successful prosecution from a case from the FBI. That is, based on our survey data, if a case came from the FBI, there is a 35 percent chance that the case resulted in a conviction.

The 4 percent in Table 13 is the percentage of convictions that originated with the FBI. The magnitude of this percentage is determined by two factors:

- (1) The rate of successful prosecutions for cases from the FBI shown in Table 12.
- (2) The relative number of cases from the FBI in the total sample. We see from the tables that only 31 of the 919 cases originated with the FBI.

Thus, even though the rate of successful prosecutions (35%) for cases from the FBI is slightly higher than the overall rate of 28 percent, cases from the FBI make up a small fraction of convictions (4%) because only 31 of the 919 cases in the sample (or 3%) came from this source.

TABLE 13

FOR EACH RESULT, THE PERCENTAGE OF CASES  
FROM THE SPECIFIED SOURCES

Results(Percent of Total Cases in Each Column)							
Case Source	Convic- tion	DOJ Declined	Admin Ref Only	Closed	Other	Total for Each Source	
						Num.	Percent
Agency Management	29%	28%	49%	35%	53%	338	37%
Non-Federal	33%	10%	19%	23%	8%	201	22%
Proactive	11%	26%	0	5%	13%	98	11%
Federal Invest.							
Units/Not FBI	7%	5%	4%	4%	8%	48	5%
Management-Other							
Federal Agency	4%	4%	2%	4%	0	34	4%
FBI	4%	3%	1%	4%	0	31	3%
IG Audits	2%	4%	2%	4%	3%	30	3%
IG Hotline	<1%	3%	5%	5%	3%	30	3%
Other Case Leads	2%	1%	8%	6%	5%	26	3%
U.S. Attorney	4%	1%	0	2%	5%	18	2%
GAO Hotline	0	1%	1%	1%	0	7	1%
DCAA	0	1%	2%	1%	0	6	1%
Other	3%	3%	7%	8%	5%	52	6%
Results Totals							
Number	255	189	127	308	308	919	
Percent	28%	21%	14%	33%	4%		100%

Another example of the impact of these two factors can be seen if you examine the data for the "Non-Federal" case source. The largest source of convictions, as seen in Table 13, is Non-Federal sources (33%). This means that 33 percent of all convictions in the sample came from this source. This is true in spite of the fact that Non-Federal sources are neither the most frequent source of cases (agency management is at 37%) nor do they have the highest rate of successful prosecution (U.S. Attorney does at 61%). However, a relatively large number of cases came from this source (201 cases) and the rate of successful prosecution is quite high (41%). Thus, the combination of a high rate of successful prosecution and a large number of cases from this source make it the most frequent source of convictions (33%) as shown in Table 13.

These two types of table formats represented in Tables 12 and 13 will be used throughout this section of the report. Care should be taken to note the differences in these two types of tables and thus avoid misinterpretation of the results.

#### Anonymous/Confidential Case Sources

Table 14 presents statistics on the number of cases originating from anonymous or confidential sources and the results of those cases. As shown below, only 5 percent of the cases with anonymous sources led to criminal convictions, while 58 percent were closed without any action. Similarly, 22 percent of the cases using confidential sources resulted in successful prosecutions, and 46 percent were closed without action.

TABLE 14

#### RESULTS FOR ANONYMOUS OR CONFIDENTIAL SOURCES

<u>Result</u>	<u>Anonymous Source</u>		<u>Confidential Source</u>		<u>All Cases</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Conviction	4	5%	20	22%	255	28%
Closed	40	56%	42	46%	308	34%
Other Results	<u>28</u>	<u>39%</u>	<u>29</u>	<u>32%</u>	<u>356</u>	<u>38%</u>
Total	72	100%	91	100%	919	100%

B. Federal Program

Tables 15, 16, and 17 present data on the Federal program area focused on by the investigation. Table 15 shows the number of cases by Federal program area and results.

TABLE 15

NUMBER OF CASES BY PROGRAM AREA AND RESULT

<u>Program Area</u>	<u>Results (Number of Cases)</u>					<u>Total for Each Area</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Benefit/Entitlement	164	104	41	132	18	459	50%
Loan/Loan Guarantee	39	25	12	15	10	101	11%
Federal Employee (pay, time and attendance, travel)	4	19	33	40	3	99	11%
Contract/Purchasing	11	17	22	42	2	94	10%
Policy/Regulatory Violations	5	9	11	23	0	48	5%
Crimes Against Property	14	7	2	18	2	43	5%
Grants	9	4	3	15	2	33	4%
Personnel Irregularities	0	2	1	2	0	5	1%
Other	9	2	2	21	3	37	4%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100% (rounded)

We can see from Table 15 that 61 percent of all cases (560 cases) involved benefit/entitlement and loan programs. Cases with Federal employee issues (pay, time and attendance, and travel) amounted to 11 percent of the cases.

Table 16 shows the percentage of cases from each program area that had the specified result. From this data, it appears that cases concerning Federal employee issues were most often resolved through administrative action. In contrast, cases in benefit/entitlement or loan program areas, and cases involving crimes against property, most often culminated in criminal prosecutions.

TABLE 16  
FOR EACH PROGRAM AREA, THE PERCENTAGE OF CASES  
WITH EACH RESULT

Program Area	Results(Percent of Total Cases in Each Row)					Total for Each Area	
	Convic- tion	DOJ Declined	Admin Ref Only	Closed	Other	Num.	Percent
Benefit/Entitlement	38%	23%	9%	29%	1%	459	50%
Loan/Loan Guarantee	38%	25%	12%	15%	10%	101	11%
Federal Employee (pay, time and travel)	4%	19%	33%	40%	4%	99	11%
Contract/Purchasing	12%	18%	23%	45%	2%	94	10%
Policy/Regulator	10%	19%	23%	48%	0	48	5%
Violations	33%	16%	5%	42%	4%	43	5%
Crimes Against Property	27%	12%	9%	45%	7%	33	4%
Grant	0	40%	20%	40%	0	5	1%
Personnel	24%	5%	6%	57%	8%	37	4%
Irregularities							
Other							
Results Totals							
Number	255	189	127	308	40%	919	
Percent	28%	21%	14%	33%	4%		100%
							(rounded)

TABLE 17

FOR EACH RESULT, THE PERCENTAGE OF  
CASES IN EACH PROGRAM AREA

Results(Percent of Total Cases in Each Column)

Program Area	Convic- tion	DOJ Declined	Admin Ref Only	Closed	Other	Total for Each Area	
						Num.	Percent
Benefit/Entitlement	65%	55%	32%	43%	45%	459	50%
Loan/Loan Guarantee	15%	13%	9%	5%	25%	101	11%
Federal Employee (pay, time and travel)	2%	10%	26%	13%	8%	99	11%
Contract/Purchasing	4%	9%	17%	14%	5%	94	10%
Policy/Regulatory Violations	2%	5%	9%	6%	0	48	5%
Crimes Against Property	4%	4%	2%	6%	5%	43	5%
Grant	6%	2%	2%	5%	5%	33	4%
Personnel							
Irregularities	0	1%	1%	1%	0	5	1%
Other	2%	1%	2%	7%	7%	37	4%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100% (rounded)

Table 17 shows, for a given result, the percentage of cases that dealt with each program area. Benefit/entitlement and loan program cases represented 80 percent of the convictions. Cases with Federal employee issues represented only 2 percent of the convictions (4 cases as shown in Table 15) in spite of the fact that they amounted to 11 percent of the total sample.

### C. Case Theory

Tables 18, 19, and 20 present data on the principal legal theories underlying the surveyed investigations. As can be seen in the last two columns of Table 18, the bulk of the cases, 596 (186 + 293 + 117) cases or 65 percent of the total sample, involved one of three basic theories: theft, false statement or false claims. As can be seen in Table 19, where the cases resulted in a successful prosecution an even higher percentage of cases, 78 percent (30% + 33% + 15%), had one of these three theories as the basis of the case.

TABLE 18

#### NUMBER OF CASES WITH SPECIFIED CASE THEORY WITH EACH RESULT

<u>Theory</u>	<u>Results (Number of Cases)</u>					<u>Total for Each Theory</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Theft	75	28	19	57	7	186	20%
False Statement	84	92	24	78	15	293	32%
False Claim	38	19	20	32	8	117	13%
Other *	58	50	64	141	10	323	35%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

TABLE 19

#### PERCENTAGE OF CASES WITH SPECIFIED CASE THEORY WITH EACH RESULT

<u>Theory</u>	<u>Results(Percent of Total Cases in Each Column)</u>					<u>Total for Each Theory</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Theft	30%	15%	15%	19%	17%	186	20%
False Statement	33%	49%	19%	26%	38%	293	32%
False Claim	15%	10%	16%	11%	20%	117	13%
Other *	22%	26%	50%	44%	25%	323	35%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

\* "Other" includes 18 other categories of case theories. The next table, Table 20, shows all of the principal theories listed in the questionnaire.



In the next table, Table 20, all the principal case theories are listed in order of decreasing frequency. The table shows, for

TABLE 20

FOR EACH CASE THEORY, THE PERCENTAGE OF CASES  
WITH THE SPECIFIED RESULTS

Theory	Results (Percent of Total Cases in Each Row)					Total for	
	Convic- tion	DOJ Declined	Admin Ref Only	Closed	Other	Each Theory Num.	Percent
False Statement	29%	31%	8%	27%	5%	293	32%
Theft	40%	15%	10%	31%	4%	186	20%
False Claim	32%	16%	17%	27%	8%	117	13%
Misuse of Gov't Property	25%	7%	14%	54%	0	44	5%
Standard of Conduct	0	18%	23%	59%	0	22	2%
Pay/Time/Travel	0	15%	35%	45%	5%	20	2%
Conflict of Interest	0	25%	20%	50%	5%	20	2%
Cost-Labor							
Mischarging	6%	6%	38%	50%	0	18	2%
Bribery	27%	26%	20%	27%	0	15	2%
Kickback	13%	20%	7%	60%	0	15	2%
Procurement							
Irregularities	0	15%	23%	62%	0	13	1%
Product							
Substitution	25%	8%	0	67%	0	12	1%
Waste/ Mismanagement	0	18%	36%	46%	0	11	1%
Personnel							
Irregularities	0	22%	67%	11%	0	9	1%
Health/Safety	12%	25%	38%	25%	0	8	1%
Antitrust	40%	0	20%	0	40%	5	1%
Undelivered							
Product	0	50%	50%	0	0	2	> 0%
Defective							
Pricing	0	100%	0	0	0	1	> 0%
Whistleblower							
Reprisal	0	0	0	100%	0	1	> 0%
Improper Progress							
Payment	0	0	100%	0	0	1	> 0%
Other	29%	15%	11%	34%	11%	106	12%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

each theory, the percentage of the cases with specified results. This is the "success" rate for each theory. Thus, 40 percent of those cases involving theft were successfully prosecuted. On the other hand, none of the cases with either standard of conduct or conflict of interest ended with a criminal conviction.

### Written Investigative Plan

The next two tables, Tables 21, and 22, report on the use of a written investigative plan during the course of an investigative case. Overall, approximately one-third, or 35 percent, of the cases had a written plan of investigation. From the data, the use of the written plan does not appear to be strongly related to the ultimate results in the case. However, as seen in Table 21, the percentage of convictions in cases with a plan (31%) is slightly greater than those cases without a plan (26%).

TABLE 21

#### RESULTS FOR CASES WITH AND WITHOUT A WRITTEN INVESTIGATIVE PLAN

<u>Have Written Plan</u>	<u>Results(Percent of Total Cases in Each Row)</u>					<u>Total for Each Row</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Yes	31%	20%	14%	30%	5%	322	35%
No	26%	21%	13%	35%	5%	597	65%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

TABLE 22

#### FOR EACH SPECIFIED RESULT, THE PERCENTAGE OF CASES HAVING A WRITTEN INVESTIGATIVE PLAN

<u>Have Written Plan</u>	<u>Results(Percent of Total Cases in Each Column)</u>					<u>Total for Each Row</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Yes	39%	34%	37%	32%	40%	322	35%
No	61%	66%	63%	68%	60%	597	65%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

# D. Case Subject

Tables 23, 24, and 25 present data on the type of individual or firm identified as the "principal" subject of the sampled cases. Table 23 shows, for each type of subject, the percentage of cases with the specified result. The table indicates that of the 137 cases with Federal employees as principal subjects, 5 percent ended with a successful prosecution, 31 percent were only referred for administrative remedy, and 43 percent were closed without action. In contrast, 32 percent of cases with benefit recipients resulted in criminal conviction and 7 percent were referred for administrative remedy only.

TABLE 23

FOR EACH TYPE OF PRINCIPAL SUBJECT,  
THE PERCENTAGE OF CASES WITH THE SPECIFIED RESULTS

<u>Subject</u>	<u>Results(Percent of Total Cases in Each Row)</u>					<u>Total for</u>	
	<u>Convic-</u>	<u>DOJ</u>	<u>Admin Ref</u>	<u>Closed</u>	<u>Other</u>	<u>Each Subject</u>	
	<u>tion</u>	<u>Declined</u>	<u>Only</u>			<u>Num.</u>	<u>Percent</u>
Federal							
Employee	5%	19%	31%	43%	2%	137	15%
State/Local							
Gov't Employee	64%	18%	6%	12%	0	17	2%
Contractor/							
Subcontractor	19%	18%	19%	43%	1%	146	16%
Grantee/							
Subgrantee	27%	8%	8%	46%	11%	26	3%
Loan Recipient	41%	21%	11%	16%	11%	61	7%
Benefit							
Recipient	32%	29%	7%	27%	5%	296	32%
Other	36%	13%	11%	35%	5%	236	25%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

Table 24 reports, for each result, the percentage of cases with each type of principal subject. Thus, it can be seen that benefit recipients were not only most frequently the principal subjects of the investigations (32 percent of all cases) but were also most often the subjects of cases which ended with criminal convictions (37 percent of convictions).

TABLE 24

FOR EACH RESULT, THE PERCENTAGE OF CASES  
WITH THE SPECIFIED PRINCIPAL SUBJECT

<u>Results(Percent of Total Cases in Each Column)</u>						<u>Total for Each Subject</u> <u>Num. Percent</u>	
<u>Subject</u>	<u>Convic- tion</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>		
Federal Employee	2%	14%	33%	20%	10%	137	15%
State/Local Gov't Employee	4%	3%	1%	1%	0	17	2%
Contractor/ Subcontractor	10%	14%	22%	21%	5%	146	16%
Grantee/ Subgrantee	3%	1%	2%	4%	3%	26	3%
Loan Recipient	10%	5%	6%	3%	15%	61	7%
Benefit Recipient	37%	34%	17%	26%	38%	296	32%
Other	34%	29%	19%	25%	29%	236	25%
<b>Results Totals</b>							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

Table 25 presents data on the 134 cases in which a Federal employee was the principal subject of the investigation. The table presents the number of these cases by results and salary level. Therefore, from this table it can be seen that 8 of the 134 Federal employee cases led to a successful prosecution, and that, of these 8 cases, 5 included Federal employees from the lowest salary range, GS 1-11.

TABLE 25

FOR CASES WITH A FEDERAL EMPLOYEE AS  
PRINCIPAL SUBJECT, THE NUMBER OF CASES BY  
RESULTS AND SALARY LEVEL

Federal Salary Level	Results (Number of Cases)					Total for Each Level	
	Convic- tion	DOJ Declined	Admin Ref Only	Closed	Other	Num.	Percent
Senior Executive Service	1	5	1	6	0	13	10%
GM 14-15	0	5	10	12	1	28	21%
GS 12-13	2	7	10	12	1	32	24%
GS 1-11	5	6	20	24	3	58	43%
FS 4-9	0	0	2	1	0	3	2%
Results Totals							
Number	8	23	43	55	5	134	
Percent	6%	17%	32%	41%	4%		100%

**E. Investigative Methods**

Table 26 presents data on the use of various investigative techniques in the sampled cases. The last two columns of

TABLE 26

FOR EACH METHOD OF INVESTIGATION, THE PERCENTAGE  
OF CASES WITH THE SPECIFIED RESULT

<u>Methods</u>	<u>Results(Percent of Total Cases in Each Row)</u>					<u>Total for Each Method</u>	
	<u>Convic- tion</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Interview	33%	19%	14%	29%	5%	714	78%
Search of Financial Records	34%	20%	16%	25%	5%	429	47%
Search of Non- Financial Records	31%	25%	13%	27%	4%	668	73%
Grand Jury Subpoenas	60%	27%	4%	6%	3%	77	8%
IG Subpoenas	13%	47%	20%	20%	0	15	2%
Search Warrant	71%	18%	6%	0	5%	17	2%
Undercover Operations	36%	9%	9%	46%	0	64	7%
Confidential Informant	24%	12%	18%	44%	2%	78	8%
Surveillance	32%	14%	15%	36%	3%	99	11%
Consensual Monitoring	27%	11%	9%	43%	10%	56	6%
Computer Analysis	33%	39%	8%	15%	5%	147	16%
Lab Authentication of Documents	44%	14%	14%	28%	0	36	4%
Handwriting Analysis	50%	19%	9%	19%	3%	54	6%
Confidential Funds to Buy Information	28%	6%	11%	50%	5%	18	2%
Polygraph	75%	0	25%	0	0	4	> 0%
Crime Lab Examination	60%	30%	10%	0	0	10	1%
Drug Testing Specifications	25%	0	25%	25%	25%	4	> 0%
Standards Testing	33%	11%	12%	33%	11%	9	1%
Deputization by U.S. Marshall	0	0	50%	0	50%	2	> 0%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		

the table shows the total number of cases in which the listed investigative method was used. As shown, three methods: interviews, search of financial records and search of nonfinancial records were, by far, the most frequently used investigative techniques in the cases surveyed. It should be noted that respondents could indicate more than one method and, thus, the percentages will not add to 100.

The results "box" reports, for each method, the percentage of cases with the specified result. Thus, certain methods appear closely related to successful prosecutions: search warrants, grand jury subpoenas, handwriting analyses, and criminal laboratory examinations. Other methods, in contrast, were used in a relatively high proportion of administratively closed cases: undercover operations, confidential informants, consensual monitoring and confidential funds to buy information.

#### Greatest Contribution to Case

The survey questionnaire asked respondents to summarize what contributed most to the resolution of the case: planned tactics, witness tips or leads, subject's confession or actions, or a combination of factors. Table 27 reports the responses to this question for the following groups of cases: convictions, administrative closings, and all cases. As can be seen from this table, the data is not clear on what contributed most to the cases with administrative closings. The response for 61 percent of the cases in the "Closed" column was "none of the above." However, where the case involved a conviction, subject confession appears to have played a significant role. In 17 percent of the cases with convictions, the respondents attributed the success of

TABLE 27

#### FOR SELECTED RESULTS, THE INVESTIGATIVE FACTORS WHICH MOST CONTRIBUTED TO THE CASE

Factor Contributing Most to Outcome of Case	<u>Conviction</u> (255 cases)	<u>Closed</u> (308 cases)	<u>All Cases</u> (919 cases)
Planned Tactics	18%	17%	19%
Witness Tips/Leads	8%	8%	9%
Subject Confession	17%	2%	7%
Tactics and Witness Tips	18%	9%	14%
Tactics and Subject Confession	32%	3%	16%
None of the Above	<u>7%</u>	<u>61%</u>	<u>35%</u>
Total Percent	100%	100%	100%

the case to a confession. In 32 percent of these cases, respondents attributed success of the case to a combination of tactics and confession.

#### F. Joint Investigations

Tables 28, 29, 30, and 31 set out data on cases investigated jointly by the reporting Office of Inspector General and another investigative unit, Federal or state. Table 28 below shows the overall frequency of joint investigations in the entire sample and in cases successfully prosecuted. As can be seen in Table 28, 27 percent of all cases were investigated jointly by one or more agencies. However, where there was a successful prosecution, 52 percent of the cases involved joint investigations.

TABLE 28

#### THE PERCENTAGE OF ALL CASES AND CASES WITH CONVICTIONS THAT ARE JOINT INVESTIGATIONS

<u>Type</u>	<u>All Cases</u>		<u>Conviction</u>	
	<u>Num.</u>	<u>Percent</u>	<u>Num.</u>	<u>Percent</u>
Joint Investigations	244	27%	132	52%
Not Joint Investigations	<u>675</u>	<u>73%</u>	<u>123</u>	<u>48%</u>
Total	919	100%	255	100%

Table 29 shows the relative rate of successful prosecution for joint investigations. Fifty-four percent of joint investigations resulted in convictions as opposed to 18 percent for cases that were not joint investigations.

TABLE 29

#### THE PERCENTAGE OF CONVICTIONS FOR JOINT INVESTIGATIONS

<u>Type</u>	<u>All Cases</u>	<u>Convictions</u>	<u>Percent</u>
Joint Investigations	244	132	54%
Not Joint Investigations	<u>675</u>	<u>123</u>	18%
Total	919	255	28%



Table 30 presents, for all 244 joint cases and for 132 joint cases with convictions, the percentage of cases worked with each agency. Thus, the FBI was involved in 71 cases or 28 percent of the joint investigations. The 71 case total was obtained by adding the three categories in the table that include FBI (62 + 3 + 6). State and local authorities, on the other hand, participated in 32 percent of all joint investigations.

TABLE 30

THE PERCENTAGE OF JOINTLY INVESTIGATED CASES  
SUCCESSFULLY PROSECUTED BROKEN OUT BY AGENCY PARTICIPANT

Agency Participant	<u>All Joint Cases</u>		<u>Joint Conviction</u>	
	<u>Num.</u>	<u>Percent</u>	<u>Num.</u>	<u>Percent</u>
FBI	62	25%	26	20%
Other IG	11	5%	7	5%
Other Federal Units	61	25%	35	27%
State/Local	77	32%	51	39%
FBI and Other IG	3	1	3	2%
FBI and Other Federal Units	6	2%	3	2%
Other	<u>24</u>	<u>10%</u>	<u>7</u>	<u>5%</u>
Total	244	100%	132	100%

Table 31 presents the relative rate of successful prosecution by participating agencies. This table, once again, emphasizes the importance of arraying this data in both of the two basic table formats used in this section. For example, from Table 30 we see that only 5 percent of convictions (11 divided by 244), a small percentage, are conducted jointly with "Other IG" agencies. However, in Table 31 we see that 64 percent (7 divided by 11) is the rate of successful prosecution for "Other IG" joint investigations.

TABLE 31

FOR EACH AGENCY PARTICIPANT, THE NUMBER AND PERCENTAGE  
OF JOINT INVESTIGATIONS RESULTING IN CONVICTIONS

<u>Agency Participant</u>	<u>All Joint Cases</u>	<u>Joint Convictions</u>	<u>Agency Conviction Percent</u>
FBI	62	26	42%
Other IG	11	7	64%
Other Federal Units	61	35	57%
State/Local	77	51	66%
FBI and Other IG	3	3	100%
FBI and Other Federal Units	6	3	50%
Other	<u>24</u>	<u>7</u>	29%
Total	244	132	54%

OIG Audit Assistance

Tables 32 and 33 report data on the use of audit assistance in investigations. It should be noted that the audit "assistance" referred to in the survey included assistance provided through a separate audit, through direct work on a case, and through information provided to open an investigation.

As can be seen from Table 32, 10 percent of the cases had audit assistance. Also, 22 percent of these 92 cases with audit assistance resulted in convictions.

TABLE 32

FOR CASES WITH AND WITHOUT AUDIT SUPPORT, THE PERCENTAGE  
CASES WITH THE SPECIFIED RESULTS

<u>OIG Audit Support</u>	<u>Results (Percent of Total Cases in Each Row)</u>					<u>Total for Each Row</u>	
	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Num.</u>	<u>Percent</u>
Yes	22%	32%	14%	29%	3%	95	10%
No	29%	19%	14%	34%	4%	824	90%
Results Totals							
Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

Table 33 presents the percentage of cases for each result that did or did not have audit assistance. As can be seen, 9 percent of the cases with convictions had audit assistance.

TABLE 33

FOR EACH SPECIFIED RESULT, THE PERCENTAGE OF CASES WITH OR WITHOUT OIG AUDIT SUPPORT

Results (Percent of Total Cases in Each Column)

<u>OIG Audit Support</u>	<u>Conviction</u>	<u>DOJ Declined</u>	<u>Admin Ref Only</u>	<u>Closed</u>	<u>Other</u>	<u>Total for Each Row</u>	
						<u>Num.</u>	<u>Percent</u>
Yes	9%	16%	10%	10%	8%	95	10%
No	<u>91%</u>	<u>84%</u>	<u>90%</u>	<u>90%</u>	<u>92%</u>	824	90%

Results Totals

Number	255	189	127	308	40	919	
Percent	28%	21%	14%	33%	4%		100%

#### G. Staff Time Expended Per Case

Table 34 presents data obtained on the estimated number of staff days expended on the cases in the survey. As can be seen, the vast majority of cases took less than 51 staff days to complete. Even where cases ended with a criminal conviction, 86 percent involved less than 51 total staff days.

TABLE 34

FREQUENCY DISTRIBUTION OF STAFF TIME EXPENDED PER CASE BY SELECTED RESULTS

<u>Staff Time</u>	<u>All Cases</u>		<u>Conviction</u>		<u>Closed</u>	
	<u>Num.</u>	<u>Cumulative Percent</u>	<u>Num.</u>	<u>Cumulative Percent</u>	<u>Num.</u>	<u>Cumulative Percent</u>
< 6 Days	449	49%	96	38%	188	61%
6-20 Days	289	80%	82	70%	89	90%
21-50 Days	98	91%	39	85%	21	97%
51-100 Days	42	96%	19	93%	3	98%
> 100 Days	<u>41</u>	100%	<u>19</u>	100%	<u>7</u>	100%
Total	919		255		308	