CIA INSPECTOR GENERAL REPORTS

September 1, 2016
Release

BuzzFeed News
Dear Mr. Light:

This letter is in response to the 26 March 2015 Freedom of Information Act (FOIA) request submitted by your client, Jason Leopold, for disclosure of the following reports from the Central Intelligence Agency (CIA) Office of Inspector General:

1. Shortage of Official Funds at an Overseas Base - Issue Date March 2013
2. Allegations of a Stolen CIA Pistol – Issue Date March 2013
3. Misrepresentation of Academic Credentials by a Technical CIA Officer – Issue Date February 2013
4. Waste of Funds for Telecommunications Services – Issue Date February 2013
5. Conversion of Government Property for Personal Gain – Issue Date February 2013
6. Alleged Ethics and Other Conduct Issues Regarding Technical Officer – Issue Date February 2013
7. Alleged Violation of CIA-Unique Post Employment Restrictions – Issue Date February 2013
8. Misuse of Position – Issue Date February 2013
11. Counterfeiting CIA Credentials – Issue Date September 2013
12. Alleged Assault Overseas – Issue Date January 2013
14. Misrepresentation of Academic Credentials and False Statements by a Telecommunications Information Systems Officer – Issue Date January 2013
15. Conflict of Interest – Gifts and Gratuities – Issue Date January 2013
16. Alleged Improprieties by Agency Contractor – Issue Date April 2013
17. Vehicle Accident [redacted] – Issue Date April 2013
18. Request for Victim Support – Issue Date April 2013
19. Misconduct by IT Officer – Issue Date May 2013
20. Alleged Contract Mischarging – Issue Date May 2013
21. Alleged Theft of High-Value Items – Issue Date May 2013
22. Request for Assistance from DS – Issue Date May 2013
23. Contractor Mischarging Reported by SIB – Issue Date May 2013
24. Contractor Soliciting Activity – Issue Date May 2013
25. Alleged Contract Improproprieties – Issue Date May 2013
28. Review of Class Action Settlement – Issue Date June 2013
29. Alleged Improper Certifications by Field Finance Officer – Issue Date June 2013
31. Support Case for Drug Enforcement Administration – Issue Date August 2013
32. Attempted Impersonation of a CIA Officer – Issue Date September 2013
33. Alleged Questionable Circumstances in Adoption – Issue Date September 2013
34. Alleged Domestic Violence Overseas – Issue Date October 2013
35. FreedomPay Thefts – Issue Date October 2013
38. Impersonation of CIA Officer by GSA Employee – Issue Date November 2013
39. Support to Air Force OSI False Claims Investigation – Issue Date December 2013
40. Antitrust Initiative – Issue Date January 2014
41. Alleged Workers Compensation Fraud by former Employee – Issue Dates January and February 2014
42. Alleged Visa Fraud Overseas – Issue Date February 2014
43. Violation of Endangered Species Act – Issue Date March 2014
44. Theft of Government Property – Issue Date March 2014
45. Illegal Gratuities and Procurement Fraud – Issue Date March 2014
46. Theft of Government Property – Issue Date April 2014
47. Alleged Child Pornography – Issue Date April 2014
49. Alleged Employee Misconduct and Illegal Killing of Animal on Federal Property – Issue Date May 2014
50. Possible Violation of USERRA – Issue Date May 2014

We are processing the request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the National Security Act, 50 U.S.C. § 3141, as amended.

We completed a thorough search for records responsive to the request and located fifty two (52) responsive documents. At this time, twenty seven (27) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), (b)(7)(d), and (b)(7)(e). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption “(b)(3)CIAAct” on the enclosed documents, and/or Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption “(b)(3)NatSecAct” on the enclosed documents. Please note that while we believe certain information pertaining to the CIA’s regulatory system is exempted from disclosure by statute, as a matter of discretion, we have chosen to release such information under the circumstances of this case.
An extension has been requested to complete the processing of the remaining documents. A final response will be provided to you on a later date.

Sincerely,

Michael Lavergne
Information and Privacy Coordinator

Enclosures
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL

CENTRAL INTELLIGENCE AGENCY

(U//FOUO) ALLEGED VIOLATION OF CIA-UNIQUE POST EMPLOYMENT RESTRICTIONS

11 February 2013

David B. Buckley
Inspector General

Assistant Inspector General for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

Approved for Release: 2016/08/31 C06299587
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U//FOUO) ALLEGED VIOLATION OF CIA-UNIQUE POST-EMPLOYMENT RESTRICTIONS

11 February 2013

(U) SECTION A – SUBJECT

1. (U) Full Name: (b)(7)(c)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(c)

(b)(3) NatSecAct
(U) SECTION B - PREDICATION

2. (U)(HAUOE) In September (b)(7)(c) Office of General Counsel (OGC) referred to the Office of Inspector General (OIG) allegations that (b)(7)(c) was engaged in activities involving (b)(7)(c) foreign entities in possible violation of post-employment restrictions. In the course of investigating (b)(7)(c) activities and coordinating concurrent investigations (b)(7)(c) OIG developed information that (b)(7)(c) retired CIA officer, also may have violated post-employment restrictions on advising or representing foreign governments.

(U) SECTION C - POTENTIAL VIOLATIONS

(b)(3) CIA Act

(5) Special Rules With Respect to Certain Relationships with Foreign Governments or Political Parties Following Separation from CIA.

(a) (U) Section 402 of the Intelligence Authorization Act for Fiscal Year 1997 requires the Director of the Central Intelligence Agency (D/CIA) to issue regulations requiring designated Agency employees to sign written agreements committing not to represent or advise, for a period of three years after that employee leaves CIA employment, any foreign government or foreign political party. Pursuant to statutory authorities, the D/CIA has delegated to the Associate Deputy Director of the Central Intelligence Agency (ADD/CIA) responsibility for administering the post-employment restrictions required by section 402. The ADD/CIA shall report to the D/CIA all actions taken pursuant to subparagraphs m(5)(e), (k), and (m) below.

(c) (U) Within 30 days after the promulgation of this subparagraph m(5), and by 31 January of each subsequent year, each directorate (including the D/CIA Area) shall identify those positions within that directorate which are occupied by members of the Senior Intelligence Service, whose responsibilities require them to maintain "significant contact" with foreign government officials and it is expected that the contacts will involve regular or recurring interaction.

(j) (U) Where it appears that a former employee may have violated the terms of his or her Post-Employment Agreement, the Inspector General will have jurisdiction to investigate the matter, report his or her findings of fact to the D/CIA, and provide a copy of that report to the ADD/CIA. In such cases, the ADD/CIA shall review the Inspector
General's findings of fact and request the opinions of the former employee's most recent Director or Head of Independent Office and the General Counsel.

(k) (U) After consulting with the respective Director or Head of Independent Office and the General Counsel, if the ADD/CIA concludes that the Post-Employment Agreement has been violated, the ADD/CIA shall impose any or all of the following sanctions upon the former employee: (1) a post-employment letter of reprimand, (2) the foreclosure of any future CIA contractual or other relationships with the former employee, (3) a determination that the Agency seeks as a remedy at law the forfeiture to the U.S. of all money or other consideration received by the former employee that is attributable to his or her violation of the Post-Employment Agreement, and (4) forfeiture of all or any portion of the Federal retirement benefits to which the former employee otherwise would be entitled. For purposes of this subsection, the term "Federal retirement benefits" includes those benefits provided by the Civil Service Retirement System, the Central Intelligence Agency Retirement and Disability System, the Federal Employees' Retirement System, the Federal Employees' Retirement System Special Category, and any successor Federal retirement system the vested benefits of which are attributable to the employee's CIA service (but does not include the former employee's own contributions, earnings on such contribution, or benefits to the extent that they are attributable to the employee's own contributions).

(o) (U) The ADD/CIA shall provide the Director, Office of Security information about any final decisions made pursuant to subparagraphs (e), (j), (k), or (m) above. The Director, Office of Security shall maintain a database containing that information.

(U) Title 18 USC § 207, Restrictions on former officers, employees, and elected officials of the executive and legislative branches, provides in pertinent part:

(f) Restrictions relating to foreign entities,

(1) Any person who is subject to the restrictions in subsections (c), (d), or (e) [applicable to certain former senior employees of the executive branch] and who knowingly, within one year after leaving the position, office, or employment referred to in such subsection-

(A) represents a foreign entity before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the United States, in carrying out his or her official duties.

(C) shall be punished as provided in section 216 of this title.

(b)(7)(c)

(b)(7)(c) 3. (U//FOUO) In____ the year of termination of CIA employment, the foreign entity restrictions in 18 U.S.C. § 207(f) applied to senior employees whose base pay, including
locality pay, exceeded $140,216.50. (See generally 5 CFR § 2641.104, defining "senior employee" for purpose of 18 U.S.C. § 207.) Accordingly, was subject to the § 207(f) restrictions based on salary at the time of retirement, $149,241.37.

4. (U) OIG made a preliminary presentation of the facts concerning to the Department of Justice Public Integrity Section (DOJ/PIS) as a possible violation of 18 U.S.C. § 207(f). DOJ/PIS consulted with the Office of Legal Counsel and the Office of Government Ethics about the matter. On DOJ/PIS declined to open a criminal case against the experienced and informed attorneys from [Office of Legal Counsel] and [Office of Government Ethics] did not have a clear answer to the question posed in this case (nor did we), precludes us from putting together a criminal case on these facts. Therefore, this report focuses only on the alleged violation of the Section 402 post-employment restrictions.

(U) SECTION D - INVESTIGATIVE FINDINGS

(U) BACKGROUND

5. (U) occupied a position subject to the regulatory post-employment agreement required by Congress in Section 402 of the Intelligence Authorization Act of 1997 and incorporated in CIA Act (b)(3) CIA Act C (b)(3) signed a post-employment agreement not to represent or advise the government of any foreign country or any political party of any foreign country, as defined in 18 U.S.C. 207(f)(3) for the three year calendar period immediately following separation.

(U) ETHICS ADVICE PROVIDED

7. (U) The CIA/OIG Ethics Counsel advised of these restrictions in two hand-delivered letters, dated (b)(7)(c) and (Exhibits B, C). In the letter, the OGC ethics counsel informed that the letter superseded previous letter dated (b)(7)(c) and was intended to assist in understanding post-employment restrictions. Both letters advised that there is no "safe-harbor" for "behind-the-scenes" assistance under 18 U.S.C. § 207(f) or Section 402. They further advised that the Section 402 ban on representing or advising "does not require the
rendering of aid or advice with the intent to influence the US Government, but applies absent any US interest or involvement in the matter at issue."

Regarding the Section 402 restriction, the OGC Ethics Counsel wrote on [redacted] (b)(7)(c)

A former employee subject to this restriction would be prohibited from working for a foreign government in any capacity, including as an employee or contractor. Further, regardless of whether the former employee worked directly for the foreign government, he would be barred from "representing" a foreign government on any matter. The former employee could, however, work for a consultant that advises a foreign government, and even interact directly with the foreign government so long as the subject of the consultation was not related to any matter within the scope of his government employment. The former employee also could sell goods for his new employer directly to a foreign government, and provide advice on how to use a product, so long as the advice was not related to any matter within the scope of his government employment.

The February letter continued:

As you discussed with [CIA Senior Deputy Counsel] John Rizzo during our [redacted] meeting, a "matter" means any particular matter with specific parties, such as a contract. Therefore, you will not be considered to be in violation of this restriction if you are rendering advice to a foreign government in connection with a sale of goods and services and that advice does not intersect with any matter, including any contract, with which you were involved as a government employee.
10. (U) Concerning interaction with the OGC Ethics Counsel advised that, so long as completely avoids any discussion of matters involving the United States, would not violate 18 U.S.C. § 207(f). However, if aided or adviser even behind-the-scenes, on a matter involving CIA or the rest of the United States Government, would be in violation of 18 U.S.C. § 207(f). As to Section 402, the OGC Ethics Counsel advised that interaction with in the course of selling goods and services would not violate Section 402 unless there is some intersection with a particular matter on which worked while a CIA employee.

(U) (b)(7)(c) POST-EMPLOYMENT ACTIVITIES INVOLVING FOREIGN ENTITIES

(U) Overview

11. (U) The OIG investigation found that frequently interacted with representatives of foreign governments in a business-development role - including - in the months following CIA retirement.
16. (U) said that made an effort to understand the applicable rules and regulations, and to the best of knowledge, was in compliance with all of post-employment restrictions. added that never had any intention of violating or circumventing the restrictions.
(b)(7)(c)
(b)(7)(d)
(U) SECTION 5 – RECOMMENDATION
(b)(3) CIAAct

28. (U//SSO) Pursuant to (b)(3) CIAAct the ADD (now titled Executive Director) should review the findings in this Report of Investigation and seek the opinions of the Director, National Clandestine Service (D/NCS), and the General Counsel to determine whether violated the terms of post-employment agreement. If the Executive Director, in consultation with the D/NCS and the General Counsel, concludes that violated post-employment agreement, the Executive Director should determine the appropriate sanctions against consistent with (b)(3) CIAAct and report the results to the Acting Director, CIA.

(b)(3) CIAAct
(U) SECTION 6 – EXHIBITS

A. Post-Employment Agreement dated (b)(7)(c)

B. Letter dated (b)(7)(c) from CIA OGC to regarding post-employment restrictions (b)(7)(c)

C. Letter dated (b)(7)(c) from CIA OGC to regarding post-employment restrictions (b)(7)(c)

D. Email exchange between OGC attorneys regarding oral information provided to (b)(7)(c)
POST-EMPLOYMENT AGREEMENT

An Agreement Between (b)(7)(c) and the United States.

1. Intending to be legally bound, and in consideration of my continued service in the position that I now occupy ("my position") for the Central Intelligence Agency ("CIA"), I accept the obligations contained in this Agreement. I understand and accept that service in my position imposes upon me certain obligations, including the obligation not to permit an actual or potential conflict of interest or the appearance of any actual or potential conflict of interest to arise between the responsibilities of my position and my relationships with certain foreign entities following my separation from CIA.

2. I understand and agree that for the three-year calendar period immediately following my separation from CIA employment I will not represent or advise the government or any political party of any foreign country, as defined in 18 U.S.C. § 207(f)(3). I further understand that I will not be subject to this restriction on my post-employment activities if I occupy a position that has not been designated as being subject to these post-employment restrictions for a period of three years or more prior to my separation from CIA employment.

3. I understand and agree that should I violate this Agreement, CIA may impose upon me any or all of the following sanctions: (i) a post-employment letter of reprimand, (ii) the foreclosure of any future CIA contractual or other relationships with me, (iii) a determination that the Agency seeks as a remedy at law the forfeiture to the United States of all money or other consideration received by me that is attributable to my violation of the Post-Employment Agreement, and (iv) forfeiture of all or any portion of the Federal retirement benefits to which I would otherwise be entitled. For purposes of this subsection, the term "Federal retirement benefits" includes those benefits provided by the Civil Service Retirement System, the Central Intelligence Agency Retirement and Disability System, the Federal Employees' Retirement System, the Federal Employees'
Retirement System Special Category, social security benefits based on federal employment, and any successor Federal retirement system the vested benefits of which are attributable to the employee's CIA service (but does not include the former employee's own contributions, earnings on such contributions, or benefits to the extent that they are attributable to the employee's own contributions).

4. I understand and agree that I may obtain a waiver of enforcement of this Agreement in a specific instance or a release from this Agreement, only by written request and in accordance with the regulations and procedures set forth by CIA. Such a waiver or release shall be effective only if it is in writing, signed by the Executive Director. I further understand and agree that there is no obligation upon CIA to grant my request for such a waiver or release, that any such waiver or release if granted must be in writing, and that, unless and until such time as a waiver or release is granted or if no such waiver or release is granted, I remain subject to all of the terms of this Agreement.

5. I understand that U.S. Government may apply for a court order enjoining me from engaging in any activities, actual or reasonably anticipated, in violation of this Agreement. I have been advised that such an action may be brought against me in any of the several United States District Courts where the United States Government may elect to file the action and that court costs and reasonable attorney's fees incurred by the United States Government may be assessed against me if I lose such an action.

6. I understand that each provision of this Agreement is severable, and that if a court should find any provision of this Agreement to be unenforceable, all the other provisions of this Agreement shall remain in full force and effect. This Agreement relates solely to certain of my specific responsibilities and does not set forth any of the other conditions or obligations that may now or hereafter pertain to my employment by or assignment or relationship with CIA.
You intend to terminate your employment with the Central Intelligence Agency (Agency) and have requested written guidance concerning the post-employment restrictions applicable to you. As you are aware, a former federal government employee has restrictions placed upon his post-employment activities by both statute and regulation, and violations of these restrictions may result in criminal and civil penalties. This letter is intended to assist you in understanding the restrictions. If questions arise as to the applicability of the restrictions to a particular set of circumstances, please do not hesitate to contact me for a specific opinion based upon those facts.

You have completed the Post-Government Employment Ethics Questionnaire dated ____________________ and provided additional information to me during our meeting on ____________________. I have used the information provided by you as the basis for the conclusions in this letter. The advice provided below is based on the assumption the following facts are true:

- You will terminate employment with the Agency on _______, which is a Senior Intelligence Service officer.

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You will not receive a cash incentive to separate from the Agency. Accordingly, you will not be subject to the restrictions imposed by the CIA Voluntary Separation Pay Act.

You will be subject to the post-employment restriction contained in 402 of the 1997 Intelligence Authorization Act.

You did have personal and substantial involvement in government contracts during your government career.

You were not involved in any Agency procurement in excess of $10 million during your last year of government service. Therefore, on the basis of your representations, I have concluded that you are not subject to the one-year compensation ban imposed by the Procurement Integrity Act.

You did not engage in trade and treaty negotiations as an Agency employee, and, accordingly, will not be subject to the restrictions of 18 U.S.C. 207(b).

If my understanding of your employment history is incorrect and one of the above statements is not true, the advice provided in this letter may not be accurate and cannot be relied upon. Should my understanding of the facts be in error, please contact me for additional advice based upon corrected information.

You are subject to the post-employment restrictions summarized below. A detailed discussion of each of these restrictions follows.

Summary of Post-Employment Restrictions

1. You are barred permanently from representing anyone (other than the US Government) before any official or agency of the US Government concerning those particular matters in which you were personally and substantially involved as a federal employee.
2. You are barred for two years from representing anyone (other than the US Government) before any official or agency of the US Government concerning any particular matters that were actually pending under your official responsibility during your last year of government service.

3. You are barred for one year after separation from making any communication or appearance before the Central Intelligence Agency seeking official action on behalf of a third party.

4. You are barred for one year after separation from the Agency from representing, aiding or advising a foreign entity with the intent to influence the United States.

5. You are barred from representing or advising a foreign government or foreign political party for three years after separating from the Agency.

Detailed Discussion of Post-Employment Restrictions

Permanent Representation Ban. A federal employee is permanently barred from representing anyone (other than the US Government) before any official or agency of the US Government concerning any particular matter involving a specific party or parties in which the employee was personally and substantially involved as a federal employee. 18 U.S.C. 207(a)(1). This criminal statute is called the “switching sides” or “revolving door” statute.

The most common example of a “particular matter” under the statute would be a contract or a proposal for a contract. A “particular matter” also would include a renewal, extension, or modification of a contract. The prohibition further requires that “a specific party or parties” be involved at the time of employee’s involvement. General rulemaking usually does not involve a specific party or parties; contracts always involve specific parties.

To participate “personally” generally means to participate directly, although an employee can participate “personally” even though he merely directs a subordinate’s participation. To
participate "substantially" means that the employee's involvement must have been of significance to the matter, or form a basis for a reasonable appearance of significance. "Personal and substantial" involvement with a contract would include action through decision, approval, disapproval, recommendation, investigation, or the rendering of advice in a particular matter. Further, personal and substantial involvement includes both formal roles in the administration of a contract, such as a COTR or approving contracts, as well as more informal roles, such as supervising a contractor employee or giving award fee input.

All communications and appearances made on behalf of a third party with the intent to influence the federal government are prohibited by the representational ban. The ban, however, does not prohibit limited "behind-the-scenes" involvement on the part of the former government employee in connection with the representation of a third party. Additionally, the ban does not prohibit a former employee from representing him or herself (as distinguished from a corporation or consulting firm) before the federal government, as, for instance, an independent contractor.

To the extent that you were personally and substantially involved in a particular matter, including a contract, you will be permanently banned from representing a third party on that contract.

Two-year Representation Ban. For two years after his government employment ends, a former employee may not represent anyone (other than the US Government) before any official or agency of the US Government concerning any particular matter that the former employee knows or reasonably should know was pending under his official responsibility during the last year of his government employment. 18 U.S.C. 207(a)(2). This ban is identical to the permanent representational restriction except that it is of shorter duration and requires only that the former employee have had official responsibility for a matter during his last year of government service, not that he participated personally and substantially in that matter.

A matter was "actually pending" under a former employee's official responsibility if the matter was in fact referred to or
under consideration by persons within the employee's area of responsibility. This restriction does not apply unless at the time of the proposed representation of another he knows or reasonably should know that the matter had been under his responsibility during the last year of Agency service.

As with the permanent ban, the restriction applies to communications and appearances on behalf of a third party that are made "with the intent to influence" the federal government, but does not prohibit "behind-the-scenes" activities. Unlike the permanent ban, however, an employee's recusal or lack of participation in a matter does not remove it from his official responsibility.

To the extent that you were not personally and substantially involved in a particular matter, but that matter fell under your official responsibility during your last year of government service, you will be subject to this two-year ban on that matter.

One Year Cooling-Off Period. 18 U.S.C. § 207(c) imposes additional restrictions on senior intelligence officers earning over $136,757 in base pay (which after 11 July 2004 includes locality pay), and, as your base pay will exceed the threshold when you separate, you will be subject to this one-year restriction following your separation from the Agency. Former senior employees subject to Section 207(c) are prohibited for one year after separation from making any communication or appearance on behalf of a third party before the Central Intelligence Agency or any federal agency in which the former employee served in any capacity during his last year of government service seeking official action. Like the permanent and two-year restrictions discussed above, this provision does not prohibit "behind the scenes" assistance to a third party. The restriction, however, does not require the former senior employee to have ever been officially involved in the matter that is the subject of the communication or appearance. Unlike the permanent and two-year restrictions, the prohibition applies only to the federal agency or agencies in which the former employee served in any capacity during his last year of government service. In your case, you will be barred from representing any third party before the Central Intelligence Agency.
An opinion issued by the Office of Legal Counsel, US Department of Justice (OLC), determined the conduct of a former senior employee would fall outside of permissible "behind-the-scenes" assistance if the former official intended that information or views conveyed to his former agency by a third party be attributed to him. The OLC opinion lists several examples of the type of indirect communication that may be considered "representing," including when a high-ranking official aggressively publicizes the fact that he is starting a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm.

The Meaning of "Representation": The meaning of the term "representing" in the context of the three representational bans discussed above is very broad. "Representing" includes all communications and appearances made on behalf of a third party with the intent to influence the federal government. It is not limited to lobbying or representing a third party on contract negotiations, for example. Representation need not be on behalf of the original contractor and can include virtually any interaction with other federal employees on behalf of a private employer or individual. If, for instance, as a representative of your new employer, you attend a meeting with any part of the United States Government during which a particular matter in which you were personally and substantially involved is discussed and you offer your opinion on the matter, you would be considered to be "representing" your employer. This would be a violation of the criminal statute.

None of these representational bans prohibit "behind-the-scenes" involvement in a particular matter. This safe harbor allows you to use your expertise and knowledge, but not your influence. As noted above, however, conduct falls outside the scope of permissible "behind-the-scenes" involvement if, for instance, a former government official intends that information conveyed to the federal government by a third party be attributed to him. In other words, you cannot shield yourself from criminal liability by interacting with government officials through a third party, including through a business associate, if you intend that the information be attributed to you.
Foreign Entity Restrictions. 18 U.S.C. § 207(f) restricts former senior employees whose base pay (which after 11 July 2004 includes locality pay) is over $136,757 for one year after separation from the Agency from representing, aiding or advising a foreign entity with the intent to influence the United States. A foreign entity is defined as a foreign government or foreign political party. A foreign government includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or any part of such country. It also includes any subdivision of a group and any group or agency to which sovereign de facto or de jure authority or functions are directly or indirectly delegated. The term also includes any faction or body of insurgents within a country assuming to exercise governmental authority, whether such faction or body of insurgents has or has not been recognized by the United States. A foreign commercial corporation will not generally be considered a foreign entity for purposes of 18 U.S.C. § 207(f) unless it exercises the functions of a sovereign. There is no safe harbor for "behind-the-scenes" assistance under 18 U.S.C. 207(f).

Section 402 Three-Year Post-Employment Agreement. Your former position is a designated position subject to the three-year post-employment agreement required by Congress in Section 402 of the Intelligence Authorization Act of 1997. 50 U.S.C. § 403-4 nt. Pursuant to this Act, you have signed an agreement with the Agency that prohibits you from representing or advising a foreign government or foreign political party for three years after leaving employment at the Agency. (Because you held this designated position within three years of leaving government service, you will be subject to this restriction upon your departure, even though you no longer hold this position.) This ban does not require the rendering of aid or advice with the intent of influencing the U.S. Government, but applies absent any U.S. interest or involvement in the matter at issue. There is no safe harbor for "behind-the-scenes" assistance under Section 402.

You have asked for detailed advice on this prohibition, specifically whether it applies when a covered former employee is selling goods or services to, but not working directly for, a
foreign government. A former employee subject to this restriction would be prohibited from working for a foreign government in any capacity, including as an employee or a contractor. Further, regardless of whether the former employee worked directly for the foreign government, he would be barred from "representing" a foreign government on any matter. (The broad meaning of "representation" discussed above would apply.) The former employee could, however, work for a consultant that advises a foreign government, and even interact directly with the foreign government, so long as the subject of the consultation was not related to any matter within the scope of his government employment. The former employee also could sell goods for his new employer directly to a foreign government, and provide advice on how to use a product, so long as the advice was not related to any matter within the scope of his government employment.

Foreign Agents Registration Act of 1938

Although you currently do not anticipate working for foreign governments, political parties or companies, you should familiarize yourself with the requirements of the Foreign Agents Registration Act of 1938 (FARA), 22 U.S.C. 601 et seq., if you wish to explore this possibility in the future. FARA requires a person to register as an "agent of a foreign principal" when he or she acts at the order, request or under the direct control of a foreign principal and engages in certain types of activities. Foreign principals include foreign governments, and partnerships, associations, corporations, organizations, or other combinations of persons organized under the law or having their principal place of business in a foreign country.

FARA has a very broad scope and you should ensure that you comply with its registration requirements unless your activities are exempt from the Act. The Office of General Counsel does not make determinations concerning the applicability of the Act. Inquiries regarding FARA should be addressed to: Foreign Agents Registration Unit, U.S. Department of Justice, 1400 New York Avenue, N.W., Room 9300, Washington, D.C. 20530. The Unit’s telephone number is 202-514-1216; the fax number is 202-514-2836.
I hope that you will find the guidance contained in this letter helpful as you begin your new career. Please remember that this letter only summarizes the relevant statutory provisions. The provisions must be applied to specific facts on a case-by-case basis to determine if particular circumstances fall within the scope of the restrictions. Please contact me if you have any additional questions or concerns. I can be reached at

Sincerely,

[Signature]

Ethics Counsel
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20065

Office of General Counsel

VIA HAND DELIVERY

Dear [Name]

You intend to terminate your employment with the Central Intelligence Agency (Agency) and have requested written guidance concerning the post-employment restrictions applicable to you. As you are aware, a former federal government employee has restrictions placed upon his post-employment activities by both statute and regulation, and violations of these restrictions may result in criminal and civil penalties. This letter supersedes my previous letter of [Date] and is intended to assist you in understanding the restrictions. If questions arise as to the applicability of the restrictions to a particular set of circumstances, please do not hesitate to contact me for a specific opinion based upon those facts.

You have completed the Post-Government Employment Ethics Questionnaire dated [Date] and provided additional information to me during our meeting on [Date] and my meeting with John Rizzo, Acting General Counsel, on [Date]. I have used the information provided by you as the basis for the conclusions in this letter. The advice provided below is based on the assumption the following facts are true:

- You will terminate employment with the Agency on [Date], your hire date, as a Senior Intelligence Service Officer.

You originally separated from the Agency on [Date], your hire date.

(b)(7)(c)

Approved for Release: 2016/08/31 C06299587
You will not receive a cash incentive to separate from the Agency. Accordingly, you will not be subject to the restrictions imposed by the CIA Voluntary Separation Pay Act.

You will be subject to the post-employment restriction contained in 402 of the 1997 Intelligence Authorization Act. That three-year restriction began to run on [ ] the date of your first separation from the Agency.

You did have personal and substantial involvement in government contracts during your government career.

You were not involved in any Agency procurement in excess of $10 million during your last year of government service. Therefore, on the basis of your representations, I have concluded that you are not subject to the one-year compensation ban imposed by the Procurement Integrity Act.

You did not engage in trade and treaty negotiations as an Agency employee, and, accordingly, will not be subject to the restrictions of 18 U.S.C. 207(b).

If my understanding of your employment history is incorrect and one of the above statements is not true, the advice provided in this letter may not be accurate and cannot be relied upon. Should my understanding of the facts be in error, please contact me for additional advice based upon corrected information.

You are subject to the post-employment restrictions summarized below. A detailed discussion of each of these restrictions follows.
Summary of Post-Employment Restrictions

1. You are barred permanently from representing anyone (other than the US Government) before any official or agency of the US Government concerning those particular matters in which you were personally and substantially involved as a federal employee.

2. You are barred for two years from representing anyone (other than the US Government) before any official or agency of the US Government concerning any particular matters that were actually pending under your official responsibility during your last year of government service.

3. You are barred for one year after separation from making any communication or appearance before the Central Intelligence Agency seeking official action on behalf of a third party.

4. You are barred for one year after separation from the Agency from representing, aiding or advising a foreign entity with the intent to influence the United States.

5. You are barred from representing or advising a foreign government or foreign political party for three years after your first separation from the Agency.

Detailed Discussion of Post-Employment Restrictions

Permanent Representation Ban. A federal employee is permanently barred from representing anyone (other than the US Government) before any official or agency of the US Government concerning any particular matter involving a specific party or parties in which the employee was personally and substantially involved as a federal employee. 18 U.S.C. 207(a)(1). This criminal statute is called the "switching sides" or "revolving door" statute.

The most common example of a "particular matter" under the statute would be a contract or a proposal for a contract. A "particular matter" also would include a renewal, extension, or modification of a contract. The prohibition further requires
that "a specific party or parties" be involved at the time of employee's involvement. General rulemaking usually does not involve a specific party or parties; contracts always involve specific parties.

To participate "personally" generally means to participate directly, although an employee can participate "personally" even though he merely directs a subordinate's participation. To participate "substantially" means that the employee's involvement must have been of significance to the matter, or form a basis for a reasonable appearance of significance. "Personal and substantial" involvement with a contract would include action through decision, approval, disapproval, recommendation, investigation, or the rendering of advice in a particular matter. Further, personal and substantial involvement includes both formal roles in the administration of a contract, such as a COTR or approving contracts, as well as more informal roles, such as supervising a contractor employee or giving award fee input.

All communications and appearances made on behalf of a third party with the intent to influence the federal government are prohibited by the representational ban. The ban, however, does not prohibit limited "behind-the-scenes" involvement on the part of the former government employee in connection with the representation of a third party. Additionally, the ban does not prohibit a former employee from representing him or herself (as distinguished from a corporation or consulting firm) before the federal government, as, for instance, an independent contractor.

To the extent that you were personally and substantially involved in a particular matter, including a contract, you will be permanently banned from representing a third party on that contract.

Two-year Representation Ban. For two years after his government employment ends, a former employee may not represent anyone (other than the US Government) before any official or agency of the US Government concerning any particular matter that the former employee knows or reasonably should know was pending under his official responsibility during the last year of his government employment. 18 U.S.C. 207(a)(2). This ban is identical to the permanent representational restriction
except that it is of shorter duration and requires only that the
former employee have had official responsibility for a matter
during his last year of government service, not that he
participated personally and substantially in that matter.

A matter was “actually pending” under a former employee’s
official responsibility if the matter was in fact referred to or
under consideration by persons within the employee’s area of
responsibility. This restriction does not apply unless at the
time of the proposed representation of another he knows or
reasonably should know that the matter had been under his
responsibility during the last year of Agency service.

As with the permanent ban, the restriction applies to
communications and appearances on behalf of a third party that
are made “with the intent to influence” the federal government,
but does not prohibit “behind-the-scenes” activities. Unlike
the permanent ban, however, an employee’s recusal or lack of
participation in a matter does not remove it from his official
responsibility.

To the extent that you were not personally and
substantially involved in a particular matter, but that matter
fell under your official responsibility during your last year of
government service, you will be subject to this two-year ban on
that matter.

One Year Cooling-Off Period. 18 U.S.C. § 207(c) imposes
additional restrictions on senior intelligence officers earning
over $140,216.50 in base pay (which after 11 July 2004 includes
locality pay), and, as your base pay will exceed the threshold
when you separate, you will be subject to this one-year
restriction following your separation from the Agency. Former
senior employees subject to Section 207(c) are prohibited for
one year after separation from making any communication or
appearance on behalf of a third party before the Central
Intelligence Agency or any federal agency in which the former
employee served in any capacity during his last year of
government service seeking official action. Like the permanent
and two-year restrictions discussed above, this provision does
not prohibit “behind the scenes” assistance to a third party.
The restriction, however, does not require the former senior
employee to have ever been officially involved in the matter
that is the subject of the communication or appearance.
Unlike the permanent and two-year restrictions, the prohibition applies only to the federal agency or agencies in which the former employee served in any capacity during his last year of government service. In your case, you will be barred from representing any third party before the Central Intelligence Agency.

An opinion issued by the Office of Legal Counsel, US Department of Justice (OLC), determined the conduct of a former senior employee would fall outside of permissible "behind-the-scenes" assistance if the former official intended that information or views conveyed to his former agency by a third party be attributed to him. The OLC opinion lists several examples of the type of indirect communication that may be considered "representing," including when a high-ranking official aggressively publicizes the fact that he is starting a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm.

The Meaning of "Representation." The meaning of the term "representing" in the context of the three representational bans discussed above is very broad. "Representing" includes all communications and appearances made on behalf of a third party with the intent to influence the federal government. It is not limited to lobbying or representing a third party on contract negotiations, for example. Representation need not be on behalf of the original contractor and can include virtually any interaction with other federal employees on behalf of a private employer or individual. If, for instance, as a representative of your new employer, you attend a meeting with any part of the United States Government during which a particular matter in which you were personally and substantially involved is discussed and you offer your opinion on the matter, you would be considered to be "representing" your employer. This would be a violation of the criminal statute.

None of these representational bans prohibit "behind-the-scenes" involvement in a particular matter. This safe harbor allows you to use your expertise and knowledge, but not your influence. As noted above, however, conduct falls outside the scope of permissible "behind-the-scenes" involvement if, for instance, a former government official intends that information conveyed to the federal government by a third party be attributed to him. In other words, you cannot shield yourself
from criminal liability by interacting with government officials through a third party, including through a business associate, if you intend that the information be attributed to you.

**Foreign Entity Restrictions.** 18 U.S.C. § 207(f) restricts former senior employees whose base pay (which after 11 July 2004 includes locality pay) is over $140,216.50 for one year after separation from the Agency from representing, aiding or advising a foreign entity with the intent to influence the United States. A foreign entity is defined as a foreign government or foreign political party. A foreign government includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or any part of such country. It also includes any subdivision of a group and any group or agency to which sovereign de facto or de jure authority or functions are directly or indirectly delegated. The term also includes any faction or body of insurgents within a country assuming to exercise governmental authority, whether such faction or body of insurgents has or has not been recognized by the United States. A foreign commercial corporation will not generally be considered a foreign entity for purposes of 18 U.S.C. § 207(f) unless it exercises the functions of a sovereign. There is no safe harbor for "behind-the-scenes" assistance under 18 U.S.C. 207(f).

**Section 402 Three-Year Post-Employment Agreement.** Your former position, as designated position subject to the three-year post-employment agreement required by Congress in Section 402 of the Intelligence Authorization Act of 1997. 50 U.S.C. § 403-4 nt. Pursuant to this Act, you have signed an agreement with the Agency that prohibits you from representing or advising a foreign government or foreign political party for three years after leaving employment at the Agency. (Because you held this designated position within three years of your departure date in 2002, this restriction applies.) This ban does not require the rendering of aid or advice with the intent of influencing the U.S. Government, but applies absent any U.S. interest or involvement in the matter at issue. There is no safe harbor for "behind-the-scenes" assistance under Section 402. As mentioned earlier in this letter, this restriction will run from three
You have asked for detailed advice on this prohibition, specifically whether it applies when a covered former employee is selling goods or services to, but not working directly for, a foreign government. A former employee subject to this restriction would be prohibited from working for a foreign government in any capacity, including as an employee or a contractor. Further, regardless of whether the former employee worked directly for the foreign government, he would be barred from "representing" a foreign government on any matter. (The broad meaning of "representation" discussed above would apply.) The former employee could, however, work for a consultant that advises a foreign government, and even interact directly with the foreign government, so long as the subject of the consultation was not related to any matter within the scope of his government employment. The former employee also could sell goods for his new employer directly to a foreign government, and provide advice on how to use a product, so long as the advice was not related to any matter within the scope of his government employment. As you discussed with John Rizzo during our meeting, a "matter" means any particular matter with specific parties, such as a contract. Therefore, you will not be considered to be in violation of this restriction if you are rendering advice to a foreign government in connection with a sale of goods and services and that advice does not intersect with any matter, including any contract, with which you were involved as a government employee.

**Foreign Agents Registration Act of 1938**

Although you currently do not anticipate working for foreign governments, political parties or companies, you should familiarize yourself with the requirements of the Foreign Agents Registration Act of 1938 (FARA), 22 U.S.C. 601 et seq., if you wish to explore this possibility in the future. FARA requires a person to register as an "agent of a foreign principal" when he or she acts at the order, request or under the direct control of a foreign principal and engages in certain types of activities. Foreign principals include foreign governments, and partnerships, associations, corporations, organizations, or
other combinations of persons organized under the law or having their principal place of business in a foreign country.

PAREA has a very broad scope and you should ensure that you comply with its registration requirements unless your activities are exempt from the Act. The Office of General Counsel does not make determinations concerning the applicability of the Act. Inquiries regarding PAREA should be addressed to: U.S. Department of Justice, Criminal Division, Internal Security Section/Foreign Agents Registration Unit, 10th & Constitution Avenue, N.W., Bond Building - Room 9300, Washington, D.C. 20530. The Unit’s telephone number is 202-514-1145; the fax number is 202-514-2836.

I hope that you will find the guidance contained in this letter helpful as you begin your new career. Please remember that this letter only summarizes the relevant statutory provisions. The provisions must be applied to specific facts on a case-by-case basis to determine if particular circumstances fall within the scope of the restrictions. Please contact me if you have any additional questions or concerns. I can be reached at —(b)(3) CIAAct

Sincerely,

(b)(3) CIAAct
Ethics Counsel
(b)(3) NatSecAct
### Case Closing Memorandum

#### I. Administrative Data

<table>
<thead>
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<th>Case No.</th>
<th>(b)(3) CIA Act</th>
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<td>SA</td>
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<tr>
<td>Case Title:</td>
<td>Counterfeiting of CIA Credentials</td>
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<td>Counterfeiting of CIA Credentials</td>
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<td>Full Investigation</td>
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**Case No:**

- **Date Received:** 31 May 2013
- **Date Assigned:** 3 June 2013
- **Date Opened:** 3 June 2013

#### II. Summary of Investigative Actions

1. **(U//FOUO)** On 6 February 2013, the Naval Criminal Investigative Service (NCIS) received information that a civilian, **DOB:** [redacted], was in possession of multiple forms of false government credentials. In March 2013, NCIS obtained a search warrant through the Eastern District of Virginia (EDVA), US Attorney's Office, and executed that warrant on the residence located at [redacted]. Pursuant to the search, NCIS seized two government badges, one NCIS Special Agent badge and one CIA Special Agent badge.

2. **(U//FOUO)** On 31 May 2013, the Chief, Counterintelligence Center (CIC) notified the Office of Inspector General (OIG) of the NCIS activity pertaining to|[redacted]|. OIG opened an investigation into the matter. OIG evaluated the authenticity of the CIA Special Agent badge seized by NCIS and, through coordination with the Office of Security and the Global Deployment Center (GDC), determined the CIA badge seized by NCIS was not authentic. In addition to evaluating the authenticity of the badge, OIG investigated any ties between [redacted] and the CIA.

#### III. Findings

1. **(U//FOUO)** The OIG investigation determined that the CIA Special Agent badge possessed by [redacted] was not authentic but did represent a similar appearance to the official CIA OIG Special Agent badge. The investigation also determined that [redacted] did not have any official ties to the CIA.

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INV-201
Page 1 of 2

Approved for Release: 2016/08/31 C06299679
Case Closing Memorandum

2. (U//FOUO) On 1 July 2013, Special Assistant US Attorney (SAUSA) EDVA, accepted this case for prosecution. On the criminal information was filed citing two misdemeanor counts of violating 18 U.S.C. § 701 (False Federal Badge). On 6 September 2013, pled guilty to two counts of possession of badges that were of a colorable imitation to those of the CIA Office of Inspector General and Naval Criminal Investigative Service. He was subsequently sentenced to six months of probation, a $300.00 fine, 25 hours of community service and a $20.00 special assessment.

3. (U//FOUO) (U) An Agency Request or Notification Memorandum (ARNM) will be prepared for the D/OS for informational purposes.

4. (U//FOUO) Based upon the successful prosecution of the case by EDVA, OIG considers this matter closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIA Act

(Sign/Date)

17 Sep 2013

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act

(Sign/Date)

17 Sep 2013
CENTRAL INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

MEMORANDUM TO FILE
(CASE CLOSING MEMORANDUM)

I. ADMINISTRATIVE DATA

Case No: 2012-11023
Case Title: Allegation of a Stolen CIA Pistol

Investigator: ____________________________
Supervisor: ____________________________

Date Received: 10/8/2012
Date Opened: 10/11/2012
Date Assigned: 10/11/2012
Case Type: PI

II. SUMMARY OF INVESTIGATIVE ACTIONS

(U//OUO) On 11 October 2012, ____________________________ forwarded a message reported the possible theft of an Agency weapon. ____________________________ also forwarded the message to the Counterintelligence Center (CIC). In the message, ____________________________ stated that former CIA Independent Contractor (IC), ____________________________ stole a pistol issued by the CIA while he worked as a security contractor. Allegedly the stolen pistol was destroyed and off the Agency's books.

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Approved for Release: 2016/08/31 C06552510
(U//HUMINT) On 11 October 2012, OIG contacted to discuss the matter. OIG was informed that investigator had already begun to investigate the allegation.

III. FINDINGS

(b)(1)
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)

(S//NF) related that reported that they are not missing any weapons.

(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(S//NF) OIG will recommend that Director of Security take whatever actions deemed appropriate and advise OIG within 30 days of any actions taken or will take to ensure the matter is appropriately resolved. OIG will take no further action on this matter.
IV. REVIEW AND APPROVAL

Case Investigator: 

Sign and Date: 3/11/2013

Approved by Supervisor: 

Sign and Date: 3/11/2013
REPORT OF INVESTIGATION

(U) WAST OF FUNDS FOR TELECOMMUNICATIONS SERVICES
(2011-10072-IG)

13 February 2013

David B. Buckley
Inspector General

(b)(3) CIAAct
(b)(6)

Assistant Inspector General for Investigations

(b)(3) CIAAct
(b)(6)

Special Agent

(b)(3) CIAAct
(b)(3) NatSecAct

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

Approved for Release: 2016/08/31 C06552512
Office of Inspector General
Investigations Staff

REPORT OF INVESTIGATION

(U) WASTE OF FUNDS FOR TELECOMMUNICATIONS SERVICES
(2011-10072-IG)

13 February 2013

(6) Section A – Subject:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

Section B – Predication:

1. (6) In February 2011, the Office of Inspector General (OIG) received a report from Special Investigations Branch (SIB), Office of Security (OS). It reported the alleged conversion of government property by an Agency staff officer of a broadband device while on an overseas temporary duty (TDY) assignment. This resulted in a charge to the government of $99,801.64 that was paid by CIA to a provider of the telecommunications service.
2. (§) On or about 14 February 2011, the Central Intelligence Telephone Company (CINTELCO) notified the device was in possession and notified him to immediately discontinue its use noting that the charges were in excess of $100,000. used the device from 3 January 2011 to 18 February 2011.

3. (§) In the way of background, in or about 2006 was issued a

4. (§) OIG reviewed the 29 November 2010 to 28 February 2011 CINTELCO mobile broadband service bill that was charged.

(U) Section C – Potential Violation:

5. (U) Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money, property or records) states:

Whoever embezzles, steals, purloins, or knowingly converts to his use...without authority, ...disposes of any...thing of value of the United States...or any department or agency thereof...shall be fined...or imprisoned....

6. (U) Agency Regulation (AR) 7-21, Limited Personal Use of Government Office Equipment Including Information Technology, paragraph d(1), Authorized Personal Use, provides in pertinent part:

...Any limited personal use not prohibited in paragraph e below is allowed. However, this personal use must not result in loss of productivity, impairment of cover, or interference with official duties or any Agency security systems. Moreover, such use should incur only minimal additional expense to the US Government.

2 (U) The Central Intelligence Telephone Company (CINTELCO) provides CIA and several other intelligence community organizations with secure and commercial telephony services. A Business Enterprise within the Working Capital Fund, CINTELCO provides its customers with services that enable their missions, ensure continuity of operations, meet security requirements, and are reliable and responsive. On 1 October 2012, CINTELCO will transfer from being a component under the Office of Global Infrastructure to the Office of the Chief Information Officer.
Paragraph e(12), Unauthorized Personal Use, provides in pertinent part:

...Unauthorized personal use of government office equipment includes: Any use that could generate more than minimal additional expense to the US Government.

7. (U) AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities, paragraph j(3), Misuse of Position, provides in pertinent part:

An employee has a duty to protect and conserve government resources and shall not use such property, or allow its use, for other than authorized purposes.

**U** Section D – Investigative Findings:

8. (b)(3) CIAAct
(b)(3) NatSecAct

Interview. OIG interviewed on 26 January 2012. At that time, he voluntarily provided OIG with a sworn statement. stated to OIG that this overseas TDY assignment was the first and only time he had taken the overseas. When he used the device within the Continental United States (CONUS), the Agency was only charged per month. said he did not realize that the applicable rate for his foreign TDY would be different than what had been previously billed.

9. (b)(3) CIAAct
(b)(3) NatSecAct

stated that he connected the device to his personal laptop computer. stated that he had utilized the broadband device within CONUS for approximately four years without incident. During this time, reported he was not provided instruction on the device’s use or policy regarding its use overseas or restricting connectivity to only government furnished equipment.

(b)(1) CIAAct
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

10. (b)(3) CIAAct
(b)(3) NatSecAct

stated that he only watched one movie per day. Additionally he used paid $7.99 per month from his personal funds for a subscription to Netflix that provided unlimited streaming of movie and television programming. said he did not maintain his Netflix billing records for that period to be able to substantiate that his use was no greater than one movie per night as he claimed.

(b)(3) CIAAct
(b)(3) NatSecAct

11. (b)(3) CIAAct
(b)(3) NatSecAct

said he immediately ceased using the when advised there was irregularity with billing. said he accepted responsibility. stated that he aware the calling plan associated with the did not include international calls. runner, he believed his personal use of the device was de minimis and permissible under AR 7-21, Limited Personal Use of Government Office Equipment Including Information Technology:

(b)(3) CIAAct
(b)(3) NatSecAct
12. (E) **Device and Service Charges.** In November 2011, OIG queried both said that they did not know if there was a process in place to control the issuance and use of its device in January 2011. Both said they did not know if any of the officers were associated with an international calling plan or what guidance officers were provided regarding: roaming charges, domestic versus overseas usage, de minimus personal use versus official use only, and/or counter-intelligence issues affecting the use of the device and services charges.

13. (E) OIG had also requested specific call detail records associated with the claim that he only watched one movie per night. On 14 February 2012, OIG confirmed with CINTELCO, that CIA paid $99,801.64 for charges. The billing records provided to OIG from TELCO did not apportion the billing use. Accordingly, OIG was not able to assess the claim that he only watched one movie per night. On 14 February 2012, OIG confirmed with CINTELCO, that CIA paid $99,801.64 for charges.

**Section E – Conclusions:**

14. (E) The OIG investigation found that, in or about 2006, the Agency provided a mobile broadband service device without informing management, took the device and used it while on an overseas TDY assignment, which resulted in a charge of $99,801.64 that was paid by CIA to the provider of the telecommunications service.

15. (E) During the course of the investigation, OIG received information from employees involved with the that they were unaware of specific guidance to officers concerning the use of such as domestic versus international usage, roaming charges, and de minimus personal use versus official use. Although OIG he was unaware the calling plan associated with the did not include international calls, and that he believed his personal use was de minimus and, therefore, permissible under Agency Regulations (AR) 7-21. The investigation found there may not be a complete understanding of the applicable policies and regulations surrounding the use of within...
(U) **Section F – Recommendations:**

1. **(C) The Director of Security should review the conduct of** and determine what, if any, action should be taken with regard to conduct in this matter, including the recovery of funds associated with the misuse of the **(b)(3) CIA Act**

2. **(U//AR//D) The Deputy Director Office of Global Infrastructure should review the guidance provided employees regarding the use of** and mobile broadband devices and determine whether additional training may be warranted to ensure the proper usage of such devices.
MEMORANDUM TO FILE

I. (U) ADMINISTRATIVE DATA

Case No: 2011-10125-IG  Case Title: Alleged Ethics And Other Conduct Issues Regarding Technical Officer

Investigator: [redacted]  Supervisor: [redacted]

Date Received: 3/24/2011  Date Opened: 3/29/2011

Case Type: FI

II. SUMMARY OF INVESTIGATIVE ACTIONS

1. (S//NF) On 24 March 2011, the Office of Security (OS) informed the Office of Inspector General/Investigations Staff (OIG/INV) that, during a reinvestigation, OS/Clearance Division discovered that Agency employee [redacted] may have been directing work to his wife, without the knowledge of his superiors. OS also reported that may have allowed [redacted] to participate in official meetings.

(U) This document contains neither recommendations nor conclusions of the Central Intelligence Agency, Office of Inspector General. It is the property of the CIA/OIG and neither the document nor its contents should be disseminated without prior IG authorization.

OIG reviewed Lotus Notes messages. OIG also reviewed Performance Appraisal Reports (PARs), Outside Activity Request forms, security file, and Official Personnel Folder. OIG reviewed relevant cable traffic and obtained the badge and time and attendance records for and a contractor with whom met at Headquarters. OIG also requested and reviewed visitor request forms to determine whether and when he attempted to gain entrance into Agency facilities.

After his interview and to clarify some of his comments and obtain additional information, OIG contacted via Lotus Notes messages and obtained his written responses to a series of questions. OIG also obtained and reviewed Official Personnel and Security file information on

III. FINDINGS

3. OIG did not substantiate the allegation that participated personally and substantially in his official capacity in a particular matter which, to his knowledge, would have had a direct and predictable effect on his or his wife’s financial interests, in apparent violation of 18 U.S.C. § 208 or related federal and Agency regulations. OIG did not develop sufficient information to substantiate the allegations that conducts business with the Agency or the US Government.
misused his position by providing preferential treatment in the performance of his official duties; or that he steered Agency work toward his wife or her charitable works during her contacts with other participants in the unclassified events. OIG found that the management was not aware that she accompanied her husband to some meetings but did not know she accompanied him on an out-of-state business trip and said the office had no problem with attending unclassified conferences with her husband.

4. (U//FIAT) The OIG investigation determined that submitted a visitor request to bring then his girlfriend and wife, into Headquarters on 17 December 2009 for a meeting. Nonetheless, OIG found no information indicating had a specific need to obtain access on 17 December for to conduct official Government business or mission-related activities as Agency Regulation 10-12, Access to Agency Facilities, requires. Rather, the investigation revealed that scheduled visit to coincide with his office holiday party, which he and attended. Also coupled visit with a meeting with a contractor with whom she was seeking future employment. OIG has notified the Director of Security and Director, Office of Global Access of the results of this investigation and that OIG is deferring action to them relative to the subject. This matter is closed.

(b)(7)(c) CIA Act
(b)(6)
SECRET//NOFORN

IV. REVIEW AND APPROVAL

Case Investigator: [Redacted]  
Date: 3 Feb 2013

Approved by Supervisor: [Redacted]  
Date: 24/3/13

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
I. ADMINISTRATIVE DATA

Case No: 2011-10253
Case Title: Possible Misuse of Position & Government Equipment

Investigator: 
Supervisor: 
Date Received: 6/17/2011
Date Opened: 6/20/2011
Date Assigned: 6/20/2011
Case Type: FI

II. SUMMARY OF INVESTIGATIVE ACTIONS

1.

On 17 June 2011, the Area Security Officer (ASO) referred the CIA a matter concerning now separated CIA staff employee assigned to alleged that, in early 2011, for unofficial purposes

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without a legitimate foreign intelligence (FI) need.

On 13 June 2011, self reported the possible violation while being questioned on an unrelated incident.²

OIG reviewed relevant Agency documents and records to include cables, e-mail messages, official security and personnel folders, and training records during the period under investigation.

III. FINDINGS

3.
8. (S//NF) On 30 August 2011 by letter, OIG referred conduct to the Assistant Attorney General, Criminal Division, Department of Justice (DOJ) for potential violation of the (b)(3) NatSecAct. On 13 October 2011, DOJ declined prosecution in favor of administrative action citing a lack of prosecutive merit.
10. (S//NF) [Redacted] separated from CIA on 2012. Because [Redacted] is no longer a CIA officer, OIG is closing this matter. [Redacted] security file has been [Redacted] and the database was annotated. This matter is considered closed.

IV. REVIEW AND APPROVAL

Case Investigator: [Sign and Date] 2/25/2013

Approved by Supervisor: [Sign and Date] 3/7/2013
Office of Inspector General
Investigations Staff

DISPOSITION MEMORANDUM

(U//FOUO) MISREPRESENTATION OF ACADEMIC CREDENTIALS
AND FALSE STATEMENTS BY A TELECOMMUNICATIONS
INFORMATION SYSTEMS OFFICER
(2011-10146-1G)

15 January 2013

(U) Section B – Predication:

2. (E) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified, claimed a bachelor’s degree in electrical engineering from Agency BIO. is an unaccredited institution and is not affiliated with the accredited

(b)(1) (b)(6)
(b)(3) CIAAct (b)(7)(c)
(b)(6)
(b)(3) NatSecAct (b)(7)(c)

(U) Section C – Potential Violations:

3. (U) Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both. . . .

4. (U/FOUO) Agency Regulation (AR) 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each (b)(3) CIAAct

may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria:

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement.

(2) In exercising this authority each (b)(3) CIAAct shall:

Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.
(3) The guidance in sections (1) and (2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

(U) Section D – Investigative Results:

The letter provided by the Department of Justice (DOJ) to former students stated in part:

7. (Exhibit B) A review by OIG of records from the DOJ fraud case that participated in the restitution program, and claimed reimbursement as a victim of the fraud. The OIG review found forms submitted by for restitution in which he claimed that he paid for his degree. (Exhibit B) A review by OIG of records from the DOJ fraud case that participated in the restitution program, and claimed reimbursement as a victim of the fraud. The OIG review found forms submitted by for restitution in which he claimed that he paid for his degree.

1 (U) The attached letter is the template sent to all individuals reimbursed by the Department of Justice. Individual letters were not retained.
8. During a 25 August 2008 interview, stated to OIG that he had received notification from DOJ that "had been investigated and prosecuted." further stated that he submitted claims for, and received tuition reimbursement for, his courses from the Agency in 1997. Further stated that he received a tuition refund resulting from the DOJ investigation. According to he did not remit these funds to the Agency, which had paid his tuition. stated he was unable to recall the total amount of the refund and declined to identify an approximate figure. Because the claims were over ten year old, Agency personnel stated that reimbursement are no longer available. stated that he would be willing to return the monies received from the reimbursement to the Agency.

9. (Exhibit C) A review of his security file by OIG found that included his bachelor’s degree information SPHS/Form 444 dated 22 January 1999. This SPHS entry triggered an education check during subsequent background investigation. This resulted in an iscript provided by being placed into his official records.

10. (Exhibit D) A review of his personnel file by OIG found that informed appraisals, resulting in his supervisor crediting him with completion of a bachelor’s degree in electrical engineering on his PAR dated 2 May 1997. personnel file contained no additional mention of his degree.

11. A review of BIO by OIG showed that his degree information available from 1999 through 2008, during which he received one promotion and was for four positions. OIG determined through a review of the job category description that the classification does not require a degree.

(U) Section E – Conclusions:


13. received tuition reimbursement from the Agency for an unspecified amount, and then received additional funds from the fraud settlement with DOJ in the amount of notified the Agency that his degree was not from a properly accredited institution as recommended by DOJ in its letter to failure to notify the Agency that he had received restitution for academic training the Agency paid for resulted in an unjust enrichment of.

CONFIDENTIAL
14. (b)(6) presented his degree information to the Agency following his (b)(3) CIAAct cation from DOJ that his degree was fraudulent. (b)(7)(c) degree information was (b)(3) NatSecAct from 1999 through 2008, during which he received one promotion and was selected for (b)(6) four positions. (b)(3) job classification does not require a degree, and his personnel file (b)(7)(c) showed no highlighting of his degree by following his notification by DOJ. Based on OIG’s investigative findings, OIG believes there is insufficient evidence to indicate violated Title 18 U.S.C. § 1001.

15. (U//FOUO) Based on the staleness of the evidence and the lack of substantiation for the criminal violations the matter is being closed.
Section F – Exhibits:

A. (U//FOUO) Department of Justice Notifications (b)(6)
B. (C) Claim package from DOJ – (b)(7)(C)
C. (C) (b)(1) PAR (1997) (b)(1)
D. (C) (b)(3) CIA Act
   - SPHS/Form 444 (1999) (b)(3) CIA Act
   - NatSecAct (b)(3) NatSecAct
   - (b)(6) (b)(6)
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I. (U) Administrative Data

Case No.: 2013-11167
Investigator: 
Date Received: 29 March 2013
Date Assigned: 29 March 2013

Case Title: Possible Impropieties by Agency Contractor
Supervisor: 
Date Opened: 11 January 2013
Case Type: Full Invest. (b)(1)

II. (U//AIUO) Summary of Investigative Actions

1. (S//NF) The investigation focused on possible irregularities in a CIA contract.

Specific issues of concern were alleged: (a) gratuities provided to Agency employees, (b) use of Agency funds to train a non-Agency student, (c) student housing charges that were not in the contract’s Statement of Work (SOW), and (d) insider information provided by prior to the Agency’s recompeting the contract.

2. (S//NF) Investigative actions included a review of the contract, plus interviews with:

   - (b)(3) CIAAct
   - (b)(6)
   - (b)(7)(c)

3. (S//NF) The gratuities were two complimentary tickets to a baseball game and a meal at that event. (b)(6) provided these tickets as a courtesy to stated that (b)(6) often provided access to his private box as a token of appreciation for the service. The tickets and meal were valued at $108 to $180. did not pay for the tickets. Once a year, an aide to (b)(6) arranges for tickets to the game and informs employees, who were attending training, were among 10 to 18 people who accepted the invitation. The investigation did not reveal any quid pro quo as a result of CIA employees accepting these tickets.

4. (S//NF) A CIA officer who assisted with a training course in November 2008 stated that officers claimed a private client, was participated in the training. Other officers reported that (b)(6) received self defense

III. (U//AIUO) Findings

- (b)(3) CIAAct
- (b)(6)
- (b)(7)(c)

- (b)(3) CIAAct
- (b)(6)
- (b)(7)(c)
Case Closing Memorandum

(b)(3) CIA Act  
(b)(1) NatSec Act  
(b)(7) (c)

training [redacted] but not alongside Agency officers. [redacted] requested he train (b)(6) but (b)(6) never attended any CIA training. (b)(3) CIA Act

5. (S/NF) [redacted] received more than [redacted] in Agency payments over three years for providing lodging to instructors and students. This arrangement was not part of the existing contract. No information was found that [redacted] encouraged Agency Personnel to rent rooms in his residences.

6. (S/NF) The investigation did not establish that [redacted] was provided with insider information in his acquisition of the [redacted] contract. In 2005, [redacted] awarded a sole source contract [redacted] and this contract was renewed in successive years, including 2011 when the contract was recompeted. In 2012, [redacted] decided to use its own resources and did not renew the [redacted] contract.

7. (S/NF) There is currently no [redacted] CIA contract. No further action on this investigation is necessary.

IV. (U/AUO) REDACTED Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIA Act  
(b)(6)  
(b)(7) (c)

4/14/13  

(Sign / Date)

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act  
(b)(6)  
(b)(7) (c)

4/14/13  

(Sign / Date)
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 211,1158

Case Title: (SF/HP) Vehicle Accident in

Investigator: (b)(3) CIAAct

Supervisor: (b)(3) CIAAct

Date Received: 2 January 2013

Date Opened: 2 January 2013

Date Assigned: 2 January 2013

II. Summary of Investigative Actions

1. ([SF/HP]) On 2 January 2013, the

Office of Inspector General (OIG) notified the Office of Inspector General (OIG) that a National

Clandestine Service (NCS) officer assigned to the Human Rights and Special Prosecutions (HRSP) Section, Criminal Division, DOJ, was the subject of a local police investigation because his vehicle matched a description of a car that reportedly struck and

killed a pedestrian.

2. ([SF/HP]) 2 January 2013, the

OIG conducted a formal investigation. The investigation included

interviews of officers in which OIG participated, interviews of citizens who witnessed the incident, and

coordination with the US Department of Justice (DOJ).

3. (U) In January 2013, the facts developed during the investigation were presented to the

US Department of Justice (DOJ).

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III. Findings


6. (U) On 8 April 2013, HRSP notified OIG that DOJ was declining prosecution. OIG concluded the investigation with no recommendations for follow-up action.

7. (E) On 15 April 2013, OIG verbally advised [Redacted] that DOJ had declined prosecution, his management would be advised of the declination, and that OIG would take no further action.

8. (E) An Action Request or Notification Memorandum was prepared by OIG and forwarded to the Acting Director of the National Clandestine Service, with a copy to the Director of Security. The matter is considered closed by the OIG.
Case Closing Memorandum

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

4/18/13

Sign / Date

18 April 2013

Sign / Date

SECRET/NOPORN

Page 3 of 3
CENTRAL INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

MEMORANDUM TO FILE
(CASE CLOSING MEMORANDUM)

I. ADMINISTRATIVE DATA

Case No: 2013-11242
(b)(3) CIA Act
(b)(6)
(b)(7)(c) 
Investigator:

Case Title: Request for Victim Support
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisor:

Date Received: 3/7/2013
Date Opened: 3/7/2013
Date Assigned: 3/7/2013
Case Type: I(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

II. SUMMARY OF INVESTIGATIVE ACTION

(S/NF) On 7 March 2013, reported to (b)(6)
Office of Inspector General (OIG) Special Agent (SA)
(b)(7)(c)
that he was drugged, assaulted, and robbed (b)(3) NatSec Act
during his assignment reported that he
incurred approximately $450.00 in medical costs associated with his
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
victimization that was not covered by his insurance.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c) the crime to the (b)(1) security officer (b)(1)
(b)(3) NatSec Act (b)(3) NatSec Act

This document contains neither recommendations nor conclusions of the Central Intelligence Agency, Office of Inspector General. It is the property of the CIA/OIG and neither the document nor its contents should be disseminated without prior IG authorization.

(b)(3) CIA Act
(b)(3) NatSec Act

SECRET//NOFORN—

Approved for Release: 2016/08/31 C06552566
and the local police. He asserted that he cooperated fully with the investigation.

(U//FOUO) OIG contacted the Office of General Counsel (OGC),

III. FINDINGS

(S//NF) With the assistance of OGC, SA researched available Agency funds, but did not find any available resources for which the victim would qualify for compensation.

(Œ) On 13 March 2013, SA telephonically contacted and explained that his best option for reimbursement is to apply through his home state. SA and agreed to meet and discuss the matter further upon his return.

(Œ) This matter is closed as there are no investigative steps required. SA will continue to monitor the situation and assist as needed.
IV. REVIEW AND APPROVAL

Case Investigator:

Approved by Supervisor:

4/2/2013

and Date

4/2/2013

and Date
Office of Inspector General
Investigations Staff
Case Closing Memorandum

I. Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>2013-11357</th>
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<tr>
<td>Investigator</td>
<td></td>
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<tr>
<td>Date Received</td>
<td>16 May 2013</td>
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<tr>
<td>Date Assigned</td>
<td>16 February 2013</td>
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<td>Supervisor</td>
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<td>Date Opened</td>
<td>16 May 2013</td>
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<tr>
<td>Case Title</td>
<td>(U/FOOU) Possible Misconduct by IT Officer</td>
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<td>Case Type</td>
<td>Preliminary Investigation</td>
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II. Summary of Investigative Actions

1. (U) On 16 May 2013, Special Investigations Branch (SIB), Office of Security (OS), notified the Office of Inspector General (OIG) that had advised that an Agency staff officer, had become a person of interest to (b)(6) pornography that may involve brother. reportedly stores firearms in the residence in which his brother, a reported convicted felon, resides with their mother. is currently assigned to.

2. (U/FOOU) OIG reviewed the investigative information provided by the and consulted with and OS/SIB.

III. Findings

3. (U/FOOU) OIG determined that this matter does not fall within its jurisdiction.

4. (U/FOOU) On 24 May 2013, OIG of this determination and that further action will be taken, or recommended, by this Office other than to refer this matter to OS. In addition to the information related to this matter already in the possession of SIB, provided this Office with additional investigative information from OIG will provide this information to SIB.

5. (U/FOOU) An Action Request or Notification Memorandum was prepared by OIG and forwarded to the Director of Security.

6. (U) This matter is considered closed by OIG.

This document is controlled by the CIA/OIG and neither the document nor its contents should be disseminated without prior IG authorization.
Case Closing Memorandum

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Sign / Date
5/29/13

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Sign / Date
5/29/2013
Office of Inspector General Investigations Staff

Case Closing Memorandum

I. Administrative Data

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<td>Date Received:</td>
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<td>Preliminary Investigation</td>
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<tr>
<td>Supervisor:</td>
<td></td>
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<tr>
<td>Date Opened:</td>
<td>16 May 2013</td>
</tr>
</tbody>
</table>

II. Summary of Investigative Actions

1. (U) On 16 May 2013, Special Investigations Branch (SIB), Office of Security (OS), notified the Office of Inspector General (OIG) that had advised that an Agency staff officer had become a person of interest to the pornography that may involve in connection with an investigation into child reportedly stores firearms in the residence in which his brother, a reported convicted felon, resides with their mother. is currently assigned to

2. (U) OIG reviewed the investigative information provided by the and consulted with OS/SIB.

3. (U) OIG determined that this matter does not fall within its jurisdiction.

4. (U) On 24 May 2013, OIG provided this Office with additional investigative information from OIG will provide this information to SIB.

5. (U) An Action Request or Notification Memorandum was prepared by OIG and forwarded to the Director of Security.

6. (U) This matter is considered closed by OIG.

III. Findings

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Case Closing Memorandum

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c) 5/29/13

Sign / Date

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c) 5/29/2013

Sign / Date
Case Closing Memorandum

I. Administrative Data

<table>
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<tr>
<th>Case No.: 2012-10669</th>
<th>Case Title: Contractor Misconduct Reported by SIB</th>
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<tr>
<td>Investigator:</td>
<td>Supervisor:</td>
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<tr>
<td>Date Received: 27 March 2012</td>
<td>Date Opened: 29 March 2012</td>
</tr>
<tr>
<td>Date Assigned: 4 March 2013</td>
<td>Case Type: Preliminary Investigation</td>
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II. Summary of Investigative Actions

1. (U//FOUO) On 27 March 2012, the Office of Inspector General (OIG), Investigations Staff received an allegation from the Office of Security (OS) concerning possible misuse of the Agency Internet Network (AIN) by contract employee [REDACTED] According to OS, the contract employee received lead information that was viewing inappropriate material on his AIN account. An internal audit of AIN activity on 4 July 2007 was completed and revealed that the contract employee spent an estimated 274 minutes using the AIN to view inappropriate and adult pornographic material. In addition, the contract employee used the AIN to purchase airline tickets, send instant messages, and access dating websites. Information from OS indicated that an Adjudications Board hearing would be held concerning [REDACTED].

III. Findings

2. (U//FOUO) On 12 March 2013, CIA/OIG contacted OS/Legal to determine the status of the Adjudications Board. OS/Legal informed CIA/OIG that the Adjudications Board recommended disapproval. [REDACTED] was notified of the disapproval in a written letter dated 8 May 2012, which noted that the Agency revoked his access to classified information on 30 March 2012. Per OS/Legal, [REDACTED] moved without providing a forwarding address; therefore, OS could not confirm that [REDACTED] received the letter and, in the absence of hearing from him within the 45-day appeal deadline, closed their case regarding him circa August 2012. Recommend the case be closed with no further action.

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Case Closing Memorandum

IV.  Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIA Act
(b)(6)
(b)(7)(c) 5/14/13
(Sign / Date)

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(Sign / Date)
**Case Closing Memorandum**

**I. Administrative Data**

<table>
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<th>Case No.</th>
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<td>(b)(3) CIAAct (b)(6)</td>
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<td>Date Received</td>
<td>10/17/2012</td>
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<td>Date Assigned</td>
<td>10/31/2012</td>
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<tr>
<td>Case Type</td>
<td>Investigation</td>
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</table>

**II. Summary of Investigative Actions**

1. ☐ On 17 October 2012, the Office of Inspector General (OIG) received an allegation via a referral from an OIG auditor regarding the potential misuse of Agency computer systems by a contractor. The OIG reviewed the contract including the Statement of Work (SOW) and Sole Source Justification. During this review it was discovered that in addition to the allegation regarding soliciting new business, the contractor was conducting recruiting activities while utilizing Agency computer systems. As a result, the OIG also reviewed the security files of all current employees and conducted a search for Lotus Notes to determine how they were hired.

2. ☐ The OIG reviewed the messages of several messages that clearly showed an attempt at additional

3. ☐ Several messages were identified during the review of messages that clearly showed

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Case Closing Memorandum

Work for his company (b)(6) example is reflected in a Lotus Notes message between (b)(7)(c) dated (b)(7)(c) as follows:

To follow up on our conversation, this would be a great time to schedule any new gigs for me. I've got a lot of availability for the rest of the calendar year and could use the income.

In another example, on (b)(3) NatSecAct (b)(6) (c) I submitted a proposal in the amount of (b)(3) CIA Act to (b)(6) (c) 5:€€) (b)(6) (c) I submitted a proposal in the amount of (b)(3) CIA Act to (b)(6) (c) 5:€€) (b)(6) (c) I submitted a proposal in the amount of (b)(3) CIA Act to (b)(6) (c) 5:€€)

Thank you, (b)(1) (b)(3) CIA Act (b)(6) (b)(7)(c)

Many of (b)(1) (b)(3) CIA Act (b)(6) (b)(7)(c)

Regarding recruitment activities, during his interview on 13 March 2013, (b)(6) (c) 5:€€) was shown page 152.203-723: Prohibition Against Recruiting on Agency Controlled Facilities (OCT 2008) which states:

"The Contractor shall inform its employees and subcontractors that they are not permitted to engage in employment recruitment while on any facility owned, leased, or otherwise controlled by the Agency or to use Agency communications systems (e.g. cable and computer systems) and nonpublic information in connection with recruitment without written approval of the Contracting Officer. For purposes of this clause, recruitment refers to discussions of future employment with the contractor or subcontractor initiated by an employee of the contractor or subcontractor; distribution of employment forms or other employment paperwork, or similar activities directed towards obtaining the employment of any individual by the contractor or subcontractor. Any Contractor or subcontractor employee who violates this policy may be denied further access to Agency controlled facilities and systems. The Contractor shall emphasize this fact to its employees and subcontractors and shall include the substance of this clause in each subcontract issued under this contract. (b) The prohibition set forth in paragraph (a) above does not apply to the recruitment of Agency personnel enrolled in the Agency’s Career Transition Program. (c) Denial of access to agency controlled facilities and systems as described in paragraph (a) of this clause shall not relieve the Contractor from full performance of the requirements of this contract, nor will it provide the basis for any claims against the Government”.

Explained that he became aware of the clause after he recently read the contract. Prior to that time, he was unaware that he could not recruit from other companies while on site. (b)(1) (b)(3) CIA Act (b)(6) (b)(7)(c)

Several examples of lotus note messages showing that he was recruiting onsite and utilizing Agency computer systems to accomplish his recruitment. (b)(1) (b)(3) CIA Act (b)(6) (b)(7)(c)

Acknowledged his understanding of the issues and stated that he would stop recruiting on-site and understands the difference between soliciting and being contacted for business. (b)(1) (b)(3) CIA Act (b)(6) (b)(7)(c)

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Approved for Release: 2016/08/31 C06552572

INV-201

Page 2 of 3
Case Closing Memorandum

Today I attended a very serious meeting in which we were admonished about using the Sponsor’s computer systems and facilities for business purposes. Please see the two reminders below and contact me personally if you have any questions.

1. **We are prohibited from using the Sponsor’s computer systems to solicit business.** If initially contacted by a customer to discuss business we may proceed to respond using the Sponsor’s system. Likewise we may use the systems to offer educational briefings, without proactively soliciting business.

2. **We are also prohibited from engaging in any recruitment activities using the Sponsor’s systems or facilities (including Starbucks).** Upon receiving a request for employment or a referral, please move all communications and meetings to the low side. Please speak to friends and colleagues about employment options off campus.

The Sponsor takes these issues very seriously and we do as well. Again, contact me if you have any questions.

Thank you,

... (Redacted)

7. (6) An Action Request or Notification Memo (ARNM) was forwarded to the Procurement Executive on 11 April 2013 outlining the above and requesting notification if any action is taken. No further action is contemplated by the Office of Inspector General. This matter is closed.

IV. **Review and Approval**

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

5/2/13

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c) (Sign / Date)
Case Closing Memorandum

I. Administrative Data

Case No.: 2012-10791  
Case Title: Contract Improprieties
Investigator:  
Supervisor:  
Date Received: 25 May 2012  
Date Opened: 31 May 2012  
Date Assigned: 21 March 2013  
Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (SF/NI) On 25 May 2012, the Office of Inspector General (OIG) received an allegation via the OIG’s website of inappropriate relationships between staff employees and industrial contractors. Specifically, it was alleged that may have affected the contract re-compete and used Agency information and personal relationships to obtain employment This resulted in an indeterminate financial loss by CIA

2. (SF/NI) OIG reviewed relevant Agency documents and records

III. Findings

3. (SF/NI) On 3 October 2008, sent a Lotus Notes to OGC in which he stated that he would like to begin conversations with specific private sector companies that he interacted with in the capacity of COTR, but wished to speak to regarding opportunities that were unrelated to CIA. said, “I want to ensure that I am following the right guidelines [sic] therefore defer to your guidance on what needs to be filled out.” He also wrote, “There is one company that I did reach out to, but recently ended negotiations since there were decisions I needed to make that would indirectly affect [sic] them. I would like to speak to this company again in the near future as well as others, but wanted to make sure everything is approved by OGC to proceed.” responded with detailed information that read in pertinent part, “in a nutshell, if your official duties

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Approved for Release: 2016/08/31 C06552573
Case Closing Memorandum

Currently involve a company that you are interested in working for, you need to recuse yourself from those official duties before you begin seeking employment with that company. Attached are post-employment restrictions and a brochure outlining the possible post-employment restrictions, and a post-employment questionnaire.

4. On 2008, sent completed Post-Employment Questionnaire. said, "The opportunities that I will be pursuing will not involve this Agency for at least 18 months and not on any current contract that I support." noted that he had already gone through the approval process of the Publications Review Board (PRB) for his resume.

5. 2008, OGC sent, via first class mail, a Post-Employment Letter signed by . The Summary of Post-Employment Restrictions said in part:

1) You may never represent anyone other than the US Government before any official or agency of the US Government concerning those contracts and matters in which you were personally and substantially involved as a federal employee.

2) For two years, you may not represent anyone other than the US Government before any official or agency of the US Government concerning any of those contracts and matters that were actually pending under your official responsibility during your last year of government service.

3) You were involved with projects for procurements in excess of $10 million, and therefore are precluded from accepting compensation from the division of the contractor involved in those or similar contracts for a one-year period from the date of your last action on the contract.
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Case Closing Memorandum

10. (CONF) OIG concluded, based upon a preponderance of evidence that the allegation is unfounded and that had not violated his Post-Government Employment Restrictions. The time deadlines for matters had previously had personally or substantially been involved in and were restricted from in his Post-Government Employment had expired. The investigation did not establish that had any influence over the award of the contract. was employed by for 9-months before being employed by returned to support the Agency as an employee after having been separated from government service for 23 months. Further, was not employed under a contract. The investigation found no basis to indicate violated Title 41 U.S.C. § 423 (Procurement Integrity).

Hence, no further investigation is contemplated by OIG concerning this matter and is closing the case.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

5-6-13

Date

5/14/13

Sign / Date

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
**Case Closing Memorandum**

### I. Administrative Data

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<th>Case Title: Adoption</th>
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<tr>
<td>Date Received:</td>
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<td>(b)(6)</td>
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<tr>
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<td>21 March 2013</td>
<td>(b)(7)(c)</td>
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<td>Supervisor:</td>
<td>SAC</td>
<td>(b)(6)</td>
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<td>Date Opened:</td>
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<td>(b)(7)(c)</td>
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<td>Case Type:</td>
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### II. Summary of Investigative Actions

1. **(SH/NF)** On 20 August 2012, the CIA Office of Security (OS) notified the Office of Inspector General (OIG) of an allegation they received concerning an adopted child. According to OS, the child was not an orphan, as originally thought, even though they became aware that the child was adopted through a private event.

2. **(C)** On 20 August 2012, OIG initiated an investigation into the matter.

3. **(C)** On 21 June 2013, OIG interviewed a private investigator who denied any knowledge of the child’s living parents at the time of adoption. She confirmed that she did have trouble getting the child’s visa cleared. She explained that she hired a private investigator in person when she traveled abroad to complete the adoption and did not receive the results until after her return to the US.

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Case Closing Memorandum

5. [ ] claimed that she subsequently filed complaints with the US adoption agency, Adoption Advocates International (AAI), the Department of Social Services, and contacted the Joint Council for International Children’s Services. Also attempted to independently verify information provided by the private investigator by utilizing US based private investigative service.

Findings

6. The OIG investigation determined that she traveled to , during which she met with the private investigator and brought back the adopted child. received the results from the private investigator approximately two weeks after returning to the US, then pursued the investigation with both AAI and US based private investigative firm. Further, AAI investigation found that the allegations were false.

7. The OIG determined that the claims that adopted a child after becoming aware that the child was not an orphan were unsubstantiated. An Agency Request or Notification Memorandum (ARNM) will be prepared for the Director of NCS with an information copy to the Director Office of Security. This matter is considered closed by OIG.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

INV-201
Page 2 of 2

Approved for Release: 2016/08/31 C06552600
Case Closing Memorandum

I. Administrative Data

Case No.: 2013-1147
Investigator: (b)(6)
Date Received: 2 July 2013
Date Assigned: 6 August 2013
Case Title: Alleged Domestic Violence in
Supervisor: (b)(3) CIA Act
Date Opened: 8 August 2013
Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (S//NF) On 2 July 2013, notified the Office of Inspector General (OIG) of an alleged domestic violence allegation, SA reported that while at the house of "seriously observed his spouse, strike in the face."

2. (S//NF) On 13 August 2013, SA spoke with SA who advised as follows: SA informed him that the alleged victim, stated "nothing happened" and denied he was assaulted by his wife.

3. (U//FOUO) On 26 August 2013, SA spoke with SA who advised as follows:

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Case Closing Memorandum

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

• There is not enough information to proceed with an investigation.
• _________will not be referred to a U.S. Attorney.
• Once _______receives _________ he will close the investigation.

4. (U/FOUO) On 11 September 2013, SA________ closed the case without referral to the Department of Justice. A copy of the report was provided to OIG.

III. Findings
(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

5. (C/NF) Evidence was unable to establish that a domestic violence incident occurred between

IV. Review and Approval
Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

11/05/13

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

23 Dec 2013

Page 2 of 2

Approved for Release: 2016/08/31 C06552601
Case Closing Memorandum

I. Administrative Data

Case No.: 2012-11273-F
Investigator: SA
Date Received: 20 March 2012
Date Assigned: 20 March 2012

Case Title: Alleged FreedomPay Theft
Supervisor: SAC
Date Opened: 20 March 2012
Date Assigned: 20 March 2012

II. Summary of Investigative Actions

1. (U//FOUO) On 20 March 2013, the Directorate of Support, notified the Office of Inspector General (OIG) of an alleged theft from Agency vending machines involving the FreedomPay payment system. A director of OIG told OIG that the persons unknown were stealing vending goods by disconnecting the FreedomPay network cables connected to Agency vending machines. An investigator explained that disconnecting the FreedomPay network cable terminates communication between the vending machine and the FreedomPay network server, which permits purchases to be made by non-paying individuals using unfunded FreedomPay cards. The investigator stated he believed these thefts had been occurring since the late fall of 2012, but the rate of occurrence had recently accelerated, which prompted reporting to OIG.

2. (U//FOUO) On 20 March 2013, OIG initiated an investigation into the matter. Under the direction of OIG, technicians from the Office of Security (OS) installed surveillance cameras at several key vending locations where a high occurrence of thefts were taking place. Video footage recovered from the surveillance cameras captured numerous perpetrators engaged in the FreedomPay theft scheme, all of whom were readily identifiable as Agency contract personnel.

III. Findings

3. (U//FOUO) The OIG investigation established that Agency contractors circumvented the FreedomPay payment system by disconnecting the associated network (AIN) cable, which then permitted them to steal vending goods from Agency vending machines located throughout the Headquarters complex using unfunded FreedomPay cards.

4. (U//FOUO) OIG determined that the FreedomPay thefts originated with a contract employee who was identified as a perpetrator through other subject interviews by OIG. During his OIG interview, the contract employee admitted to originating the idea of how to effect the thefts based on his knowledge of computer networks. According to the investigator, the contract employee tested the scheme by disconnecting the FreedomPay network cable and using

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1 The FreedomPay system is an electronic payment system utilized by Agency employees to purchase food, beverage, and vending goods. The FreedomPay system uses the Agency Internet Network (AIN) to communicate between FreedomPay field locations in Agency buildings and the FreedomPay network server.

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Case Closing Memorandum

(b)(3) CIA Act
(b)(6) 
(b)(7)(c) an unfunded FreedomPay card. By doing this, admitted he obtained vending goods at no cost. subsequently shared this technique with several colleagues, which resulted in the proliferation of the thefts by several other co-workers.

5. (U//F//O//O) The following contract employees were identified as suspects in the FreedomPay thefts through use of the security surveillance cameras, and each of whom subsequently provided admissions to OIG of their role in the thefts during their respective interviews:

(b)(3) CIA Act
(b)(6) 
(b)(7)(c)

(b)(3) CIA Act
(b)(6) 
(b)(7)(c)

6. (U//F//O//O) Additionally, a contract employee was identified by OIG as a subject in the FreedomPay thefts through use of the security surveillance cameras. During his interview with OIG, admitted to his role in the FreedomPay thefts, having learned to commit the thefts from

7. (U//F//O//O) Following their OIG interviews, all identified subjects who made admissions to the thefts surrendered their Agency access badges and were escorted from Agency premises by a Security Protective Officer (SPO). The identified subjects were also terminated from employment by their respective contract employers.

8. (U//F//O//O) The cumulative loss caused by the thefts was estimated to be $3,314.40.

9. (U//F//O//O) On 22 May 2013, OIG referred this matter to the Eastern District of Virginia, U.S. Attorney’s Office, Department of Justice (DOJ). DOJ declined prosecution in lieu of administrative action by the Agency.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIA Act
(b)(6) 
(b)(7)(c) 22 Oct 13

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act
(b)(6) 
(b)(7)(c) 28 Oct 2013
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

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<th>Case No.</th>
<th>2013-11504</th>
<th>Case Title</th>
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<tr>
<td>Investigator</td>
<td>SA</td>
<td>Supervisor</td>
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<td>Date Received</td>
<td>16 August 2013</td>
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<td>20 August 2013</td>
<td>Case Type</td>
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II. Summary of Investigative Actions

1. ([U//FOUO]) On 16 August 2013, the Office of Inspector General (OIG) identified child pornography activity in the proxy logs of the network. OIG determined the activity was associated with a contractor, and examined his personal computer and other digital media pursuant to a federal search warrant.

2. ([U//FOUO]) OIG reviewed security file, proxy log records, and open source records. OIG interviewed and began working for the Agency on 2006, most recently through an Agency contract and deployed and scheduled to return September 2013.

3. ([U//FOUO]) A 16 August 2013 review of the sites visited showed that they contained sexually explicit images of pre-pubescent children. A manual review of the course of the activity, the IP address logged in to multiple accounts with the username

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Case Closing Memorandum

5. (S/NF) During a 9 September 2013 interview with OIG and a detective from the (b)(7)(c) stated that he had been deployed using the email addresses and stated that OIG showed sexually explicit images of minors that had been downloaded from three of the images were not consistent with what he had searched for. was asked if he recognized the remaining images from his browsing and he said “yep”. stated that he would search for images the ones shown to him “often”. consented to the search of his laptop, iPhone, and associated media for evidence of child pornography. images were suspended and he was noted (b)(3) CIAAct (b)(3) NatSecAct (b)(7)(c) 2013. 

6. (U/FOUO) An OIG identified 38 images of child pornography and 161 images containing child erotica. Additionally, the examination found that the laptop had been assigned the IP address and had searched the site for the term "Preteen". (b)(3) CIAAct (b)(6) (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(7)(e) (b)(7)(c) 2013. 

7. (U/FOUO) On 31 October 2013, an arrest warrant for two counts of possession of Child Pornography. (b)(3) CIAAct (b)(6) (b)(7)(c) 

8. (U/FOUO) The subject of the OIG investigation is deceased, and no additional subjects were identified. The matter is closed.

Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

INV-201
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Approved for Release: 2016/08/31 C06552603
**Case Closing Memorandum**

**I. Administrative Data**

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<td>23 July 2013</td>
<td>Case Type:</td>
<td>Preliminary Investigation</td>
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**II. Summary of Investigative Actions**

1. (U//FOUO) On 9 July 2013, the Office of the Inspector General (OIG) received information from the Directorate of Support/Office of Security/Special Investigations Branch regarding potential misuse of government systems to include potential viewing of child pornography. The referral referenced the Agency Internet Network (AIN) activity of a former Agency contractor. The security file was independently reviewed by a Special Agent not associated with the case to remove any statements made during polygraph and background interviews.

2. (U//FOUO) OIG reviewed AIN activity (b)(7)(e) and OIG further reviewed the AIN U: drive associated with the use of AIN that he viewed child pornography using Agency systems. (b)(3) CIAAct (b)(6) (b)(7)(c)

3. (U//FOUO) was employed as a contractor with the Agency from 2009 through 2013. On 3 September 2013, a 3 September 2013 review of AIN activity found no child pornography activity and that the search terms used by were not specific to child pornography. Extensive browsing of adult pornographic sites was identified.

4. (U//FOUO) A 3 September 2013 review of AIN activity included numerous attempts to set-up sexual activities in public locations. None of the individuals identified in the chats were purporting to be under the age of 18, and was identified as asking individuals if they were between “18 and 24”, which were the years he wrote that he was interested in.

5. (U//FOUO) A 23 October 2013 review of AIN U: drive found no images or videos of child pornography on the drive. Thother found that no documents or files containing evidence of child pornography were identified on the drive.

**III. Findings**

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Case Closing Memorandum

7. (U//FOUO) The OIG investigation found no evidence of child pornography in the AIN activity associated with [redacted]. This matter is closed pending the receipt of additional information. Should any additional information be developed, OIG may consider reopening this investigation.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c) 10/23/13
(Sign / Date)
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 2013-11474-C
Case Title: Alleged FECA Fraud by
Investigator: SA
Supervisor: ASAC
Date Received: 1 August 2013
Date Assigned: 14 August 2013

Summary of Investigative Actions

1. (C) On 01 August 2013, OIG received a report that in 2010, an Agency Officer fraudulently obtained worker’s compensation benefits for a significant injury he sustained in an off-duty (b)(3) CIA Act (b)(6) (b)(7)(c)
accident. The complainant also reported that members within subsequently portrayed the (b)(3) CIA Act (b)(6) (b)(7)(c)
injury as work-related to assist in obtaining worker’s compensation benefits.

2. (C) On 01 August 2013, OIG initiated a preliminary investigation. OIG determined that on 1 October, 2010, the US Department of Labor accepted claim number which pertained to injuries (b)(3) CIA Act (b)(6) (b)(7)(c)
that occurred during off-duty hours. Additionally, the file included documents from two of (b)(3) CIA Act (b)(6) (b)(7)(c)
supervisors as well as a Human Resources Officer, who certified the following points:

3. (C) OIG reviewed records pertaining to worker’s compensation claim on file with the (b)(3) CIA Act (b)(6) (b)(7)(c)
Agency’s Worker Compensation Division (WCD). The review revealed the information submitted to (b)(3) CIA Act (b)(6) (b)(7)(c)
WCD accurately described the events surrounding the accident, including that it occurred (b)(3) CIA Act (b)(6) (b)(7)(c)
during off-duty hours. Additionally, the file included documents from two of (b)(3) CIA Act (b)(6) (b)(7)(c)
supervisors as well as a Human Resources Officer, who certified the following points:

4. (U) A cleared Senior Claims Examiner from the Department of Labor reviewed the claim (b)(3) CIA Act (b)(6) (b)(7)(c)
documentation, to include the certifications by two supervisors and HR representative, and approved the claim.

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Case Closing Memorandum

III. Findings

5. (C) The allegation that a false worker’s compensation claim was filed regarding injuries sustained by [redacted] in an [redacted] accident was found to be unsubstantiated. A review of the documentation found no evidence of misreporting or wrong-doing by [redacted] or any other Agency Officer related to the claim. OIG considers this matter closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

[Sign / Date]

[Sign / Date]
I. Administrative Data

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<td>Date Received:</td>
<td>13 November 2013</td>
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<td>Date Assigned:</td>
<td>19 November 2013</td>
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II. Summary of Investigative Actions

1. (U//FOUO) On 13 November 2013, Worker’s Compensation Division, Office of Personnel Resources, contacted the Office of Inspector General (OIG) to report allegations of worker’s compensation fraud associated with former Agency employee. According to , has been on full disability benefits and previously certified that she was unable to work. As a result, she collects approximately $2,682.05 per month in disability benefits as well as approximately $1,500 per month paid to medical professional for therapy fees. Recently learned that was currently working as a full-time .

2. (U//FOUO) On 13 November 2013, the OIG initiated an investigation into the matter. On 22 November 2013, OIG interviewed and reviewed worker’s compensation file. According to Agency records, filed a worker’s compensation claim . As a result, began receiving monthly disability payments (75% of her annual salary) and was required to report any improvement in her medical condition, any employment, any change in the status of claimed dependents, any third party settlement, and any income or change in income from federally assisted disability or benefit programs to the Department of Labor.

3. (U//FOUO) On 22 November 2013, OIG reviewed worker’s compensation file, which revealed that appropriately reported her employment as required by the Department of Labor. Additionally, there were no records in file regarding her employment as well as no Department of Labor request for employment verification information. On 3 December 2013, OIG confirmed with that was no longer employed .

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4. (U//FOUO) On 9 January 2014, OIG met with Senior Claims Examiner, US Department of Labor, regarding worker’s compensation file. Advised that worker’s compensation file needed to be updated with proper Labor Department documentation in order to assess possible fraud and/or to make any necessary adjustment to disability payments. Explained that was permitted to work if she found suitable employment, but that she was required to report any improvement in her medical condition and employment. According to Department of Labor records, reported her employment as required. A review of workers Compensation file revealed no records of employment and no Department of Labor request for employment and no Department of Labor

II. Findings

5. (U//FOUO) The investigation by OIG did not substantiate worker’s compensation fraud by The OIG investigation found that file was missing Department of Labor employment verification documents. According to the Department of Labor, the Agency Worker Compensation Division failed to request required employment verification from The Department of Labor will work with the Agency Worker’s Compensation Division to review case file and request employment history and income records from Social Security Administration and Internal Revenue Service if needed. Additionally, the Agency Worker’s Compensation Division will obtain required employment certification from The Worker’s Compensation Division will handle this matter administratively and will contact OIG if evidence of fraud is found.

6. (U//FOUO) An Action Request or Notification Memorandum (ARNM) will be forwarded to the Director of Support for informational purposes.

7. (U//FOUO) This matter is considered closed by OIG.

III. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor: 

Case Closing Memo approved by Supervisor: 

UNCLASSIFIED//FOUO
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 2013-11612
Investigator: SA
Date Received: 13 November 2013
Date Assigned: 19 November 2013

Case Title: Alleged Worker’s Compensation Fraud by former CIA Act

II. Summary of Investigative Actions

1. (U//FOUO) On 13 November 2013, Workers Compensation Division, Office of Personnel Resources, contacted the Office of Inspector General (OIG) to report allegations of worker’s compensation fraud associated with former Agency employee X. According to OIG, X has been receiving disability payments for the inability to work and certifies annually she has not worked. However, related to her medical records, she was deemed “in remission” and reported to be for income.

2. (U//FOUO) On 13 November 2013, the OIG initiated an investigation into the matter. On 22 November 2013, OIG interviewed and reviewed worker’s compensation file. According to Agency records, X was employed at the CIA. According to US Department of Labor records, filed a worker’s compensation claim. The claim was approved and she was rated as fully disabled and unable to work. As a result, began receiving monthly disability payments (75% of her annual salary) and was required to report any improvement in her medical condition, any employment, any change in the status of claimed dependents, any third party settlement, and any income or change in income from federally assisted disability or benefit program of Labor.

3. (U//FOUO) According to Department of Labor records, has continued to report an inability to work and certifies annually that she has not worked. certified that she continued to be unable to work and reported no employment.

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UNCLASSIFIED//FOUO
Approved for Release: 2016/08/31 C06552610
Case Closing Memorandum

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Case Closing Memorandum

(b)(3) CIA Act
(b)(6)
(b)(7)(c) receives approximately $2,200 in monthly disability payments, in addition to payments made to medical professionals for occasional therapy treatment of (b)(3) CIA Act (b)(6) (b)(7)(c)

4. (U//FOUO) On 9 January (b)(7)(c) I met with (b)(3) CIA Act (b)(6) (b)(7)(c) Senior Claims Examiner, Department of Labor, regarding workers compensation records. (b)(6) advised that (b)(7)(c) worker’s compensation file needed to be updated with required Department of Labor documentation in order to assess possible fraud and make any necessary adjustment to disability payments.

III. Findings

5. (U//FOUO) The investigation by OIG did not substantiate worker’s compensation fraud by (b)(3) CIA Act (b)(6) (b)(7)(c) The OIG investigation found that (b)(7)(c) file was missing required Department of Labor documentation that must be completed by (b)(7)(c) to include current medical status and suitability for employment. The Department of Labor will review (b)(7)(c) case file and, if needed, will request her employment history and income records from the Social Security Administration and Internal Revenue Service. The Department of Labor will work with the Agency’s Workers Compensation Division to assess (b)(7)(c) suitability for employment and make any necessary adjustments to (b)(7)(c) worker’s compensation payments. The Worker’s Compensation Division will handle this matter administratively and will contact OIG if evidence of fraud is found.

6. (U//FOUO) An Action Request or Notification Memorandum (ARNM) will be forwarded to the Director of Support for informational purposes.

7. (U//FOUO) This matter is considered closed by OIG.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIA Act (b)(6) (b)(7)(c) February 28

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act (b)(6) (b)(7)(c) July 28
Office of Inspector General 
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 2013-11647
Case Title: Agency Office
Investigator: OID
Date Received: 6 December 2013
Date Opened: 9 December 2013
Date Assigned: 9 December 2013
Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (S/NF) On 6 December 2013, the notified the Office of Inspector General (OIG) that Agency staff employee  
   the information was provided by an anonymous caller to the Homeland

2. (S/NF) Based upon the information provided, OIG initiated a joint investigation into the matter.

III. Findings

4. (S/NF) The investigation by OIG did not substantiate any misconduct occurred regarding closed their investigation upon being notified

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Approved for Release: 2016/08/31 C06552611
5. (U/FOUO) An action request or Notification Memorandum (ARNM) will be submitted to the Director of the National Clandestine Service with no response required. This information is also being provided to the Director of Security for informational purposes. The matter is considered closed by OIG.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

Sign / Date

2/6/14

(b)(3) CIA/Act

(b)(6)

(b)(7)(c)

6 Feb 2014

(b)(3) CIA/Act

(b)(6)

(b)(7)(c)
## I. Administrative Data

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<th>2013-11460</th>
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<tr>
<td>Date Received</td>
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</table>

## II. Summary of Investigative Actions

1. (U/FOUO) On 24 July 2013, the CIA Office of Inspector General – Investigations Staff (OIG INV) received a letter from the Assistant Director, General Accounting Office (GAO) Fraudnet Operations with information from an anonymous source alleging the Theft of Government Property – Title 18 U.S.C. 641 – by a CIA employee identified as (b)(6) The source alleged that (b)(7)(c) while employed at CIA and now is selling the same book for profit under his private business.

2. (S/NF) The OIG reviewed Employee Bio to determine that he was not a current staff employee of the CIA and had been a CIA contractor since (b)(3) CIIACt (b)(6) On 19 August 2013, the OIG contacted (b)(7)(c) from the CIA’s Publication Review Board (PRB) to ensure the manuscript had been reviewed for classified material before publication and release. From (b)(6) the OIG compared both the classified draft from the (b)(1) website on CIA Link and the unclassified published version (b)(6) (b)(7)(c)

3. (S/NF) The two versions (b)(6) (b)(7)(c) were significantly different in content and material (b)(3) CIAAct (b)(6) (b)(7)(c)

   In addition, (b)(6) (b)(7)(c) did not violate CIA policy and cleared the manuscript through CIA’s PRB process to ensure classified material was not included.

4. (U/FOUO) The investigation did not discover any evidence to substantiate the allegation. Due to a lack of evidence/information to support the allegation of theft of government property, this matter is being closed. Should additional information be developed OIG INV may consider reopening the

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(b)(3) CIAAct
(b)(3) NatSecAct
Case Closing Memorandum

matters.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(Sign / Date)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Case Closing Memo approved by Supervisor:

(Sign / Date)

April 2014
Case Closing Memorandum

I. Administrative Data

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<td>13 March 2014</td>
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II. Summary of Investigative Actions


III. Findings

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Case Closing Memorandum

7. (U//FOUO) The OIG investigation found no evidence of child pornography. The OIG will send a formal notification to management. This matter is closed pending the receipt of additional information. Should any additional information be developed, OIG may consider reopening this investigation.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor: [Sign / Date]

Case Closing Memo approved by Supervisor: [Sign / Date]
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

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<td>Date Received:</td>
<td>13 September 2013</td>
<td>Date Opened:</td>
<td>18 September 2013</td>
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<td>Date Assigned:</td>
<td>18 October 2013</td>
<td>Case Type:</td>
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II. Summary of Investigative Actions

1. **(SH/NF)** On 18 September 2013, the Office of Inspector General (OIG) received information from the Office of General Counsel representative to the National Clandestine Service (NCS) indicating a contractor employed by CIA/NCS allegedly started a side business and attempted to solicit business using his CIA email account - a potential violation of Title 18 USC § 205, **Conflicts of Interest**, and Agency Regulation (AR) 12-14.
   (b)(1) (b)(3) CIAAct (b)(3) NatSecAct

2. **(SH/NF)** The OIG queried Outside Activity Forms and the results were negative as Security could find no Outside Activity Forms submitted by

   - (b)(3) CIAAct
   - (b)(6)
   - (b)(7)(c)

   - (b)(1)
   - (b)(3) CIAAct
   - (b)(3) NatSecAct
   - (b)(6)
   - (b)(7)(c)
   - (b)(7)(e)

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Case Closing Memorandum

6. **(S/H/N/F)** stated he does not own or work for any outside business interests. Speculated the allegation that he was soliciting business stemmed from an email that got forwarded. Further stated the nature and scope of the email was 100% within the scope of his job duties.

III. Findings

1. **(U/FOUO)** The predating allegation was found to be unsubstantiated. Due to a lack of evidence or information to support the allegation of solicitation of business using government systems, this matter is being closed. Should additional information be developed, INV may consider reopening the investigation.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

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Sign / Date: 10 Apr 2014

Additional approved date: 16 Apr 2014

Special Agent in Charge
Case Closing Memorandum

I. Administrative Data

Case No.: 2012-1074
Investigator: [omitted]
Date Received: 1 May 2012
Date Assigned: 9 May 2012/reassigned to
Case Title: Class Action Settlement
Supervisor: [omitted]
Date Opened: 9 May 2012
Due Date: 21 May 2013
Case Type: Preliminary Review

II. Summary of Investigative Actions

1. On 1 May 2012, an Office of General Counsel attorney referred this matter to then Supervisory Special Agent (SSA) regarding a class action settlement against [omitted]in case the OIG deemed it necessary to open an investigation.

III. Findings

2. SA reviewed the LEMS the contract files for any indication that the class action suit allegations impacted the Agency contracts. The OIG review found no evidence that the contract was improperly awarded, or that conspired to fix or raise prices in violation of the Sherman Act 15 U.S.C. The contract files indicated that the Agency followed proper procedures in the award by visiting various company sites, comparing the prices, documenting the process to ensure was properly awarded. Representatives provided the requested documentation, products and services per the contract and there was no evidence to substantiate the allegations in the Class Action Suit. This case is closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

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SPECIAL REVIEW

OFFICE OF INSPECTOR GENERAL

CENTRAL INTELLIGENCE AGENCY


7 May 2004

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TOP SECRET

(b)(1)

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APPENDICES

A. Procedures and Resources

B. Chronology of Significant Events

C. Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency, Re: Interrogation of an Al-Qa'ida Operative, 1 August 2002

D. DCI Guidelines on Confinement Conditions for CIA Detainees, 28 January 2003

F. Draft Office of Medical Services Guidelines on Medical and Psychological Support to Detainee Interrogations, 4 September 2003
INTRODUCTION

1. (b)(1) (b)(3) NatSecAct

On 17 September 2001, the President signed a Memorandum of Notification (MON) (b)(1) (b)(3) NatSecAct

One of the key weapons in the war on terror was the MON authorization for CIA to "undertake operations designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities."

2. (TS/  (b)(1) (b)(3) NatSecAct

In November 2002, the Deputy Director for Operations (DDO) informed the Office of Inspector General (OIG) that the Agency had established a program in the Counterterrorist Center to detain and interrogate terrorists at sites abroad ("the CTC Program"). He also informed OIG that he had just learned of and had dispatched a team to investigate the death of a detainee, Gul Rahman. (b)(1) (b)(3) NatSecAct

In January 2003, the DDO informed OIG that he had received allegations that Agency personnel had used unauthorized interrogation techniques with a detainee, 'Abd Al-Rahim Al-Nashiri, at another foreign site, and requested that

(b)(1) (b)(3) NatSecAct
OIG investigate. Separately, OIG received information that some employees were concerned that certain covert Agency activities at an overseas detention and interrogation site might involve violations of human rights. In January 2003, OIG initiated a review of Agency counterterrorism detention and interrogation activities and investigations into the death of Gul Rahman and the incident with Al-Nashiri.\(^1\) This Review covers the period September 2001 to mid-October 2003.\(^2\) Results of the Gul Rahman and Al-Nashiri-related investigations are the subject of separate reports.

**SUMMARY**

3. *(TS/)

After the President signed the 17 September 2001 MON, the DCI assigned responsibility for implementing capture and detention authority to the DDO and to the Director of the DCI Counterterrorist Center (D/CTC). When U.S. military forces began detaining individuals in Afghanistan and at Guantanamo Bay, Cuba,

4. *(TS/)

Following the approval of the MON on 17 September 2001, the Agency began to detain and interrogate directly a number of suspected terrorists. The capture and initial Agency interrogation of the first high value detainee, Abu Zubaydah,
in March 2002, presented the Agency with a significant dilemma. The Agency was under pressure to do everything possible to prevent additional terrorist attacks. Senior Agency officials believed Abu Zubaydah was withholding information that could not be obtained through then-authorized interrogation techniques. Agency officials believed that a more robust approach was necessary to elicit threat information from Abu Zubaydah and possibly from other senior Al-Qa'ida high value detainees.

5. The conduct of detention and interrogation activities presented new challenges for CIA. These included determining where detention and interrogation facilities could be securely located and operated, and identifying and preparing qualified personnel to manage and carry out detention and interrogation activities. With the knowledge that Al-Qa'ida personnel had been trained in the use of resistance techniques, another challenge was to identify interrogation techniques that Agency personnel could lawfully use to overcome the resistance. In this context, CTC, with the assistance of the Office of Technical Service (OTS), proposed certain more coercive physical techniques to use on Abu Zubaydah. All of these considerations took place against the backdrop of pre-September 11, 2001 CIA avoidance of interrogations and repeated U.S. policy statements condemning torture and advocating the humane treatment of political prisoners and detainees in the international community.

6. The Office of General Counsel (OGC) took the lead in determining and documenting the legal parameters and constraints for interrogations. OGC conducted independent research and prepared legal guidance on the use of interrogation techniques.

---

4 The use of "high value" or "medium value" to describe terrorist targets and detainees in this Review is based on how they have been generally categorized by CTC. CTC distinguishes targets according to the quality of the intelligence that they are believed likely to be able to provide about current terrorist threats against the United States. Senior Al-Qa'ida planners and operators, such as Abu Zubaydah and Khalid Shaykh Muhammad, fall into the category of "high value" and are given the highest priority for capture, detention, and interrogation. CTC categorizes those individuals who are believed to have lesser direct knowledge of such threats, but to have information of intelligence value, as "medium value" targets/detainees.
and consulted extensively with Department of Justice (DoJ) and National Security Council (NSC) legal and policy staff. Working with DoJ's Office of Legal Counsel (OLC), OGC determined that in most instances relevant to the counterterrorism detention and interrogation activities under the MON, the criminal prohibition against torture, 18 U.S.C. 2340-2340B, is the controlling legal constraint on interrogations of detainees outside the United States. In August 2002, DoJ provided to the Agency a legal opinion in which it determined that 10 specific "Enhanced Interrogation Techniques" (EITs) would not violate the torture prohibition. This work provided the foundation for the policy and administrative decisions that guide the CTC Program.

7. (TS/CAI) By November 2002, the Agency had Abu Zubaydah and another high value detainee, 'Abd Al-Rahim Nashiri, in custody at an overseas facility in December 2002, the Agency rendered these two detainees to another country to a facility until 2003 when it was closed was the location for the detention and interrogation of eight high value detainees. Agency employees and contractors staffed the Directorate of Operations (DO) provided a Chief of Base (COB) and interrogation personnel, the Office of Security (OS) provided security personnel, and the Office of Medical Services (OMS) provided medical care to the detainees.

8. (TS/CAI) In September 2002, the Agency has operated a detention facility in known as has 20 cells and is guarded by has served a number of purposes functions as a detention, debriefing, and interrogation facility for high and medium value targets. serves as a holding facility at which the Agency assesses the potential
value of detainees before making a decision on their disposition. It served as a transit point for detainees going to...

9. (TS/ (b)(3) NatSecAct

With respect to site management and Headquarters oversight of the Program, the distinctions between the detention and interrogation activities at... on the one hand, and detention and interrogation activities on the other, are significant. The Agency devoted far greater human resources and management attention to... From the beginning, OGC briefed DO officers assigned to these two facilities on their legal authorities, and Agency personnel staffing these facilities documented interrogations and the condition of detainees in cables.

10. (TS/ (b)(3) NatSecAct

There were few instances of deviations from approved procedures with one notable exception described in this Review. With respect to two detainees at those sites, the use and frequency of one EIT, the waterboard, went beyond the projected use of the technique as originally described to DoJ. The Agency, on 29 July 2003, secured oral DoJ concurrence that certain deviations are not significant for purposes of DoJ's legal opinions.

11. (TS/ (b)(3) NatSecAct

By contrast, the Agency's conduct of... in particular, raises a host of issues. The first Site Manager at... was a first-tour officer who had no experience or training to run a detention facility. He had not received interrogations training and ran the facility with scant guidance from Headquarters Station.

12. (TS/ (b)(3) NatSecAct

presents a number of specific concerns.

Agency staff and independent contractors then go to the facility to...
conduct interrogations, but there is little continuity except for the Site Manager. has responsibility for the facility.

13. During the period covered by this Review, did not uniformly document or report the treatment of detainees, their conditions, or medical care provided. Because of the lack of guidance, limited personnel resources, and limited oversight, there were instances of improvisation and other documented interrogation techniques. In November 2002, one individual—Gul Rahman—died as a result of the way he was detained there.

14. There is no indication that the CTC Program has been inadequately funded. Across the board, however, staffing has been and continues to be the most difficult resource challenge for the Agency. This is largely attributable to the lack of personnel with interrogations experience or requisite language skills and the heavy personnel demands for other counterterrorism assignments.

15. Agency efforts to provide systematic, clear and timely guidance to those involved in the CTC Detention and Interrogation Program was inadequate at first but have improved considerably during the life of the Program as problems have been identified and addressed. CTC implemented training programs for interrogators and debriefers. Moreover, building upon operational and legal guidance previously sent to the field, the DCI

6 Before 11 September (9/11) 2001, Agency personnel sometimes used the terms interrogation/interrogator and debriefing/debriefer interchangeably. The use of these terms has since evolved and, today, CTC more clearly distinguishes their meanings. A debriefer engages a detainee solely through question and answer. An interrogator is a person who completes a two-week interrogations training program, which is designed to train, qualify, and certify a person to administer EITs. An interrogator can administer EITs during an interrogation of a detainee only after the field, in coordination with Headquarters, assesses the detainee as withholding information. An interrogator transitions the detainee from a non-cooperative to a cooperative phase in order that a debriefer can elicit actionable intelligence through non-aggressive techniques during debriefing sessions. An interrogator may debrief a detainee during an interrogation; however, a debriefer may not interrogate a detainee.
on 28 January 2003 signed "Guidelines on Confinement Conditions for CIA Detainees" and "Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001." The DCI Guidelines require individuals engaged in or supporting interrogations pursuant to programs implementing the MON of September 2001 be made aware of the guidelines and sign an acknowledgment that they have read them. The DCI Interrogation Guidelines make formal the existing CTC practice of requiring the field to obtain specific Headquarters approvals prior to the application of all EITs. Although the DCI Guidelines are an improvement over the absence of such DCI Guidelines in the past, they still leave substantial room for misinterpretation and do not cover all Agency detention and interrogation activities.

16. (TS) The Agency's detention and interrogation of terrorists has provided intelligence that has enabled the identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world. The CTC Program has resulted in the issuance of thousands of individual intelligence reports and analytic products supporting the counterterrorism efforts of U.S. policymakers and military commanders.

17. (TS) The current CTC Detention and Interrogation Program has been subject to DoJ legal review and Administration approval but diverges sharply from previous Agency policy and rules that govern interrogations by U.S. military and law enforcement officers. Officers are concerned that public revelation of the CTC Program will seriously damage Agency officers' personal reputations, as well as the reputation and effectiveness of the Agency itself.

18. (TS) recognized that detainees may be held in U.S. Government custody indefinitely if appropriate law enforcement jurisdiction is not asserted. Although there has been ongoing discussion of the issue inside the Agency and among NSC,
Defense Department, and Justice Department officials, no decisions on any "endgame" for Agency detainees have been made. Senior Agency officials see this as a policy issue for the U.S. Government rather than a CIA issue. Even with Agency initiatives to address the endgame with policymakers, some detainees who cannot be prosecuted will likely remain in CIA custody indefinitely.

19. (TS/ (b)(1) (b)(3) NatSecAct

The Agency faces potentially serious long-term political and legal challenges as a result of the CTC Detention and Interrogation Program, particularly its use of EITs and the inability of the U.S. Government to decide what it will ultimately do with terrorists detained by the Agency.

20. (TS/ (b)(1) (b)(3) NatSecAct

This Review makes a number of recommendations that are designed to strengthen the management and conduct of Agency detention and interrogation activities. Although the DCI Guidelines were an important step forward, they were only designed to address the CTC Program, rather than all Agency debriefing or interrogation activities.

the Agency should evaluate the effectiveness of the EITs and the necessity for the continued use of each.
BACKGROUND

22. (S) The Agency has had intermittent involvement in the interrogation of individuals whose interests are opposed to those of the United States. After the Vietnam War, Agency personnel experienced in the field of interrogations left the Agency or moved to other assignments. In the early 1980s, a resurgence of interest in teaching interrogation techniques developed as one of several methods to foster foreign liaison relationships. Because of political sensitivities the then-Deputy Director of Central Intelligence (DDCI) forbade Agency officers from using the word "interrogation." The Agency then developed the Human Resource Exploitation (HRE) training program designed to train foreign liaison services on interrogation techniques.

23. (S) In 1984, OIG investigated allegations of misconduct on the part of two Agency officers who were involved in interrogations and the death of one individual. Following that investigation, the Agency took steps to ensure Agency personnel understood its policy on
interrogations, deb briefings, and human rights issues. Headquarters sent officers to brief Stations and Bases and provided cable guidance to the field.

24. (S) In 1986, the Agency ended the HRE training program because of allegations of human rights abuses in Latin America.

which remains in effect, explains the Agency's general interrogation policy:

It is CIA policy to neither participate directly in nor encourage interrogation that involves the use of force, mental or physical torture, extremely demeaning indignities or exposure to inhumane treatment of any kind as an aid to interrogation.
DISCUSSION

GENESIS OF POST 9/11 AGENCY DETENTION AND INTERROGATION ACTIVITIES

The statutory basis for CIA's involvement in detentions and interrogations is the DCI's covert action responsibilities under the National Security Act of 1947, as amended. Under the Act, a covert action must be based on a Presidential "finding that the action is necessary to support identifiable foreign policy objectives and is important to the national security." Covert action findings must be in writing and "may not authorize any action that would violate the Constitution or any statute of the United States." These findings are implemented through Memoranda of Notification.

The 17 September 2001 MON authorizes the DCI, acting through CIA, to undertake operations "designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities." Although the MON does not specifically mention interrogations of those detained, this aspect of the CTC Program can be justified as part of CIA's general authority and responsibility to collect intelligence.

The DCI delegated responsibility for implementation of the MON to the DDO and D/CTC. Over time, CTC also solicited assistance from other Agency components, including OGC, OMS, OS, and OTS.

7 (U//FOUO) DOJ takes the position that as Commander-in-Chief, the President independently has the Article II constitutional authority to order the detention and interrogation of enemy combatants to gain intelligence information.
8 (U//FOUO) 50 U.S.C. 413b(a).
9 (U//FOUO) 50 U.S.C. 413b(a)(1), (5).
10 (U//FOUO) 50 U.S.C. 403-1, 403-3(d)(1).
28. (TS//) To assist Agency officials in understanding the scope and implications of the MON, between 17 September and 7 November 2001, OGC researched, analyzed, and wrote "draft" papers on multiple legal issues. These included discussions of the applicability of the U.S. Constitution overseas, applicability of Habeas Corpus overseas, length of detention, potential civil liability under the Federal Tort Claims Act and employee liability actions, liaison with law enforcement, interrogations, Guantanamo Bay detention facility, short-term detention facilities, and disposition of detainees. OGC shared these "draft" papers with Agency officers responsible for implementing the MON.

29. (TS/) existing Agency policy guidance remained that detainees, whether in U.S. or foreign custody, would be treated humanely and that Agency personnel would not be authorized to participate in extremely demeaning indignities or exposure to inhumane treatment of any kind.11

THE CAPTURE OF ABU ZUBAYDAH AND DEVELOPMENT OF EITs

30. (TS/) The capture of senior Al-Qa’ida operative Abu Zubaydah on 27 March 2002 presented the Agency with the opportunity to obtain actionable intelligence on future threats to the United States from the most senior Al-Qa’ida member in U.S. custody at that time. This accelerated CIA’s development of an interrogation program and establishment of an interrogation site.
31. To treat the severe wounds that Abu Zubaydah suffered upon his capture, the Agency provided him intensive medical care from the outset and deferred his questioning for several weeks pending his recovery. The Agency then assembled a team that interrogated Abu Zubaydah using non-aggressive, non-physical elicitation techniques. Between June and July 2002, the team and Abu Zubaydah was placed in isolation. The Agency believed that Abu Zubaydah was withholding imminent threat information.

32. Several months earlier, in late 2001, CIA had tasked an independent contractor psychologist, who had 13 years of experience in the U.S. Air Force's Survival, Evasion, Resistance, and Escape (SERE) training program, to research and write a paper on Al-Qa'ida's resistance to interrogation techniques. This psychologist collaborated with a Department of Defense (DoD) psychologist who had 19 years of SERE experience in the U.S. Air Force and DoD to produce the paper, "Recognizing and Developing Countermeasures to Al-Qa'ida Resistance to Interrogation Techniques: A Resistance Training Perspective." Subsequently, the two psychologists developed a list of new and more aggressive EITs that they recommended for use in interrogations.

12 CTC had previously identified locations for "covert" sites but had not established facilities.
13 The SERE training program falls under the DoD Joint Personnel Recovery Agency (JPRA). JPRA is responsible for missions to include the training for SERE and Prisoner of War and Missing In Action operational affairs including repatriation. SERE Training is offered by the U.S. Army, Navy, and Air Force to its personnel, particularly air crews and special operations forces who are of greatest risk of being captured during military operations. SERE students are taught how to survive in various terrain, evade and endure captivity, resist interrogations, and conduct themselves to prevent harm to themselves and fellow prisoners of war.
33. (TS/ (b)(1) NatSecAct CIA’s OTS obtained data on the use of the proposed EITs and their potential long-term psychological effects on detainees. OTS input was based in part on information solicited from a number of psychologists and knowledgeable academics in the area of psychopathology.

34. (TS/ (b)(3) NatSecAct OTS also solicited input from DoD/Joint Personnel Recovery Agency (JPRA) regarding techniques used in its SERE training and any subsequent psychological effects on students. DoD/JPRA concluded no long-term psychological effects resulted from use of the EITs, including the most taxing technique, the waterboard, on SERE students. The OTS analysis was used by OGC in evaluating the legality of techniques.

35. (TS/ (b)(3) NatSecAct Eleven EITs were proposed for adoption in the CTC Interrogation Program. As proposed, use of EITs would be subject to a competent evaluation of the medical and psychological state of the detainee. The Agency eliminated one proposed technique—the mock burial—after learning from DoJ that this could delay the legal review. The following textbox identifies the 10 EITs the Agency described to DoJ.

14 (3) According to individuals with authoritative knowledge of the SERE program, the waterboard was used for demonstration purposes on a very small number of students in a class. Except for Navy SERE training, use of the waterboard was discontinued because of its dramatic effect on the students who were subjects.
Enhanced Interrogation Techniques

- The attention grasp consists of grasping the detainee with both hands, with one hand on each side of the collar opening, in a controlled and quick motion. In the same motion as the grasp, the detainee is drawn toward the interrogator.

- During the walling technique, the detainee is pulled forward and then quickly and firmly pushed into a flexible false wall so that his shoulder blades hit the wall. His head and neck are supported with a rolled towel to prevent whiplash.

- The facial hold is used to hold the detainee's head immobile. The interrogator places an open palm on either side of the detainee's face and the interrogator's fingertips are kept well away from the detainee's eyes.

- With the facial or insult slap, the fingers are slightly spread apart. The interrogator's hand makes contact with the area between the tip of the detainee's chin and the bottom of the corresponding earlobe.

- In cramped confinement, the detainee is placed in a confined space, typically a small or large box, which is usually dark. Confinement in the smaller space lasts no more than two hours and in the larger space it can last up to 18 hours.

- Insects placed in a confinement box involve placing a harmless insect in the box with the detainee.

- During wall standing, the detainee may stand about 4 to 5 feet from a wall with his feet spread approximately to his shoulder width. His arms are stretched out in front of him and his fingers rest on the wall to support all of his body weight. The detainee is not allowed to reposition his hands or feet.

- The application of stress positions may include having the detainee sit on the floor with his legs extended straight out in front of him with his arms raised above his head or kneeling on the floor while leaning back at a 45 degree angle.

- Sleep deprivation will not exceed 11 days at a time.

- The application of the waterboard technique involves binding the detainee to a bench with his feet elevated above his head. The detainee's head is immobilized and an interrogator places a cloth over the detainee's mouth and nose while pouring water onto the cloth in a controlled manner. Airflow is restricted for 20 to 40 seconds and the technique produces the sensation of drowning and suffocation.
DOJ LEGAL ANALYSIS

36. (TS//CIA's OGC sought guidance from DoJ regarding the legal bounds of EITs vis-à-vis individuals detained under the MON authorization. The ensuing legal opinions focus on the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (Torture Convention), especially as implemented in the U.S. criminal code, 18 U.S.C. 2340-2340A.

37. (U//FOUO) The Torture Convention specifically prohibits "torture," which it defines in Article 1 as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanction. [Emphasis added.]

Article 4 of the Torture Convention provides that states party to the Convention are to ensure that all acts of "torture" are offenses under their criminal laws. Article 16 additionally provides that each state party "shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to acts of torture as defined in Article 1."

38. (U//FOY) The Torture Convention applies to the United States only in accordance with the reservations and understandings made by the United States at the time of ratification.\textsuperscript{16} As explained to the Senate by the Executive Branch prior to ratification:

Article 16 is arguably broader than existing U.S. law. The phrase "cruel, inhuman or degrading treatment or punishment" is a standard formula in international instruments and is found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. To the extent the phrase has been interpreted in the context of those agreements, "cruel" and "inhuman" treatment or punishment appears to be roughly equivalent to the treatment or punishment barred in the United States by the Fifth, Eighth and Fourteenth Amendments. "Degrading" treatment or punishment, however, has been interpreted as potentially including treatment that would probably not be prohibited by the U.S. Constitution. [Citing a ruling that German refusal to recognize individual's gender change might be considered "degrading" treatment.] To make clear that the United States construes the phrase to be coextensive with its constitutional guarantees against cruel, unusual, and inhumane treatment, the following understanding is recommended:

"The United States understands the term 'cruel, inhuman or degrading treatment or punishment,' as used in Article 16 of the Convention, to mean the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth and/or Fourteenth Amendments to the Constitution of the United States."\textsuperscript{17} [Emphasis added.]


\textsuperscript{17} (U//FOY) S. Treaty Doc. No. 100-20, at 15-16.
39. (U//FOUO) In accordance with the Convention, the United States criminalized acts of torture in 18 U.S.C. 2340A(a), which provides as follows:

Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

The statute adopts the Convention definition of "torture" as "an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control." "Severe physical pain and suffering" is not further defined, but Congress added a definition of "severe mental pain or suffering:"

[T]he prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. . . .

These statutory definitions are consistent with the understandings and reservations of the United States to the Torture Convention.

18 (U//FOUO) 18 U.S.C. 2340(1).
40. (U//FOUQ) DOJ has never prosecuted a violation of the torture statute, 18 U.S.C. §2340, and there is no case law construing its provisions. OGC presented the results of its research into relevant issues under U.S. and international law to DOJ’s OLC in the summer of 2002 and received a preliminary summary of the elements of the torture statute from OLC in July 2002. An unclassified 1 August 2002 OLC legal memorandum set out OLC’s conclusions regarding the proper interpretation of the torture statute and concluded that "Section 2340A proscribes acts inflicting, and that are specifically intended to inflict, severe pain or suffering whether mental or physical." Also, OLC stated that the acts must be of an "extreme nature" and that "certain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within Section 2340A’s proscription against torture." Further describing the requisite level of intended pain, OLC stated:

Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, e.g., lasting for months or even years.

OLC determined that a violation of Section 2340 requires that the infliction of severe pain be the defendant’s "precise objective." OLC also concluded that necessity or self-defense might justify interrogation methods that would otherwise violate Section 2340A. The August 2002 OLC opinion did not address whether any other provisions of U.S. law are relevant to the detention, treatment, and interrogation of detainees outside the United States.

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21 (U//FOUQ) Ibid., p. 1.
22 (U//FOUQ) Ibid., p. 39.
23 (U//FOUQ) OLC’s analysis of the torture statute was guided in part by judicial decisions under the Torture Victims Protection Act (TVPA) 28 U.S.C. 1350, which provides a tort remedy for victims of torture. OLC noted that the courts in this context have looked at the entire course...
41. (U//FOUO) A second unclassified 1 August 2002 OLC opinion addressed the international law aspects of such interrogations. This opinion concluded that interrogation methods that do not violate 18 U.S.C. 2340 would not violate the Torture Convention and would not come within the jurisdiction of the International Criminal Court.

42. (TS/ NFIP) In addition to the two unclassified opinions, OLC produced another legal opinion on 1 August 2002 at the request of CIA. This opinion, addressed to CIA's Acting General Counsel, discussed whether the proposed use of EITs in interrogating Abu Zubaydah would violate the Title 18 prohibition on torture. The opinion concluded that use of EITs on Abu Zubaydah would not violate the torture statute because, among other things, Agency personnel: (1) would not specifically intend to inflict severe pain or suffering, and (2) would not in fact inflict severe pain or suffering.

43. (TS/ NFIP) This OLC opinion was based upon specific representations by CIA concerning the manner in which EITs would be applied in the interrogation of Abu Zubaydah. For example, OLC was told that the EIT "phase" would likely last "no more than several days but could last up to thirty days." The EITs would be used on "an as-needed basis" and all would not necessarily be used. Further, the EITs were expected to be used "in some sort of escalating fashion, culminating with the waterboard though not necessarily ending with this technique." Although some of the EITs
might be used more than once, "that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions." With respect to the waterboard, it was explained that:

... the individual is bound securely to an inclined bench ... The individual's feet are generally elevated. A cloth is placed over the forehead and eyes. Water is then applied to the cloth in a controlled manner. As this is done, the cloth is lowered until it covers both the nose and mouth. Once the cloth is saturated and completely covers the mouth and nose, the air flow is slightly restricted for 20 to 40 seconds due to the presence of the cloth. This causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of "suffocation and incipient panic," i.e., the perception of drowning. The individual does not breathe water into his lungs. During those 20 to 40 seconds, water is continuously applied from a height of [12 to 24] inches. After this period, the cloth is lifted, and the individual is allowed to breathe unimpeded for three or four full breaths. The sensation of drowning is immediately relieved by the removal of the cloth. The procedure may then be repeated. The water is usually applied from a canteen cup or small watering can with a spout. ... This procedure triggers an automatic physiological sensation of drowning that the individual cannot control even though he may be aware that he is in fact not drowning. It is likely that this procedure would not last more than 20 minutes in any one application.

Finally, the Agency presented OLC with a psychological profile of Abu Zubaydah and with the conclusions of officials and psychologists associated with the SERE program that the use of EITs would cause no long term mental harm. OLC relied on these representations to support its conclusion that no physical harm or prolonged mental harm would result from the use on him of the EITs, including the waterboard. 26

26 According to the Chief, Medical Services, OMS was neither consulted nor involved in the initial analysis of the risk and benefits of EITs, nor provided with the OTS report cited in the OLC opinion. In retrospect, based on the OLC extracts of the OTS report, OMS contends that the reported sophistication of the preliminary EIT review was exaggerated at least as it related to the waterboard, and that the power of this EIT was appreciably overstated in the report. Furthermore, OMS contends that the expertise of the SERE psychologist/interrogators on
44. (TS/ (b)(1) OGC continued to consult with DoJ as the CTC Interrogation Program and the use of EITs expanded beyond the interrogation of Abu Zubaydah. This resulted in the production of an undated and unsigned document entitled, "Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa’ida Personnel." According to OGC, this analysis was fully coordinated with and drafted in substantial part by OLC. In addition to reaffirming the previous conclusions regarding the torture statute, the analysis concludes that the federal War Crimes statute, 18 U.S.C. 2441, does not apply to Al-Qa’ida because members of that group are not entitled to prisoner of war status. The analysis adds that "the [Torture] Convention permits the use of [cruel, inhuman, or degrading treatment] in exigent circumstances, such as a national emergency or war." It also states that the interrogation of Al-Qa’ida members does not violate the Fifth and Fourteenth Amendments because those provisions do not apply extraterritorially, nor does it violate the Eighth Amendment because it only applies to persons upon whom criminal sanctions have been imposed. Finally, the analysis states that a wide range of EITs and other techniques would not constitute conduct of the type that would be prohibited by the Fifth, Eighth, or Fourteenth Amendments even were they to be applicable:

The use of the following techniques and of comparable, approved techniques does not violate any Federal statute or other law, where the CIA interrogators do not specifically intend to cause the detainee to undergo severe physical or mental pain or suffering (i.e., they act with the good faith belief that their conduct will not cause such pain or suffering): isolation, reduced caloric intake (so long as the amount is calculated to maintain the general health of the detainees), deprivation of reading material, loud music or white noise. The waterboard was probably misrepresented at the time, as the SERE waterboard experience is so different from the subsequent Agency usage as to make it almost irrelevant. Consequently, according to OMS, there was no a priori reason to believe that applying the waterboard with the frequency and intensity with which it was used by the psychologist/interrogators was either efficacious or medically safe.

27 (TS/ The "Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa’ida Personnel," attached to (16 June 2003).
noise (at a decibel level calculated to avoid damage to the
detainees' hearing), the attention grasp, walling, the facial hold, the
facial slap (insult slap), the abdominal slap, cramped confinement,
wall standing, stress positions, sleep deprivation, the use of
diapers, the use of harmless insects, and the water board.

According to OGC, this analysis embodies DoJ agreement that the
reasoning of the classified 1 August 2002 OLC opinion extends
beyond the interrogation of Abu Zubaydah and the conditions that
were specified in that opinion.

NOTICE TO AND CONSULTATION WITH EXECUTIVE AND CONGRESSIONAL
OFFICIALS

45. (TS/ At the same time that OLC was reviewing
the legality of EITs in the summer of 2002, the Agency was consulting
with NSC policy staff and senior Administration officials. The DCI
briefed appropriate senior national security and legal officials on the
proposed EITs. In the fall of 2002, the Agency briefed the leadership
of the Congressional Intelligence Oversight Committees on the use of
both standard techniques and EITs.

46. (TS/ In early 2003, CIA officials, at the urging
of the General Counsel, continued to inform senior Administration
officials and the leadership of the Congressional Oversight
Committees of the then-current status of the CTC Program. The
Agency specifically wanted to ensure that these officials and the
Committees continued to be aware of and approve CIA's actions.
The General Counsel recalls that he spoke and met with White House
Counsel and others at the NSC, as well as DoJ's Criminal Division
and Office of Legal Counsel beginning in December 2002 and briefed
them on the scope and breadth of the CTC's Detention and
Interrogation Program.

47. (TS/ Representatives of the DO, in the
presence of the Director of Congressional Affairs and the General
Counsel, continued to brief the leadership of the Intelligence
Oversight Committees on the use of EITs and detentions in February
and March 2003. The General Counsel says that none of the participants expressed any concern about the techniques or the Program.

48. On 29 July 2003, the DCI and the General Counsel provided a detailed briefing to selected NSC Principals on CIA’s detention and interrogation efforts involving "high value detainees," to include the expanded use of EITs. According to a Memorandum for the Record prepared by the General Counsel following that meeting, the Attorney General confirmed that DoJ approved of the expanded use of various EITs, including multiple applications of the waterboard. The General Counsel said he believes everyone in attendance was aware of exactly what CIA was doing with respect to detention and interrogation, and approved of the effort. According to OGC, the senior officials were again briefed regarding the CTC Program on 16 September 2003, and the Intelligence Committee leadership was briefed again in September 2003. Again, according to OGC, none of those involved in these briefings expressed any reservations about the program.

GUIDANCE ON CAPTURE, DETENTION, AND INTERROGATION

49. Guidance and training are fundamental to the success and integrity of any endeavor as operationally, politically, and legally complex as the Agency’s Detention and Interrogation Program. Soon after 9/11, the DDO issued guidance on the standards for the capture of terrorist targets.

50. The DCI, in January 2003 approved formal "Guidelines on Confinement Conditions for CIA Detainees" (Appendix D) and "Guidelines on Interrogations Conducted

28 The briefing materials referred to 24 high value detainees interrogated at CIA-controlled sites and identified 13 interrogated using EITs.
29 Memorandum for the Record (5 August 2003).
Pursuant to the Presidential Memorandum of Notification of 17 September 2001" (Appendix E), which are discussed below. Prior to the DCI Guidelines, Headquarters provided guidance via informal briefings and electronic communications, to include cables from CIA Headquarters, to the field. Because the level of guidance was largely site-specific, this Report discusses the pre-January 2003 detention and interrogation guidance in the sections addressing specific detention facilities.

51. (TS) In November 2002, CTC initiated training courses for individuals involved in interrogations. In April 2003, OMS consolidated and added to its previously issued informal guidance for the OMS personnel responsible for monitoring the medical condition of detainees.

30 (U//FOUO) OMS reportedly issued four revisions of these draft guidelines, the latest of which is dated 4 September 2003. The guidelines remain in draft.

52.

53.
DCI Confinement Guidelines

57. (TS/□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□▌

Approved for Release: 2016/10/31 C05856717

(b)(1) NatSecAct

(b)(3) NatSecAct

(b)(1) NatSecAct

(b)(3) NatSecAct
58. (TS/)[b)(3)NatSecAct

The DCI Guidelines specify that D/CTC shall ensure that a specific Agency staff employee is designated as responsible for each specific detention facility. Agency staff employees responsible for the facilities and participating in the questioning of individuals detained pursuant to the 17 September 2001 MON must receive a copy of the DCI Guidelines. They must review the Guidelines and sign an acknowledgment that they have done so.

59. (TS/)[b)(3)NatSecAct

The DCI Guidelines specify legal "minimums" and require that "due provision must be taken to protect the health and safety of all CIA detainees." The Guidelines do not require that conditions of confinement at the detention facilities conform to U.S. prison or other standards. At a minimum, however, detention facilities are to provide basic levels of medical care:

... (which need not comport with the highest standards of medical care that is provided in U.S.-based medical facilities); food and drink which meets minimum medically appropriate nutritional and sanitary standards; clothing and/or a physical environment sufficient to meet basic health needs; periods of time within which detainees are free to engage in physical exercise (which may be limited, for example, to exercise within the isolation cells themselves); for sanitary facilities (which may, for example, comprise buckets for the relief of personal waste). . .

Further, the guidelines provide that:

Medical and, as appropriate, psychological personnel shall be physically present at, or reasonably available to, each Detention
Facility. Medical personnel shall check the physical condition of each detainee at intervals appropriate to the circumstances and shall keep appropriate records.

**DCI Interrogation Guidelines**

60. (S//S) Prior to January 2003, CTC and OGC disseminated guidance via cables, e-mail, or orally on a case-by-case basis to address requests to use specific interrogation techniques. Agency management did not require those involved in interrogations to sign an acknowledgement that they had read, understood, or agreed to comply with the guidance provided. Nor did the Agency maintain a comprehensive record of individuals who had been briefed on interrogation procedures.

61. (TS)

The DCI Interrogation Guidelines require that all personnel directly engaged in the interrogation of persons detained have reviewed these Guidelines, received appropriate training in their implementation, and have completed the applicable acknowledgement.

62. (S//S) The DCI Interrogation Guidelines define "Permissible Interrogation Techniques" and specify that "unless otherwise approved by Headquarters, CIA officers and other personnel acting on behalf of CIA may use only Permissible Interrogation Techniques. Permissible Interrogation Techniques consist of both (a) Standard Techniques and (b) Enhanced..."
Techniques."33 EITs require advance approval from Headquarters, as do standard techniques whenever feasible. The field must document the use of both standard techniques and EITs.

63. (TS/ The DCI Interrogation Guidelines define "standard interrogation techniques" as techniques that do not incorporate significant physical or psychological pressure. These techniques include, but are not limited to, all lawful forms of questioning employed by U.S. law enforcement and military interrogation personnel. Among standard interrogation techniques are the use of isolation, sleep deprivation not to exceed 72 hours,34 reduced caloric intake (so long as the amount is calculated to maintain the general health of the detainee), deprivation of reading material, use of loud music or white noise (at a decibel level calculated to avoid damage to the detainee's hearing), the use of diapers for limited periods (generally not to exceed 72 hours, or during transportation where appropriate), and moderate psychological pressure. The DCI Interrogation Guidelines do not specifically prohibit improvised actions. A CTC/Legal officer has said, however, that no one may employ any technique outside specifically identified standard techniques without Headquarters approval.

64. (TS/ EITs include physical actions and are defined as "techniques that do incorporate physical or psychological pressure beyond Standard Techniques." Headquarters must approve the use of each specific EIT in advance. EITs may be employed only by trained and certified interrogators for use with a specific detainee and with appropriate medical and psychological monitoring of the process.35

33 (S) The 10 approved EITs are described in the textbox on page 15 of this Review.
34 (TS/ According to the General Counsel, in late December 2003, the period for sleep deprivation was reduced to 48 hours.
35 (S/ Before EITs are administered, a detainee must receive a detailed psychological assessment and physical exam. Daily physical and psychological evaluations are continued throughout the period of EIT use.
Medical Guidelines

OMS prepared draft guidelines for medical and psychological support to detainee interrogations. The Chief, Medical Services disseminated the undated OMS draft guidelines in April 2003 to OMS personnel assigned to detention facilities. According to OMS, these guidelines were a compilation of previously issued guidance that had been disseminated in a piecemeal fashion. The guidelines were marked "draft" based on the advice of CTC/Legal. These guidelines quote excerpts from the DCI Interrogation Guidelines. They include a list of sanctioned interrogation techniques, approval procedures, technique goals, and staff requirements. The OMS draft guidelines also expand upon the practical medical implications of the DCI Interrogation Guidelines, addressing: general evaluation, medical treatment, uncomfortably cool environments, white noise or loud music, shackling, sleep deprivation, cramped confinement (confinement boxes), and the waterboard. According to the Chief, Medical Services, the OMS Guidelines were intended solely as a reference for the OMS personnel directly supporting the use of EITs and were not intended to be Agency authorizations for the techniques discussed. OMS most recently updated these draft guidelines in September 2003, and, according to the Chief, Medical Services, they were disseminated to all OMS field personnel involved in the Detention and Interrogation Program. (Appendix F.)

Training for Interrogations

In November 2002, CTC/Renditions and Detainees Group (RDG) initiated a pilot running of a two-week Interrogator Training Course designed to train, qualify, and certify individuals as Agency interrogators. Several CTC officers,
including a former SERE instructor, designed the curriculum, which included a week of classroom instruction followed by a week of "hands-on" training in EITs. In addition to standard and enhanced interrogation techniques, course material included apprehension and handling of subjects, renditions, management of an interrogation site, interrogation team structure and functions, planning an interrogation, the conditioning process, resistance techniques, legal requirements, Islamic culture and religion, the Arab mind, and Al-Qa'ida networks. Training using physical pressures was conducted via classroom academics, guided discussion, demonstration-performance, student practice and feedback.

67. (TS/NE) Three of the 16 attendees of the pilot course, including a senior Agency interrogator and two independent contractor/psychologists, were certified by CTC/RDG as interrogators. Their certification was based on their previous operational experience. The two psychologist/interrogators, who were at during the pilot course, were deemed certified based on their experience as SERE instructors and their interrogations of Abu Zubaydah and Al-Nashiri. Once certified, an interrogator is deemed qualified to conduct an interrogation employing EITs. Seven other individuals were designated as "trained and qualified," meaning they would have to apprentice under a certified interrogator in the field for 20 hours in order to become eligible for their certifications.

68. (S//NE) By September 2003, four Interrogation Training Courses had been completed, resulting in trained interrogators. Three of these are certified to use the waterboard. Additionally, a

38 (S//NE) These certifications were for "Enhanced Pressures," which involved all of the EITs except the waterboard. Only the two psychologist/interrogators were certified to use the waterboard based on their previous JPRA/SERE experience. Subsequently, another independent contractor, who had been certified as an interrogator, became certified in the use of the waterboard.
number of psychologists, physicians, Physician’s Assistants,\textsuperscript{39} and COBs completed the training for familiarization purposes. Students completing the Interrogation Course are required to sign an acknowledgment that they have read, understand, and will comply with the DCI’s Interrogation Guidelines.

69. (TS/\textsuperscript{b}(3) NatSecAct) In June 2003, CTC established a debriefing course for Agency substantive experts who are involved in questioning detainees after they have undergone interrogation and have been deemed "compliant." The debriefing course was established to train non-interrogators to collect actionable intelligence from high value detainees in CIA custody. The course is intended to familiarize non-interrogators with key aspects of the Agency interrogation Program, to include the Program’s goals and legal authorities, the DCI Interrogation Guidelines, and the roles and responsibilities of all who interact with a high value detainee. As of September 2003, three of these training sessions had been conducted, with a total of _ individuals completing the training. CTC/RDG was contemplating establishing a similar training regimen for Security Protective Officers and linguists who will be assigned to interrogation sites.

**DETENTION AND INTERROGATION OPERATIONS AT**

70. (TS/\textsuperscript{b}(3) NatSecAct) The detention and interrogation activity examined during this Review occurred primarily at three facilities encrypted as _______ and _______ was the facility at which two prominent Al-Qa’ida detainees, Abu Zubaydah and Al-Nashiri, were held with the foreign host government’s knowledge and approval, until it was closed for operational security reasons in December 2002. The two detainees at that location were

\textsuperscript{39} (U) Physician’s Assistants are formally trained to provide diagnostic, therapeutic, and preventative health care services. They work under the supervision of a physician, record progress notes, and may prescribe medications.
then moved to located in another foreign country. Eight individuals were detained and interrogated including Abu Zubaydah and Al-Nashiri.

Staffing and Operations

71. (TS/□) CTC initially established □ to detain and interrogate Abu Zubaydah. □ was operational between □ and □. □ had no permanent positions and was staffed with temporary duty (TDY) officers. Initially, Abu Zubaydah’s Agency interrogators at □ included an officer, who also served as COB, and a senior Agency security officer. They were assisted by various security, medical, and communications personnel detailed to support the interrogation mission. An independent contractor psychologist with extensive experience as an interrogation instructor at the U.S. Air Force SERE School also assisted the team.

72. (TS/□) Once the Agency approved the use of EITs in August 2002, a second independent contractor psychologist with 19 years of SERE experience joined the team. This followed a determination by the CIA personnel involved in debriefing that the continuation of the existing methods would not produce the actionable intelligence that the Intelligence Community believed Abu Zubaydah possessed. The team was supervised by the COB and supported by the on-site team of security, medical, and communications personnel.

73. (TS/□) The responsibility of the COB was to ensure the facility and staff functioned within the authorities that govern the mission. In conjunction with those duties, the COB was responsible for the overall management and security of the site and the personnel assigned to support activities there. The COB oversaw interrogations and released operational and intelligence.
TOP SECRET

(cables and situation reports. The COB coordinated activities with the Station and Headquarters and reported to the CTC Chief of Renditions Group.40

74. The two psychologist/interrogators at each interrogation of Abu Zubaydah and Al-Nashiri where EITs were used. The psychologist/interrogators conferred with the COB and other team members before each interrogation session. Psychological evaluations were performed by both Headquarters and on-site psychologists. Early on in the development of the interrogation Program, Agency OMS psychologists objected to the use of on-site psychologists as interrogators and raised conflict of interest and ethical concerns. This was based on a concern that the on-site psychologists who were administering the EITs participated in the evaluations, assessing the effectiveness and impact of the EITs on the detainees.

75. The interrogation intelligence requirements for Abu Zubaydah were generally developed at Headquarters by CTC/Usama Bin Laden (UBL) Group and refined at CTC/RDG, CTC/LGL, CTC/UBL, and provided input into the rendition and interrogation process.

staff maintained daily dialogue with Headquarters management by cable and secure telephone, and officers initiated a video conference with Headquarters to discuss the efficacy of proceeding with EITs.

76. Abu Zubaydah was the only detainee at until 'Abd Al-Rahim Al-Nashiri arrived on 15 November 2002. The interrogation of Al-Nashiri proceeded after received the necessary Headquarters authorization. The two

40 In August 2002, the group name became Renditions and Detainees Group, indicative of its new responsibilities for running detention facilities and interrogations. For consistency purposes in this Review, OIG subsequently refers to this group as CTC/RDG.
psychologist/interrogators began Al-Nashiri’s interrogation using EITs immediately upon his arrival. Al-Nashiri provided lead information on other terrorists during his first day of interrogation. On the twelfth day of interrogation, the two psychologist/interrogators administered two applications of the waterboard to Al-Nashiri during two separate interrogation sessions. Enhanced interrogation of Al-Nashiri continued through 4 December 2002.

Videotapes of Interrogations

77. (TS/ (b)(1) (b)(3) NatSecAct
Headquarters had intense interest in keeping abreast of all aspects of Abu Zubaydah’s interrogation including compliance with the guidance provided to the site relative to the use of EITs. Apart from this, however, and before the use of EITs, the interrogation teams at decided to videotape the interrogation sessions. One initial purpose was to ensure a record of Abu Zubaydah’s medical condition and treatment should he succumb to his wounds and questions arise about the medical care provided to him by CIA. Another purpose was to assist in the preparation of the debriefing reports, although the team advised CTC/Legal that they rarely, if ever, were used for that purpose. There are 92 videotapes, 12 of which include EIT applications. An OGC attorney reviewed the videotapes in November and December 2002 to ascertain compliance with the August 2002 DoJ opinion and compare what actually happened with what was reported to Headquarters. He reported that there was no deviation from the DoJ guidance or the written record.

78. (TS/ (b)(1) (b)(3) NatSecAct
OIG reviewed the videotapes, logs, and cables in May 2003. OIG identified 83 waterboard applications, most of which lasted less than 10 seconds. OIG also identified one instance where a psychologist/interrogator verbally

For the purpose of this Review, a waterboard application constituted each discrete instance in which water was applied for any period of time during a session.
threatened Abu Zubaydah by stating, "If one child dies in America, and I find out you knew something about it, I will personally cut your mother's throat."\textsuperscript{42} OIG found 11 interrogation videotapes to be blank. Two others were blank except for one or two minutes of recording. Two others were broken and could not be reviewed. OIG compared the videotapes to logs and cables and identified a 21-hour period of time, which included two waterboard sessions, that was not captured on the videotapes.

79. (TS/ ) OIG's review of the videotapes revealed that the waterboard technique employed at was different from the technique as described in the DoJ opinion and used in the SERE training. The difference was in the manner in which the detainee's breathing was obstructed. At the SERE School and in the DoJ opinion, the subject's airflow is disrupted by the firm application of a damp cloth over the air passages; the interrogator applies a small amount of water to the cloth in a controlled manner. By contrast, the Agency interrogator continuously applied large volumes of water to a cloth that covered the detainee's mouth and nose. One of the psychologists/interrogators acknowledged that the Agency's use of the technique differed from that used in SERE training and explained that the Agency's technique is different because it is "for real" and is more poignant and convincing.

80. (TS/ ) From December 2002 until September 2003, was used to detain and interrogate eight individuals.

During this time, Headquarters issued the formal DCI Confinement Guidelines, the DCI Interrogation Guidelines, and the additional draft guidelines specifically

\textsuperscript{42} (U//FOUO) See discussion in paragraphs 92-93 regarding threats.
addressing requirements for OMS personnel. This served to strengthen the command and control exercised over the CTC Program.

**Background and Detainees**

81.

(b)(1)
(b)(3) NatSecAct

82. (TS/ ) was originally intended to hold a maximum of two high value detainees because the Agency had not established another detention facility for these detainees, five cells had been constructed to accommodate five detainees—Abu Zubaydah, Al-Nashiri. Several Agency personnel expressed concern to OIG that had become overcrowded.

83.

(b)(1)
(b)(3) NatSecAct

38

(b)(1)
(b)(3) NatSecAct
84. (S//NF) Like [redacted], the COB had no permanent positions and was staffed with TDY officers. It had the same general staffing complement as [redacted].

85. (S//NF) DO managers told OIG that in selecting a COB at the COB, they considered a combination of factors, to include grade and managerial experience. A senior DO officer said that, by March 2003, because of a lack of available, experienced DO officers who could travel to [redacted], the selection criteria were limited to selecting CTC candidates based on their grade. Like most TDY personnel who traveled to [redacted], the COB was generally expected to remain for a 30-day TDY.

86. (TS//SI) The duties of the COB were to manage the facility, its security, and its personnel were the same as those of the COB at [redacted]. The COB also oversaw interrogations and debriefings, released cables and reports, and communicated daily with the local Station and Headquarters.

87. (TS//SI) Although the COB was ultimately responsible for on-site security, the daily responsibilities for security matters fell to security personnel who, in addition to monitoring the detainees around-the-clock, also monitored the perimeter via audio and video cameras. Security personnel maintained records of vital detainee information, to include medical information, prescribed medications, bathing schedules, menus, and eating schedules. They prepared three meals daily for each detainee, which generally consisted of beans, rice, cheese sandwiches, vitamins, fruit, water, and Ensure nutritional supplement.
88. (FS/ ) At psychologists’ roles did not immediately change. They continued to psychologically assess and interrogate detainees and were identified as "psychologist/interrogators." Headquarters addressed the conflict of interest concern when, on 30 January 2003, it sent a cable to that stated:

It has been and continues to be [Agency] practice that the individual at the interrogation site who administers the techniques is not the same person who issues the psychological assessment of record. . . . In this respect, it should be noted that staff and IC psychologists who are approved interrogators may continue to serve as interrogators and physically participate in the administration of enhanced techniques, so long as at least one other psychologist is present who is not also serving as an interrogator, and the appropriate psychological interrogation assessment of record has been completed.

Medical Services believes this problem still exists because the psychologists/interrogators continue to perform both functions.

Guidance Prior to DCI Guidelines

89. (FS/ ) By the time became operational, the Agency was providing legal and operational briefings and cables that contained Headquarters’ guidance and discussed the torture statute and the DoJ legal opinion. CTC had also established a precedent of detailed cables between and Headquarters regarding the interrogation and debriefing of detainees. The written guidance did not address the four standard interrogation techniques that, according to CTC/Legal, the Agency had identified as early as November 2002.43 Agency personnel were authorized to employ standard interrogation techniques on a detainee without Headquarters’ prior approval. The guidance did not specifically

43 (S/NI) The four standard interrogation techniques were: (1) sleep deprivation not to exceed 72 hours, (2) continual use of light or darkness in a cell, (3) loud music, and (4) white noise (background hum).
address the use of props to imply a physical threat to a detainee, nor did it specifically address the issue of whether or not Agency officers could improvise with any other techniques. No formal mechanisms were in place to ensure that personnel going to the field were briefed on the existing legal and policy guidance.

Specific Unauthorized or Undocumented Techniques

90. This Review heard allegations of the use of unauthorized techniques. The most significant, the handgun and power drill incident, discussed below, is the subject of a separate OIG investigation. In addition, individuals interviewed during the Review identified other techniques that caused concern because DoJ had not specifically approved them. These included the making of threats, blowing cigar smoke, employing certain stress positions, the use of a stiff brush on a detainee, and stepping on a detainee's ankle shackles. For all of the instances, the allegations were disputed or too ambiguous to reach any authoritative determination regarding the facts. Thus, although these allegations are illustrative of the nature of the concerns held by individuals associated with the CTC Program and the need for clear guidance, they did not warrant separate investigations or administrative action.

Handgun and Power Drill

91. and interrogation team members, whose purpose it was to interrogate Al-Nashiri and debrief Abu Zubaydah, initially staffed The interrogation team continued EITs on Al-Nashiri for two weeks in December 2002 until they assessed him to be "compliant." Subsequently, CTC officers at Headquarters disagreed with that assessment and sent a senior operations officer (the debriefer) to debrief and assess Al-Nashiri.

92. The debriefer assessed Al-Nashiri as withholding information, at which point reinstated sleep deprivation, hooding, and handcuffing. Sometime between
28 December 2002 and 1 January 2003, the debriefer used an unloaded semi-automatic handgun as a prop to frighten Al-Nashiri into disclosing information. After discussing this plan with the debriefer entered the cell where Al-Nashiri sat shackled and racked the handgun once or twice close to Al-Nashiri's head. On what was probably the same day, the debriefer used a power drill to frighten Al-Nashiri. With consent, the debriefer entered the detainee's cell and revved the drill while the detainee stood naked and hooded. The debriefer did not touch Al-Nashiri with the power drill.

93. (S//NF) The and debriefer did not request authorization or report the use of these unauthorized techniques to Headquarters. However, in January 2003, newly arrived TDY officers who had learned of these incidents reported them to Headquarters. OIG investigated and referred its findings to the Criminal Division of DoJ. On 11 September 2003, DoJ declined to prosecute and turned these matters over to CIA for disposition. These incidents are the subject of a separate OIG Report of Investigation.

94. (TS/□ □ □) During another incident the same Headquarters debriefer, according to a who was present, threatened Al-Nashiri by saying that if he did not talk, "We could get your mother in here," and, "We can bring your family in here." The debriefer reportedly wanted Al-Nashiri to infer, for psychological reasons, that the debriefer might be an intelligence officer based on his Arabic dialect, and that Al-Nashiri was in custody because it was widely believed in Middle East circles that interrogation technique involves

44 (S//NF) This individual was not a trained interrogator and was not authorized to use EITs.
45 (U//FOUO) Racking is a mechanical procedure used with firearms to chamber a bullet or simulate a bullet being chambered.
46 (S//NF) Unauthorized Interrogation Technique 29 October 2003.
sexually abusing female relatives in front of the detainee. The debriefer denied threatening Al-Nashiri through his family. The debriefer also said he did not explain who he was or where he was from when talking with Al-Nashiri. The debriefer said he never said he was intelligence officer but let Al-Nashiri draw his own conclusions.

95. (TS/ An experienced Agency interrogator reported that the psychologists/interrogators threatened Khalid Shaykh Muhammad. According to this interrogator, the psychologists/interrogators said to Khalid Shaykh Muhammad that if anything else happens in the United States, "We're going to kill your children." According to the interrogator, one of the psychologists/interrogators said CTC/Legal had advised that threats are permissible so long as they are "conditional."

With respect to the report provided to him of the threats that report did not indicate that the law had been violated.

96. (TS/ An Agency independent contractor interrogator admitted that, in December 2002, he and another independent contractor smoked cigars and blew smoke in Al-Nashiri's face during an interrogation. The interrogator claimed they did this to "cover the stench" in the room and to help keep the interrogators alert late at night. This interrogator said he would not do this again based on "perceived criticism." Another Agency interrogator admitted that he also smoked cigars during two sessions with Al-Nashiri to mask the stench in the room. He claimed he did not deliberately force smoke into Al-Nashiri's face.
**Stress Positions**

97. [TS/](b)(1) OIG received reports that interrogation team members employed potentially injurious stress positions on Al-Nashiri. Al-Nashiri was required to kneel on the floor and lean back. On at least one occasion, an Agency officer reportedly pushed Al-Nashiri backward while he was in this stress position. On another occasion, [redacted] said he had to intercede after [redacted] expressed concern that Al-Nashiri’s arms might be dislocated from his shoulders. [redacted] explained that, at the time, the interrogators were attempting to put Al-Nashiri in a standing stress position. Al-Nashiri was reportedly lifted off the floor by his arms while his arms were bound behind his back with a belt.

**Stiff Brush and Shackles**

98. [TS/](b)(1) A psychologist/interrogator reported that he witnessed other techniques used on Al-Nashiri that the interrogator knew were not specifically approved by DoJ. These included the use of a stiff brush that was intended to induce pain on Al-Nashiri and standing on Al-Nashiri’s shackles, which resulted in cuts and bruises. When questioned, an interrogator who was at [redacted] acknowledged that they used a stiff brush to bathe Al-Nashiri. He described the brush as the kind of brush one uses in a bath to remove stubborn dirt. A CTC manager who had heard of the incident attributed the abrasions on Al-Nashiri’s ankles to an Agency officer accidentally stepping on Al-Nashiri’s shackles while repositioning him into a stress position.

**Waterboard Technique**

99. [TS/](b)(1) The Review determined that the interrogators used the waterboard on Khalid Shaykh Muhammad in a manner inconsistent with the SERE application of the waterboard and the description of the waterboard in the DoJ OLC opinion, in that the technique was used on Khalid Shaykh Muhammad a large number of times. According to the General Counsel, the Attorney
General acknowledged he is fully aware of the repetitive use of the waterboard and that CIA is well within the scope of the DoJ opinion and the authority given to CIA by that opinion. The Attorney General was informed the waterboard had been used 119 times on a single individual.

Cables indicate that Agency interrogators applied the waterboard technique to Khalid Shaykh Muhammad 183 times during 15 sessions over a period of 14 days. The application of this technique to Khalid Shaykh Muhammad evolved because of this detainee’s ability to counter the technique by moving his lips to the side to breathe while water was being poured. To compensate, the interrogator administering the waterboard technique reportedly held Khalid Shaykh Muhammad’s lips with one hand while pouring water with the other. Khalid Shaykh Muhammad also countered the technique by holding his breath and drinking as much of the water being administered as he could. An on-site physician monitoring the waterboard sessions estimated that Khalid Shaykh Muhammad was capable of ingesting up to two liters of water. Cables indicate that an average of 19 liters (5 gallons) of water were used per waterboard session, with some of the water being splashed onto Khalid Shaykh Muhammad’s chest and abdomen to evoke a visceral response from him. On the advice of the presiding physician, water was replaced with normal saline to prevent water intoxication and dilution of electrolytes. In addition, one of the interrogators reportedly formed his hands over Khalid Shaykh Muhammad’s mouth to collect approximately one inch of standing water. Cables reflect that, during six waterboard

According to the while Khalid Shaykh Muhammad proved to be remarkably resilient to waterboard applications, the "unprecedented intensity of its use" led OMS to advise CTC/SMD that OMS considered the ongoing process "both excessive and pointless." This concern was the impetus for OMS to juxtapose explicitly the SERE waterboard experience with that of the Agency’s in the OMS Guidelines then being assembled.
sessions with Khalid Shaykh Muhammad, the interrogation team exceeded the contemplated duration of 20 minutes per session with the most notable session lasting 40 minutes.\(^{48}\)

**DETENTION AND INTERROGATION ACTIVITIES**

101. (TS) The Agency provided less management attention to detention and interrogation activities than it gave to and took the lead on these activities using as the primary detention and interrogation facility.

102. (TS) The Station existed until summer 2002 as a de facto extension of CTC, essentially singularly focused on the counter-terrorism mission.

the respective roles of CTC regarding the Station and became less clear and remained largely unaddressed at the Headquarters level. At the same time, the Agency began taking a more active role in detention but focused on the most high value detainees and the application of EITs.

Headquarters considered and did not focus on the facility's role and broader scope of activities.

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\(^{48}\) The OLC opinion dated 1 August 2002 states, "You have also orally informed us that it is likely that this procedure [waterboard] would not last more than 20 minutes in any one application." Although this 20-minute threshold was used as one basis for the formation of the OLC opinion regarding acceptable use of the waterboard, it does not appear that the limitation was ever promulgated to the field as guidance.
103. 

(b)(1) 

(b)(3) NatSecAct

104. 

(b)(1) 

(b)(3) NatSecAct

105. 

(b)(1) 

(b)(3) NatSecAct

106. 

(b)(1) 

(b)(3) NatSecAct
107. (TS/)(b)(1) In April 2002, the Station proposed the creation of a facility to meet the Station's requirement for "secure, safe, and separated handling of terrorist detainees." The Station stated that the facility was to be used in the "screening and interrogation phase" of detention, when Station personnel would determine the best disposition of the detainees.

Station described the proposed facility as one designed to hold 12 high-profile detainees, with the capacity of holding up to 20. The Station viewed the proposed facility as a way to maximize its efforts to exploit priority targets for intelligence and imminent threat information. In June 2002, Headquarters approved the funds to create the detention facility.

108. (TS/)(b)(1) received its first detainee on September 2002. After the first month of operation, the detainee population had grown to 20. Since then, the detainee population ranged from 8 to 20.

Headquarters Oversight

109. (S/NF) The disconnect between the field and Headquarters regarding arose early. After opened, the Station acknowledged that, in practical terms,
Agency personnel also made all decisions about who was to be detained at the facility.

111. (S//NF) OIG also found confusion among DO components regarding which Headquarters element was responsible for prior to September 2003. The proposal for opening originated with and many of the decisions regarding e.g., selection of the Site Manager, were made in the field. The confusion stemmed in part from the fact that

Despite the transition, however, the focus of activities in general, and in particular, was counterterrorism, and those activities were supported by counterterrorism funds. As a result, at Headquarters, monitored the activities but did not attempt to provide management oversight.

112. (TS//H) Initially, was the author of most cables concerning the facility. However, maintained that was not a responsibility, but a CTC/RDG responsibility. CTC/RDG did not share this view. viewed its mission as the capture of Al-Qa'ida, not exploitation of the captured terrorists. Senior CTC officials acknowledged that was far less important to them than and they focused little attention on activities there.
113. [(S//NF)] In December 2002, Station made a programmatic assessment of the staffing requirements. The Station stated its view that the staffing should include

114. [(TS/)] Also in December 2002, after CTC/RDG assumed responsibility for a CTC/RDG assessment team traveled to the site. The assessment team made recommendations ranging from administrative improvements, such as installation of thermometers in the facility and the use of a logbook, to programmatic changes, such as the need for additional personnel and determining the endgame for each detainee. Subsequently, there were some improvements in interrogation support. A September 2003 assessment from Station indicated that staffing remained insufficient to support the detention program. In response, CTC/RDG proposed to add three positions to the facility to address regional interrogation requirements.

Facility and Procedures

115. [(TS/)]

The detention facility inside the warehouse consists of 20 individual concrete structures used as cells, three interrogation rooms, a staff room, and a wardroom. is not insulated and there is no central air conditioning or heating. Individual cells were designed with a recess for electrical space heaters; however, electrical heaters were not placed in the cells. The Site Manager estimated there were between 6 and 12 gas heaters in the cell block in November 2002 at the time a detainee, Gul Rahman,
died from hypothermia.\(^5\) This was increased to 40 to 60 heaters after
the death. Throughout its occupancy, guards and a small
cooking/cleaning cadre have staffed

116. (TS/) had no written standard operating procedures until January 2003 when the DCI Confinement Guidelines were issued. A psychologist/interrogator visiting the facility before Gul Rahman’s death in November 2002 noted this deficiency, stating that the procedures should be so detailed as to specify who is responsible for turning the lights on and off, or what the temperature should be in the facility. Although the psychologist/interrogator relayed this opinion to the Site Manager and planned to author procedures, before he could do so, he was sent for the interrogation of a high value detainee.

117. (TS/) The customary practice at was to shave each detainee’s head and beard and conduct a medical examination upon arrival. Detainees were then given uniforms and moved to a cell. All detainees were subjected to total darkness and loud music. Photographs were taken of each detainee for identification purposes. While in the cells, detainees were shackled to the wall. The guards fed the detainees on an alternating schedule of one meal on one day and two meals the next day. As the temperature decreased in November and December 2002, the Site Manager made efforts to acquire additional supplies, such as warmer uniforms, blankets, and heaters.\(^5\) If a detainee was cooperative, he was afforded improvements in his environment to include a mat, blankets, a Koran, a lamp, and additional food choices. Detainees who were not cooperative were subjected to austere conditions and aggressive interrogations until they became "compliant."

\(^5\) The facts and circumstances of Gul Rahman’s death are discussed later in this Review.

\(^5\) In November 2002, the temperature ranged from a high of 70 to a low of 31 degrees Fahrenheit.
118. **(TS/□)** Prior to December 2002, had no written interrogation procedures. According to Station officer, Headquarters’ approval in July 2002 of the handling of a detainee with techniques of sleep deprivation, solitary confinement, and noise served as the basis for the standard operating procedures. According to had no definitive guidance regarding interrogations until a CTC officer came to in late July 2002. He sent a cable to CTC/Legal proposing techniques, such as the use of darkness, sleep deprivation, solitary confinement, and noise, that ultimately became the model for Other interrogation techniques adopted at which were reported to Headquarters included standing sleep deprivation, nakedness, and cold showers.

119. Interrogators at were left to their own devices in working with the detainees. One new CTC operations officer explained that he received no training or guidance related to interrogations before he arrived in mid-November 2002. According to the operations officer, the Site Manager said to route all cables through him and to do the job without "harming or killing" the detainees. Other officers provided similar accounts. Several officers who observed or participated in the activities in the early months expressed concern about the lack of procedures.

120. **(IS/□)** received little general guidance regarding detention and interrogation until after the death of Rahman on November 2002. In the perceived absence of specific guidance from Headquarters, one officer who spent several months at said he used common sense and his imagination to devise techniques. It was not until December 2002, three months after opening, that received official written guidance from Headquarters. Some of that guidance, for example the instruction that only those who had taken the interrogator training that

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53 **(IS/□)** The first session of the interrogation course began in November 2002. See paragraphs 64-65.
commenced in November 2002 should conduct interrogations, was met with surprise by officers who had been operating prior to November 2002 under other de facto procedures.

121. (TS/ The interrogation process evolved after the death of Gul Rahman. On December 2002, CTC/RDG announced it would assume the responsibility for the management and maintenance of all CIA custodial interrogation facilities. An assessment team traveled to in December 2002 and prepared a list of recommendations. stated he was comfortable with the level of guidance the Station received after the a visit.

122. (TS/ the employment of EITs is now reportedly well codified. According to the Site Manager, when interrogators arrive, he provides them with a folder containing written security issues and the procedures for using EITs. Interrogators are required to sign a statement certifying they have read and understand the contents of the folder. Written interrogation plans are prepared and sent to Headquarters for each detainee. Directorate of Intelligence analysts are not used as interrogators; they are the substantive experts. Psychologists are also monitoring the detainees and a Physician’s Assistant is now at whenever EITs are being employed. The staff is watching the temperature and detainee diets more carefully. Headquarters monitors medical, hygiene and other health, safety and related issues by, among other things, daily cable traffic and quarterly written reports. The Agency plans to open a new facility in 2004. At that point, CTC/RDG plans to move detainees from

123. (TS/ High value detainees Al-Nashiri and Khalid Shaykh Muhammad transited enroute to other facilities. Several medium value detainees have been detained and interrogated at For example, Ridda Najjar, a purported UBL bodyguard; Mustafa Ahmad Adam al-Hawsawi, an Al-Qa’ida
financier who reportedly handled the transfer of funds to the 9/11 hijackers and was captured with Khalid Shaykh Muhammad; and Khalid Shaykh Muhammad’s nephew, Ammar al-Baluchi, were detained at [redacted]. Although these individuals were not planners, they had access to information of particular interest, and the Agency used interrogation techniques at [redacted] to seek to obtain this information.

**Site Management**

124. (TS/NE) [redacted] who was at [redacted] from [redacted] described [redacted] as a "high risk, high gain intelligence facility." He described his role regarding [redacted] as the "overall manager." He stated that he traveled there to obtain a general sense of the facility or learn firsthand of a specific interrogation. He released [redacted] all cables regarding the facility and the interrogations conducted there.

125. (S//NF) [redacted] who had several overseas assignments was [redacted] said his responsibilities included overseeing the activities at [redacted]. He said he went to the facility about three times, explaining that Station management tried to limit the number of trips to the facility because going there was considered an operational act. Because of other responsibilities, the Station relied heavily on [redacted], the Site Manager, to oversee the day-to-day running of the facility.

126. (TS//SI) [redacted] who was interviewed during this Review, [redacted] He was unable to estimate the percentage of time that he spent on detention-related matters but said it varied. [redacted] that he went to [redacted] on a number of occasions and
believed he knew what was occurring there. He coordinated on all
cable traffic related to detention matters.  

127. (TS/)(b)(1) Station assigned responsibility for
prior to its occupancy to a   (b)(3) Staff
(b) officer
(b)(6) hired in January (b)(7)
(b)(7) This officer lacked any education or
experience that was relevant to managing the construction of a
detention facility. He only learned of his assignment after reporting
to the Station. He was responsible for the site and construction
during his  (b)(6)
(b)(7) TDY tour

(b)(1)  
(b)(3) NatSecAct 

(b)(6) 
(b)(7)

128. (S) The first Site Manager was a first-tour
(b)(1) officer who arrived on  (b)(3) 2002.

(b)(1)  
(b)(3) NatSecAct 

(b)(6) 
(b)(7)

129. (TS/)
(b)(1) When he arrived in  (b)(3) in the
(b)(6) 2002, the Site Manager had no idea what duties he would
(b)(7) be assigned. He believes the primary factors in his assignment as
(b)(7) Site Manager were the vacancy in the detention program
(b)(7) and that
(b)(7) The Site
Manager received a copy of the DCI’s Interrogation Guidelines in
January 2003 and certified that he had read them. The first formal
training the Site Manager received on the use of EITs, however, was
an interrogation class he attended nine months into his
(b)(1) tour. 
(b)(6) 
(b)(7)
130. (TS//SI) gave the Site Manager responsibility for anything that had to do with detention, 

(b)(1) NatSecAct 
(b)(3) NatSecAct 

131. (TS//SI) explained that he selected the Site Manager based on several factors, including 

(b)(1) CIAAct 
(b)(3) CIAAct 
(b)(6) NatSecAct 
(b)(7)(c) NatSecAct 

added that he watched the Site Manager discharge his duties and was very satisfied with the job he performed. (b)(1) NatSecAct said that he, and the Site Manager talked a lot about issues. The Site Manager had free access to Station Front Office, and (b)(7)(c) NatSecAct recalled consulting with the Site Manager at least once a day. 

132. (TS//SI) The Site Manager advised he had discussions with Station management, including (b)(1) CIAAct and the (b)(6) NatSecAct every other day or as issues arose. He stated that someone from Station management came out to (b)(1) NatSecAct about once a month—(b)(3) NatSecAct came once or twice. (b)(7)(c) NatSecAct When senior Headquarters visitors, traveled to management accompanied them to (b)(1) NatSecAct 

133. (TS//SI) A number of individuals who served at the Station with the Site Manager said that it was abundantly clear to them that he was overwhelmed. Additionally, they believed was understaffed and did not receive the attention it required.
134. (TS//NF) was unaware until being interviewed during this Review that the first Site Manager at had been a junior officer. stated that a first-tour officer should not be running anything. One of the reasons he cited for his revocation of the assignment of the replacement Site Manager at was that the nominee was only a view, at a minimum, a more appropriate for the assignment.

Interrogators and Linguists

135. (TS/ ) The Site Manager explained that the interrogations conducted during the first months that it was operational were essentially custodial interviews coupled with environmental deprivations. When Agency officers came to conduct interrogations, the Site Manager initially took them to The only guidance he provided them at that time was how to get in and out of the facility securely. Substantive experts were in short supply, so the interrogators had to read the background on the detainees. The Site Manager explained that the interrogators essentially had the freedom to do what they wanted; he did not have a list of "do's and don'ts" for interrogations.

136. (TS/) During first four months of operation, individuals with no previous relevant experience, no training, and no guidance often conducted the interrogations. In fact, most of these individuals were sent to in other capacities and pressed into service at. For example, one analyst sent to as a substantive expert took over the debriefing/interrogation function of three detainees after approximately a week of observing the process. Another officer who debriefed/interrogated said he agreed to do so because it needed to be done and because the alternative was to leave the detainees languishing indefinitely. Several officers expressed concern about the extended and sometimes

55 Nevertheless, an officer was assigned as the second Site Manager.
unjustified detention of individuals at A TDY interrogator stated that individuals might have been released or moved sooner had they been debriefed/interrogated earlier and if a determination had then been made that there was little justification for their continued detention at

In addition to a shortage of interrogators, has suffered from a shortage of linguists. Because most of the debriefers/interrogators at have had no relevant foreign language capability, linguists must assist in the interrogations. CTC assigned interpreters to the facility. Instances have occurred, however, when detainees were not questioned because of a lack of linguistic support. Station requested both interrogation and linguistic support when it has been specifically needed, but its requests have not always been accommodated.

Providing medical attention to detainees has also been a staffing problem. In addition, compared to a relatively small number of high value detainees at the larger number and less well-known detainees at posed unique challenges. Station Physician’s Assistants and occasionally Regional Medical Officers examined and treated the detainees. When a newly arrived Physician’s Assistant requested guidance from OMS.
regarding his responsibilities to the detainees in early November 2002, he was reportedly instructed to follow the Hippocratic oath and "if someone is sick, you treat them."

Immediately following Gul Rahman’s death on November 2002, reported by cable, Station medics made visits to evaluate the detainees. One week later, reported, and "approximately a fourth of the prisoners have one or more significant pre-existing medical problems upon arrival." Station offered Headquarters the option of either funding to provide on-site medical care or requiring one of the Station’s Physician’s Assistants to travel to Headquarters apparently did not respond to this request, nor is there any indication that supported When the Station subsequently requested full-time and TDY support for the Station made no mention of any requirement for additional medical personnel. On September 2003, the new requested an enhanced staffing complement for Among his requests was a full-time medic.

When a Physician’s Assistant at the station sent a cable to Headquarters on 2003, "Medical Assessment of Detainees," a CTC/RDG desk officer forwarded the cable to CTC managers and a CTC attorney with the comment, "This is the first time I’ve ever seen any official reporting on the PA visiting the detainees. We should ensure that this continues and is documented in cable traffic. It’s a great baseline for us." One cable per month reported the results of examinations of the detainee population over the following five-month period. Despite the monthly reports of the examination and treatment of detainees which commenced four months after the facility received its first detainee, it is difficult to determine the extent of medical care.

In fact, one prior cable, on 19 January 2003, provided an assessment of 13 detainees at
provided to the detainees. One Physician’s Assistant who spent many months TDY for example, reported that he did not prepare records of any treatment rendered and his OMS supervisor reported that OMS does not have a written protocol requiring practitioners to produce documentation of patient contact, "relying rather on the accepted professional requirement to document patient contacts." The Chief and Deputy Chief of Medical Services confirmed this.

142. (TS/STATION) Station reported that it is standard procedure for one medical officer to participate in all renditions to ensure the detainee does not have a hidden weapon, to determine the initial condition of the detainee, and to stabilize the detainee during rendition. That officer, therefore, arrived with any detainees who were rendered As further described in paragraph 1(b)(1) shortly after the death of Rahman, the DDO sent Agency officers (the "DO Investigative Team") to investigate the circumstances of the death. The Site Manager advised the DO Investigative Team that detainees are examined and photographed upon their arrival to protect the Agency in the event they were beaten or otherwise mistreated by liaison prior to rendition. However, when asked for the identity of the medical officer, the information on Rahman’s medical examination, and copies of the photographs, the Site Manager could not produce them. He reported that no medical documents were retained from the renditions and the Station did not retain medical documentation of detainees. Further, the digital photos of Rahman had been overwritten.

The medical provider assigned from November into December 2002, a Physician’s Assistant, departed on November and did not return until November 2002.
144.

The guard force consisted of "interior guards" were assigned to duty within the cellblock and had direct contact with the detainees. The guards moved the detainees, hooded and restrained, back and forth in total silence. The remaining guards were responsible for security outside the cellblock. The team arranged for the U.S. Bureau of Prisons (BOP) to send a training team to from November. This team worked with the guard force, concentrating on techniques, such as entry and escort procedures, application of restraints, security checks, pat-down and cell searches, and documenting checks of detainees.
146.

(b)(1)
(b)(3) NatSecAct

147.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct
149. One week after Gul Rahman’s death, Station sent a cable, "Risk Assessment for..." to Headquarters. In part it outlined problems facing the Station in the management of..." and requested thoughts from the DDO. It included the following:

150. After CTC/RDG assumed responsibility for the management of all CIA custodial interrogation facilities on 3 December 2002, CTC/RDG..."
151. One of the psychologist/interrogators was opposed to and suggested, as a minimum, that

(b)(1) NatSecAct

(b)(3) NatSecAct

152. (8/)

(b)(1) NatSecAct

(b)(3) NatSecAct

Notwithstanding, as of January 2003, CIA designated [ ] as a "CIA Detention Facility," subject to the requirements of the DCI's Guidelines on Confinement Conditions for CIA Detainees, reflecting CIA's express recognition as of that time that [ ] is "under the direct or indirect control of CIA."
153. (TS/ ) In 2002, Station recognized the need for a detention facility to supplement and communicated that need to Headquarters. Station cited the increasing population at

154. (TS/ ) The proposal to Headquarters seeking approval and funding of this initiative noted that the facility required structural changes and security enhancements. The Station cited disadvantages,

155. (TS/ ) 2002, a cable from CTC/RDG provided authority and funds for Station to proceed with construction and upgrades for the facility which would later be encrypted as CTC/RDG. Concurrently, CTC/RDG provided the authority and funds for Station to proceed in the construction of a second detention facility as a successor to The cable solicited the Station’s comments.
regarding training to ensure that detainees are handled in a proper manner and to ensure proper facility management in the succeeding years.\textsuperscript{63}

156. \textit{(TS/} \textbf{(b)(3) NatSecAct} 2003, the Site Manager visited and observed that the construction enhancements to the facility were ahead of schedule. He also transferred two unnamed detainees to the first detainees sent there by CIA.

2003, the Station reported that had its own physician. Prior to 2003, the Station did not report on the health conditions of the Agency detainees at however.

157. \textit{(TS/} \textbf{(b)(3) NatSecAct} The Site Manager for advised OIG in May 2003 that the customary procedure was to transfer most detainees from

158. \textbf{(b)(3) NatSecAct}

\textbf{(b)(1) NatSecAct}

\textbf{(b)(3) NatSecAct}
Death of Gul Rahman

159. (TS/□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□.png
psychological assessment of Rahman on November 2002 noted his remarkable physical and psychological resilience and recommended, in part, "continued environmental deprivations."

161. (TS/ ) On the afternoon of November 2002, when guards delivered food to Rahman, he reportedly threw the food, his water bottle, and defecation bucket at the guards. In addition, he reportedly threatened the guards and told them he had seen their faces and would kill them upon his release. When the Site Manager learned of this incident, he authorized short-chaining, i.e., Rahman's hands and feet were shackled and connected with a short-chain.

162. (FS/ ) guards found Rahman dead in his cell on the morning of November 2002. The ambient temperature was recorded at a low of 31 degrees. Rahman was still in the short-chain position that required him to sit, naked from the waist down, on the concrete floor of his cell. He wore only a sweatshirt.

163. (T(b)(1) Station reported Rahman's death that day in an (b)(3) NatSecAct) able to the DDO. The DDO dispatched the DO Investigative Team, consisting of a senior security officer an OGC attorney, and an Agency pathologist, to CIA also promptly reported the incident to SSCI and HPSCI. The DO Investigative Team conducted interviews and the pathologist performed an autopsy of Rahman. The autopsy indicated, by a diagnosis of exclusion, that death was caused by hypothermia. After the DO investigation was completed, CIA reported the death to DoJ and further briefed the SSCI and HPSCI leadership. OIG opened an investigation into the circumstances surrounding this incident. DoJ declined prosecution of the Agency employee responsible for OIG's investigation will be the subject of a separate Report of Investigation.

67 (S) The pathologist estimated Rahman to be in his mid-30s.
Specific Unauthorized or Undocumented Techniques

164. **TS/ The treatment of Gul Rahman was but one event in the early months of Agency activity in that involved the use of interrogation techniques that DoJ and Headquarters had not approved. Agency personnel reported a range of improvised actions that interrogators and debriefers reportedly used at that time to assist in obtaining information from detainees. The extent of these actions is illustrative of the consequences of the lack of clear guidance at that time and the Agency’s insufficient attention to interrogations in.

165. **TS/ OIG opened separate investigations into two incidents: the November 2002 death of Gul Rahman at and the death of a detainee at a military base in Northeast Afghanistan (discussed further in paragraph 192). These two cases presented facts that warranted criminal investigations. Some of the techniques discussed below were used with Gul Rahman and will be further addressed in connection with a Report relating to his death. In other cases of undocumented or unauthorized techniques, the facts are ambiguous or less serious, not warranting further investigation. Some actions discussed below were taken by employees or contractors no longer associated with the Agency. Agency management has also addressed administratively some of the actions.

Pressure Points

166. **TS/ In July 2002, operations officer, participated with another operations officer in a custodial interrogation of a detainee reportedly used a "pressure point" technique: with both of his hands on the detainee’s neck, manipulated his fingers to restrict the detainee’s carotid artery.
167. The shackled detainee, reportedly watched his eyes to the point that the detainee would nod and start to pass out; then, the
shook the detainee to wake him. This process was repeated for a total of three applications on the detainee. The acknowledged to OIG that he laid hands on the detainee and may have made him think he was going to lose consciousness. The also noted that he has years of experience debriefing and interviewing people and until recently had never been instructed how to conduct interrogations.

168. CTC management is now aware of this reported incident, the severity of which was disputed. The use of pressure points is not, and had not been, authorized, and CTC has advised the that such actions are not authorized.

Mock Executions

169. The debriefer who employed the handgun and power drill on Al-Nashiri advised that these actions were predicated on a technique he had participated in. The debriefer stated that when he was between September and October 2002, the Site Manager offered to fire a handgun outside the interrogation room while the debriefer was interviewing a detainee who was thought to be withholding information. The Site Manager staged the incident, which included screaming and yelling outside the cell by other CIA officers and guards. When the guards moved the detainee from the interrogation room, they passed a guard who was dressed as a hooded detainee, lying motionless on the ground, and made to appear as if he had been shot to death.
170. (TS/ The debriefer claimed he did not think he needed to report this incident because the Site Manager had openly discussed this plan several days prior to and after the incident. When the debriefer was later and believed he needed a non-traditional technique to induce the detainee to cooperate, he told he wanted to wave a handgun in front of the detainee to scare him. The debriefer said he did not believe he was required to notify Headquarters of this technique, citing the earlier, unreported mock execution

171. (TS A senior operations officer recounted that around September 2002, heard that the debriefer had staged a mock execution. was not present but understood it went badly; it was transparently a ruse and no benefit was derived from it. observed that there is a need to be creative as long as it is not considered torture. stated that if such a proposal were made now, it would involve a great deal of consultation. It would begin with management and would include CTC/Legal, RDG, and the CTC.

172. (S//NF) The Site Manager admitted staging a "mock execution" in the first days that was open. According to the Site Manager, the technique was his idea but was not effective because it came across as being staged. It was based on the concept, from SERE school, of showing something that looks real, but is not. The Site Manager recalled that a particular CTC interrogator later told him about employing a mock execution technique. The Site Manager did not know when this incident occurred or if it was successful. He viewed this technique as ineffective because it was not believable.

69 (S//NF) This same debriefer submitted a cable from in early January 2003 in which he proposed a number of other techniques, including disconnecting the heating system overnight. Headquarters did not respond.
173. (TS/FOO) Four other officers and independent contractors who were interviewed admitted to either participating in one of the above-described incidents or hearing about them. An independent contractor who headed a CTC/RDG review of procedures after Rahman’s death stated that the Site Manager described staging a mock execution of a detainee. Reportedly, a detainee who witnessed the "body" in the aftermath of the ruse "sang like a bird."

174. (TS/FOO) revealed that approximately four days before his interview with OIG, the Site Manager stated he had conducted a mock execution in October or November 2002. Reportedly, the firearm was discharged outside of the building, and it was done because the detainee reportedly possessed critical threat information. stated that he told the Site Manager not to do it again. He stated that he has not heard of a similar act occurring since then.

Use of Smoke

175. (TS/FOO) A CIA officer at in late 2002 and early 2003 revealed that cigarette smoke was once used as an interrogation technique in October 2002. Reportedly, at the request of an independent contractor serving as an interrogator, the officer, who does not smoke, blew the smoke from a thin cigarette/cigar in the detainee's face for about five minutes. The detainee started talking so the smoke ceased. heard that a different officer had used smoke as an interrogation technique. OIG questioned numerous personnel who had worked about the use of smoke as a technique. None reported any knowledge of the use of smoke as an interrogation technique.

176. (TS/FOO) An independent contractor admitted that he has personally used smoke inhalation techniques on detainees to make them ill to the point where they would start to "purge." After this, in a weakened state,
these detainees would then provide the independent contractor with information. The independent contractor denied ever physically abusing detainees or knowing anyone who has.

**Use of Cold**

177. (TS/          As previously reported, received its first detainees in mid-September 2002. By many accounts the temperature was hot at that time and remained generally hot or warm until November 2002.

178. (TS/ In late July to early August 2002, a detainee was being interrogated. Prior to proceeding with any of the proposed methods, the officer responsible for the detainee sent a cable requesting Headquarters authority to employ a prescribed interrogation plan over a two-week period. The plan included the following:

Physical Comfort Level Deprivation: With use of a window air conditioner and a judicious provision/deprivation of warm clothing/blankets, believe we can increase [the detainee's] physical discomfort level to the point where we may lower his mental/trained resistance abilities.

CTC/Legal responded and advised, "[C]autions must be used when employing the air conditioning/blanket deprivation so that [the detainee's] discomfort does not lead to a serious illness or worse."

179. (TS/ An officer who was present in November 2002 reported that she witnessed "the shower from hell" used on Rahman during his first week in detention. The Site Manager asked Rahman his identity, and when he did not respond with his true name, Rahman was placed back under the cold water by the guards at the Site Manager's direction. Rahman was so cold that he could barely say his alias. According to the officer, the entire

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70 This was substantiated in part by the CIA officer who participated in this act with the
(b)(6)
(b)(7)(c)
process lasted no more than 20 minutes and was intended to lower Rahman's resistance and was not for hygienic reasons. At the conclusion of the shower, Rahman was moved to one of the four sleep deprivation cells where he was left shivering for hours or overnight with his hand chained over his head.

180. A psychologist/interrogator who was present at the same time in November 2002 recalled the guards giving Rahman a cold shower as a "deprivation technique." This person detected Rahman was showing the early stages of hypothermia, and he ordered the guards to give the detainee a blanket. An independent contractor who was present around the same time witnessed the Site Manager order a cold shower for Rahman. Rahman was being uncooperative at the time and the independent contractor stated that it was evident that the shower was not ordered for hygienic reasons.

181. A cable prepared three days after Rahman's rendition to appears to provide corroboration to these accounts. It reports in part, "Despite 48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment, Rahman remains steadfast in maintaining his high resistance posture and demeanor." 71

71 On November 2002, a senior CTC/RDG officer forwarded this cable via an e-mail message to a CTC lawyer highlighting this paragraph and wrote, "Another example of field interrogation using coercive techniques without authorization."
183. (TS/□) Many of the officers interviewed about the use of cold showers as a technique cited that the water heater was inoperable and there was no other recourse except for cold showers. However, the Site Manager explained that if a detainee was cooperative, he would be given a warm shower. He stated that when a detainee was uncooperative, the interrogators accomplished two goals by combining the hygienic reason for a shower with the unpleasantness of a cold shower.

184. (TS/□) In December 2002, less than one month after Rahman's hypothermia-induced death, a cable reported that a detainee was left in a cold room, shackled and naked, until he demonstrated cooperation.

185. (TS/□) When asked in February 2003, if cold was used as an interrogation technique, the responded, "not per se." He explained that physical and environmental discomfort was used to encourage the detainees to improve their environment. observed that cold is hard to define. He asked rhetorically, "How cold is cold? How cold is life threatening?" He stated that cold water was still employed however, showers were administered in a heated room. He stated there was no specific guidance on it from Headquarters, and was left to its own discretion in the use of cold. added there is a cable from documenting the use of "manipulation of the environment."

186. (TS/□) Although the DCI Guidelines do not mention cold as a technique, the September 2003 draft OMS Guidelines on Medical and Psychological Support to Detainee Interrogations specifically identify an "uncomfortably cool environment" as a standard interrogation measure. (Appendix F.) The OMS Guidelines provide detailed instructions on safe temperature ranges, including the safe temperature range when a detainee is wet or unclothed.
Water Dousing

187. According to the Site Manager and others who have worked "water dousing" has been used since early 2003 when a CTC/RDG officer introduced this technique to the facility. Dousing involves laying a detainee down on a plastic sheet and pouring water over him for 10 to 15 minutes. Another officer explained that the room was maintained at 70 degrees or more; the guards used water that was at room temperature while the interrogator questioned the detainee.

188. A review of cable traffic from April and May 2003 revealed that Station sought permission from CTC/RDG to employ specific techniques for a number of detainees. Included in the list of requested techniques was water dousing. Subsequent cables reported the use and duration of the techniques by detainee per interrogation session. One certified interrogator, noting that water dousing appeared to be a most effective technique, requested CTC to confirm guidelines on water dousing. A return cable directed that the detainee must be placed on a towel or sheet, may not be placed naked on the bare cement floor, and the air temperature must exceed 65 degrees if the detainee will not be dried immediately.

189. The DCI Guidelines do not mention water dousing as a technique. The 4 September 2003 draft OMS Guidelines, however, identify "water dousing" as one of 12 standard measures that OMS listed, in ascending degree of intensity, as the 11th standard measure. OMS did not further address "water dousing" in its guidelines.

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72 The presence of a psychologist and medic was included in each report of the use of these techniques.
73 reported water dousing as a technique used, but
in a later paragraph used the term "cold water bath."
**Hard Takedown**

190. (TS) During the course of the initial investigation of Rahman's November 2002 death, the pathologist noted several abrasions on the body.\(^54\) A psychologist/interrogator, who was present during the first 10 days of Rahman's confinement, reported that he witnessed four or five officers execute a "hard takedown" on Rahman.\(^55\) His clothes were removed and he was run up and down the corridor; when he fell, he was dragged. The process took between three to five minutes and Rahman was returned to his cell. The psychologist/interrogator observed contusions on his face, legs and hands that "looked bad." The psychologist/interrogator saw a value in the exercise in order to make Rahman uncomfortable and experience a lack of control. He recognized, however, that the technique was not within the parameters of what was approved by DOJ and recommended to the Site Manager that he obtain written approval for employing the technique. Three other officers who were present at the same time provided similar accounts of the incident. No approval from Headquarters was sought or obtained.

191. (TS) According to the Site Manager, the hard takedown was used often in interrogations at \[\text{location}\] as "part of the atmospherics." For a time, it was the standard procedure for moving a detainee to the sleep deprivation cell. It was done for shock and psychological impact and signaled the transition to another phase of the interrogation. The act of putting a detainee into a diaper can cause abrasions if the detainee struggles because the floor of the facility is concrete. The Site Manager stated he did not discuss the hard takedown with Station managers, but he thought they understood what techniques were being used at \[\text{location}\]. The Site Manager stated that the hard takedown had not been used recently.\(^56\) After taking the interrogation class, he understood that if

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\(^{54}\) The Final Autopsy Findings noted "superficial excoriations of the right and left upper shoulders, left lower abdomen, and left knee, mechanism undetermined."

\(^{55}\) This incident is also being addressed in the Gul Rahman investigation.
he was going to do a hard takedown, he must report it to Headquarters. Although the DCI and OMS Guidelines address physical techniques and treat them as requiring advance Headquarters approval, they do not otherwise specifically address the "hard takedown."

192. (TS) stated that he was generally familiar with the technique of hard takedowns. He asserted that they were authorized and believed they had been used one or more times at in order to intimidate a detainee. stated that he would not necessarily know if they have been used and did not consider it a serious enough handling technique to require Headquarters approval. Asked about the possibility that a detainee may have been dragged on the ground during the course of a hard takedown, responded that he was unaware of that and did not understand the point of dragging someone along the corridor in

Abuse at Other Locations Outside of the CTC Program

193. (TS) Although not within the scope of the CTC Program, two other incidents were reported in 2003. As noted above, one resulted in the death of a detainee at Asadabad Base76

194. (S//NF) In June 2003, the U.S. military sought an Afghan citizen who had been implicated in rocket attacks on a joint U.S. Army and CIA position in Asadabad located in Northeast Afghanistan. On 18 June 2003, this individual appeared at Asadabad Base at the urging of the local Governor. The individual was held in a detention facility guarded by U.S. soldiers from the Base. During

76 For more than a year, CIA referred to Asadabad Base as

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the four days the individual was detained, an Agency independent contractor, who was a paramilitary officer, is alleged to have severely beaten the detainee with a large metal flashlight and kicked him during interrogation sessions. The detainee died in custody on 21 June; his body was turned over to a local cleric and returned to his family on the following date without an autopsy being performed. Neither the contractor nor his Agency staff supervisor had been trained or authorized to conduct interrogations. The Agency did not renew the independent contractor's contract, which was up for renewal soon after the incident. OIG is investigating this incident in concert with DoJ. 77

195. (S//NF) In July 2003, an officer assigned to a religious school assaulted a teacher during the course of an interview during a joint operation. The objective was to determine if anyone at the school had information about the detonation of a remote-controlled improvised explosive device that had killed eight border guards several days earlier. 196. (S//NF) A teacher being interviewed reportedly smiled and laughed inappropriately, whereupon used the butt stock of his rifle to strike or "buttstroke" the teacher at least twice in his torso, followed by several knee kicks to his torso. This incident was witnessed by 200 students. The teacher was reportedly not seriously injured. In response to his actions, Agency management returned the to Headquarters. He was counseled and given a domestic assignment.
ACCOUNTING FOR DETAINEES

197. (TS) Although the documentation of the capture, rendition, detention, and interrogation of high value detainees at and was comprehensive, documentation pertaining to detainees of lesser notoriety has been less consistent. Because the Agency had no requirement to document the capture and detention of all individuals until June 2003, OIG has been unable to determine with any certainty the number or current status of individuals who have been captured and detained. Four specific examples follow.

198. (TS) Abu Bakr. Hassan Muhammad Abu Bakr is a Libyan who was captured during a raid on May 2002 in Karachi, Pakistan, rendering him on June 2002.

78 (TS) had two detainees and had eight detainees, which included the two at

79 (C) Per DDO Guidance, as described in paragraph 54.

80 (E) By January 2004, CTC/RDG developed a database to include all detainees in CIA custody
**200. (FS/)** Ridha Ahmad Al-Najjar. Al-Najjar, a Tunisian who reportedly was a UBL bodyguard and Al-Qa’ida travel facilitator, was captured during the same raid in Karachi that netted Abu Bakr on May 2002. Cable traffic reflects Al-Najjar and Abu Bakr were rendered June 2002. Al-Najjar became the first detainee on September 2002.

202. (TS/________________) Gul Rahman. Rahman was the Afghan who was captured in Pakistan, rendered to November and died in custody on November 2002. Station listed him among the current detainees as of 2 January 2003. He was omitted altogether from CTC/RDG's September 2003 "comprehensive" list of rendees.

203. ________________

ANALYTICAL SUPPORT TO INTERROGATIONS

204. (TS/________________) Directorate of Intelligence analysts assigned to CTC provide analytical support to interrogation teams in the field. Analysts are responsible for developing requirements for the questioning of detainees as well as conducting debriefings in some cases. Analysts, however, do not participate in the application of interrogation techniques.
According to a number of those interviewed for this Review, the Agency's intelligence on Al-Qa‘ida was limited prior to the initiation of the CTC Interrogation Program. The Agency lacked adequate linguists or subject matter experts and had very little hard knowledge of what particular Al-Qa‘ida leaders—who later became detainees—knew. This lack of knowledge led analysts to speculate about what a detainee "should know," vice information the analyst could objectively demonstrate the detainee did know. For these reasons, several interrogators considered the analytical support provided by CTC/UBL to have been inadequate and sometimes flawed.

When a detainee did not respond to a question posed to him, the assumption at Headquarters was that the detainee was holding back and knew more; consequently, Headquarters recommended resumption of EITs.

The standard that CTC/UBL employed to assess one detainee's level of compliance was articulated in a December 2002 cable requesting interrogators to further press Al-Nashiri for actionable threat information:

... it is inconceivable to us that Nashiri cannot provide us concrete leads to locate and detain the active terrorists in his network who are still at large....

From our optic, the single best measure of this cooperation will be in his reporting. Specifically, when we are able to capture other terrorists based on his leads and to thwart future plots based on his reporting, we will have much more confidence that he is, indeed, genuinely cooperative on some level.
Base recommends against resuming enhanced measures with Subject unless there are specific pieces of information he has provided that we are certain/certain are lies or omissions; or there is equally reliable additional information from other sources which implicates Subject in a heretofore unknown plot to attack U.S. or allied interests. If such is the case, Base would eagerly support returning to all enhanced measures; indeed, we would be the first to request them. Without tangible proof of lying or intentional withholding, however, we believe employing enhanced measures will accomplish nothing except show Subject that he will be punished whether he cooperates or not, thus eroding any remaining desire to continue cooperating.

Bottom line is we think Subject is being cooperative, and if subjected to indiscriminate and prolonged enhanced measures, there is a good chance he will either fold up and cease cooperating, or suffer the sort of permanent mental harm prohibited by the statute. Therefore, a decision to resume enhanced measures must be grounded in fact and not general feelings that Subject is not being forthcoming.

It was after this interchange that Headquarters sent a new debriefer, whose unauthorized actions are discussed in paragraphs 90 through 209. Subsequently, after further deliberation and renewed medical and psychological assessment, EITs, not including the waterboard, were authorized for a brief period.

The shortage of accurate and verifiable information available to the field to assess a detainee’s compliance is evidenced in the final waterboard session of Abu Zubaydah. According to a senior CTC officer, the interrogation team at the time it considered Abu Zubaydah to be compliant and wanted to terminate EITs. CTC/UBL believed Abu Zubaydah continued to withholding information.
generated substantial pressure from Headquarters to continue use of the EITs. According to this senior officer, the decision to resume use of the waterboard on Abu Zubaydah was made by senior officers of the DO. A team of senior CTC officers traveled from Headquarters to assess Abu Zubaydah's compliance and witnessed the final waterboard session, after which, they reported back to Headquarters that the EITs were no longer needed on Abu Zubaydah.

210. (TS/NSA) told OIG that "risk" for CTC/UBL is very different from the "risk" perceived by CTC/RDG and the interrogators. Specifically, for CTC/UBL, risk is associated with not obtaining the actionable information needed to prevent "the next big attack," hence analysts are reluctant to agree that a detainee is not employing resistance techniques. On the other hand, risk for CTC/RDG is associated with the continued use of EITs, which could possibly lead, directly or indirectly, to a detainee's death or cause him permanent harm.

EFFECTIVENESS

211. (TS/NSA) The detention of terrorists has prevented them from engaging in further terrorist activity, and their interrogation has provided intelligence that has enabled the identification and apprehension of other terrorists, warned of terrorists plots planned for the United States and around the world, and supported articles frequently used in the finished intelligence publications for senior policymakers and war fighters. In this regard, there is no doubt that the Program has been effective. Measuring the effectiveness of EITs, however, is a more subjective process and not without some concern.

212. (TS/NSA) When the Agency began capturing terrorists, management judged the success of the effort to be getting them off the streets,
With the capture of terrorists who had access to much more significant, actionable information, the measure of success of the Program increasingly became the intelligence obtained from the detainees.

213. (TS/Quantitatively, the DO has significantly increased the number of counterterrorism intelligence reports with the inclusion of information from detainees in its custody. Between 9/11 and the end of April 2003, the Agency produced over 3,000 intelligence reports from detainees. Most of the reports came from intelligence provided by the high value detainees at

214. (TS/CTC frequently uses the information from one detainee, as well as other sources, to vet the information of another detainee. Although lower-level detainees provide less information than the high value detainees, information from these detainees has, on many occasions, supplied the information needed to probe the high value detainees further. According to two senior CTC analysts, the triangulation of intelligence provides a fuller knowledge of Al-Qa'ida activities than would be possible from a single detainee.

215. (TS/Detainees have provided information on Al-Qa'ida and other terrorist groups. Information of note includes: the modus operandi of Al-Qa'ida, members who are worth targeting, terrorists who are capable of mounting attacks in the United States,
and sources of funding for

Al-Qa'ida. Perhaps the most significant information about Al-Qa'ida obtained from detainees is on the subject of the group's planned use of weapons of mass destruction (WMD) in the United States. Analysts had long suspected Al-Qa'ida was attempting to develop a WMD capability, and information from Abu Zubaydah and Ibn al-Ahaykh al-Libi (a.k.a. Zubayr) hinted at such efforts. It was the information from Khalid Shaykh Muhammad, however, that confirmed the analysts' suspicions. In addition to information on anthrax; chemical, biological, radiological, and nuclear programs; and training in the use of poisons and explosives, Khalid Shaykh Muhammad provided information that has led to the capture of individuals who headed the programs to develop WMD capabilities, including Sayed Al-Barq who was the head of Al-Qa'ida's anthrax program.

216. [TS/] Detainee information has assisted in the identification of terrorists. For example, information from Abu Zubaydah helped lead to the identification of Jose Padilla and Binyam Muhammed—operatives who had plans to detonate a uranium-topped dirty bomb in either Washington, D.C., or New York City. Riduan "Hambali" Isomuddin provided information that led to the arrest of previously unknown members of an Al-Qa'ida cell in Karachi. They were designated as pilots for an aircraft attack inside the United States. Many other detainees, including lower-level detainees such as Zubayr and Majid Khan, have provided leads to other terrorists, but probably the most prolific has been Khalid Shaykh Muhammad. He provided information that helped lead to the arrests of terrorists including Sayfullah Paracha and his son Uzair Paracha, businessmen whom Khalid Shaykh Muhammad planned to use to smuggle explosives into the United States; Saleh Almari, a sleeper operative in New York; and Majid Khan, an operative who could enter the United States easily and was tasked to research attacks against U.S. water reservoirs. Khalid Shaykh Muhammad's information also led to the investigation and prosecution of Iyman Faris, the truck driver arrested in early 2003 in Ohio. Although not
yet captured, information from Khalid Shaykh Muhammad and Abu Zubaydah led to the identification of an operative termed one of the most likely to travel to the United States and carry out operations.

217. (TS/ □) Detainees, both planners and operatives, have also made the Agency aware of several plots planned for the United States and around the world. The plots identify plans to attack the U.S. Consulate in Karachi, Pakistan; hijack aircraft to fly into Heathrow Airport and the Canary Wharf Tower; loosen track spikes in an attempt to derail a train in the United States; blow up several U.S. gas stations to create panic and havoc; hijack and fly an airplane into the tallest building in California in a west coast version of the World Trade Center attack; cut the lines of suspension bridges in New York in an effort to make them collapse; and poison the U.S. water supply by dumping poison into water reservoirs. With the capture of some of the operatives for the above-mentioned plots, it is not clear whether these plots have been thwarted or if they remain viable. This Review did not uncover any evidence that these plots were imminent. Agency senior managers believe that lives have been saved as a result of the capture and interrogation of terrorists who were planning attacks, in particular Khalid Shaykh Muhammad, Abu Zubaydah, Hambali, and Al-Nashiri.

218. (TS/ □) CTC analysts judge the reporting from detainees as one of the most important sources for finished intelligence. viewed analysts' knowledge of the terrorist target as having much more depth as a result of information from detainees and estimated that detainee reporting is used in all counterterrorism articles produced for the most senior policymakers. Detainee reporting is also used regularly in daily publications

In an interview, the DCI...
said he believes the use of EITs has proven to be extremely valuable in obtaining enormous amounts of critical threat information from detainees who had otherwise believed they were safe from any harm in the hands of Americans.

219. (TS/)

Senior officers familiar with the dissemination of reporting from detainee interrogations voiced concerns about compartmentation. In particular, those concerns regarded the impact on the timeliness of disseminating intelligence to analysts in CIA and to the FBI while the initial operational recipients of the information are separating out the intelligence from more sensitive operational information. Senior officers who voiced these concerns indicated that the issue was being reviewed by analysts to more precisely assess the impact of the problem.

220. (TS/)

Inasmuch as EITs have been used only since August 2002, and they have not all been used with every high value detainee, there is limited data on which to assess their individual effectiveness. This Review identified concerns about the use of the waterboard, specifically whether the risks of its use were justified by the results, whether it has been unnecessarily used in some instances, and whether the fact that it is being applied in a manner different from its use in SERE training brings into question the continued applicability of the DoJ opinion to its use. Although the waterboard is the most intrusive of the EITs, the fact that precautions have been taken to provide on-site medical oversight in the use of all EITs is evidence that their use poses risks.

221. (TS/)

Determining the effectiveness of each EIT is important in facilitating Agency management’s decision as to which techniques should be used and for how long. Measuring the overall effectiveness of EITs is challenging for a number of reasons including: (1) the Agency cannot determine with any certainty the totality of the intelligence the detainee actually possesses; (2) each detainee has different fears of and tolerance for EITs; (3) the application of the same EITs by different interrogators may have
different results; and (4) the lack of sufficient historical data related to certain EITs because of the rapid escalation to the use of the waterboard in the cases where it was used.

222. (TS/ 

The waterboard has been used on three detainees: Abu Zubaydah, Al-Nashiri, and Khalid Shaykh Muhammad. The waterboard's use was accelerated after the limited application of other EITs in all three cases because the waterboard was considered by some in Agency management to be the "silver bullet," combined with the belief that each of the three detainees possessed perishable information about imminent threats against the United States.

223. (TS/ 

Prior to the use of EITs, Abu Zubaydah provided information for over 100 intelligence reports. Interrogators applied the waterboard to Abu Zubaydah at least 83 times during August 2002. During the period between the end of the use of the waterboard and 30 April 2003, he provided information for approximately 210 additional reports. It is not possible to say definitively that the waterboard is the reason for Abu Zubaydah's increased production, or if another factor, such as the length of detention, was the catalyst. Since the use of the waterboard, however, Abu Zubaydah has appeared to be cooperative, helping with raids by identifying photographs of the detainees captured, and giving interrogators information on how to induce other detainees to talk, based on his own experiences.

224. (TS/ 

With respect to Al-Nashiri, reported two waterboard sessions in November 2002, after which the psychologist/interrogators determined that Al-Nashiri was compliant. However, after being moved to where a different interrogation team assumed responsibility for his interrogations, Al-Nashiri was thought to be withholding information. Al-Nashiri subsequently received additional EITs, including stress positions, but not the waterboard. The Agency then determined Al-Nashiri to be "compliant." Because of the litany of
techniques used by different interrogators over a relatively short period of time, it is difficult to identify exactly why Al-Nashiri became more willing to provide information. However, following the use of EITs, he provided information about his most current operational planning and the Saudi Al-Qa‘ida network, as opposed to the historical information he provided before the use of EITs.

225. (TS/ (b)(1) (b)(3) NatSecAct

On the other hand, Khalid Shaykh Muhammad, an accomplished resistor, provided only a few intelligence reports prior to the use of the waterboard, and analysis of that information revealed that much of it was outdated, inaccurate, or incomplete. As a means of less active resistance, at the beginning of their interrogation, detainees routinely provide information that they know is already known. Khalid Shaykh Muhammad received 183 applications of the waterboard in March 2003 and remained resilient, providing limited useful intelligence, until the application of sleep deprivation for a period of 180 hours. Although debriefers still must ask the right questions to get answers from Khalid Shaykh Muhammad, since the employment of sleep deprivation, intelligence production from his debriefings totaled over 140 reports as of 30 April 2003. In Khalid Shaykh Muhammad’s case, the waterboard was determined to be of limited effectiveness. One could conclude that sleep deprivation was effective in this case, but a definitive conclusion is hard to reach considering that the lengthy sleep deprivation followed extensive use of the waterboard.

POLICY CONSIDERATIONS AND CONCERNS REGARDING THE DETENTION AND INTERROGATION PROGRAM

226. (TS/ (b)(1) (b)(3) NatSecAct

The EITs used by the Agency under the CTC Program are inconsistent with the public policy positions that the United States has taken regarding human rights. This divergence has been a cause of concern to some Agency personnel involved with the Program.
Policy Considerations

227. (U//FOUO) Throughout its history, the United States has been an international proponent of human rights and has voiced opposition to torture and mistreatment of prisoners by foreign countries. This position is based upon fundamental principles that are deeply embedded in the American legal structure and jurisprudence. The Fifth and Fourteenth Amendments to the U.S. Constitution, for example, require due process of law, while the Eighth Amendment bars "cruel and unusual punishments."

228. (U//FOUO) The President advised the Senate when submitting the Torture Convention for ratification that the United States would construe the requirement of Article 16 of the Convention to "undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture" as "roughly equivalent to" and "coextensive with the Constitutional guarantees against cruel, unusual, and inhumane treatment." To this end, the United States submitted a reservation to the Torture Convention stating that the United States considers itself bound by Article 16 "only insofar as the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th, 8th and/or 14th Amendments to the Constitution of the United States." Although the Torture Convention expressly provides that no exceptional circumstances whatsoever, including war or any other public emergency, and no order from a superior officer, justifies torture, no similar provision was included regarding acts of "cruel, inhuman or degrading treatment or punishment."

81 (U//FOUO) See Message from the President of the United States Transmitting the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sen. Treaty Doc. 100-20, 100th Cong., 2d Sess., at 15, May 23, 1988; Senate Committee on Foreign Relations, Executive Report 101-30, August 30, 1990, at 25, 29, quoting summary and analysis submitted by President Ronald Reagan, as revised by President George H.W. Bush.
229. (U//FOUO) Annual U.S. State Department Country Reports on Human Rights Practices have repeatedly condemned harsh interrogation techniques utilized by foreign governments. For example, the 2002 Report, issued in March 2003, stated:

[The United States] have been given greater opportunity to make good on our commitment to uphold standards of human dignity and liberty .... [N]o country is exempt from scrutiny, and all countries benefit from constant striving to identify their weaknesses and improve their performance .... [T]he Reports serve as a gauge for our international human rights efforts, pointing to areas of progress and drawing our attention to new and continuing challenges.

In a world marching toward democracy and respect for human rights, the United States is a leader, a partner and a contributor. We have taken this responsibility with a deep and abiding belief that human rights are universal. They are not grounded exclusively in American or western values. But their protection worldwide serves a core U.S. national interest.

The State Department Report identified objectionable practices in a variety of countries including, for example, patterns of abuse of prisoners in Saudi Arabia by such means as "suspension from bars by handcuffs, and threats against family members, ... [being] forced constantly to lie on hard floors [and] deprived of sleep ...." Other reports have criticized hooding and stripping prisoners naked.

230. (U//FOUO) In June 2003, President Bush issued a statement in observance of "United Nations International Day in Support of Victims of Torture." The statement said in part:

The United States declares its strong solidarity with torture victims across the world. Torture anywhere is an affront to human dignity everywhere. We are committed to building a world where human rights are respected and protected by the rule of law.
Freedom from torture is an inalienable human right.... Yet torture continues to be practiced around the world by rogue regimes whose cruel methods match their determination to crush the human spirit....

Notorious human rights abusers... have sought to shield their abuses from the eyes of the world by staging elaborate deceptions and denying access to international human rights monitors....

The United States is committed to the worldwide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment....

Concerns Over Participation in the CTC Program

231. (S//NF) During the course of this Review, a number of Agency officers expressed unsolicited concern about the possibility of recrimination or legal action resulting from their participation in the CTC Program. A number of officers expressed concern that a human rights group might pursue them for activities Additionally, they feared that the Agency would not stand behind them if this occurred.

232. (S//NF) One officer expressed concern that one day, Agency officers will wind up on some "wanted list" to appear before the World Court for war crimes stemming from activities Another said, "Ten years from now we’re going to be sorry we’re doing this... [but] it has to be done." He expressed concern that the CTC Program will be exposed in the news media and cited particular concern about the possibility of being named in a leak.

233. (S//NF) That many countries consider the interrogation techniques employed by the CTC Program, i.e., hooding, stress positions, etc., to be illegal. Although he felt the 1 August 2002 OLC legal opinion provided to the Agency...
would preclude prosecution of Agency employees in the United States, he believed it to be conceivable that an employee could be arrested and tried in the European Union.

234. (TS, According to U.S. law does not proscribe the conduct of Agency employees and contractors who have employed EITs or authorized their use. The said that DoJ's view is that CIA personnel are acting consistent with customary international law, but that view may not be shared by others. He added, "My position is that we are covered." When asked if the Agency treatment of detainees has been humane, he replied that he does not know how others would define the term, but the CTC Program and its activities have been consistent with the Torture Convention, as interpreted by the United States.

235. (S/NF) acknowledged he has some concern regarding the Torture Convention. However, he said his primary focus is what has been codified in U.S. law. He recognizes that interrogators may have a problem traveling to some locations overseas.

ENDGAME

236. (TS) Post 9/11, the U.S. Government is having to address a number of extraordinary matters, not the least of which is an "endgame" for the disposition of detainees captured during the war on terrorism.
237. (TS/)(b)(1) (b)(3) NatSecAct

The number of detainees in CIA custody is relatively small by comparison with those in U.S. military custody. Nevertheless, the Agency, like the military, has an interest in the disposition of detainees and particular interest in those who, if not kept in isolation, would likely divulge information about the circumstances of their detention.

238. (TS/)(b)(1) (b)(3) NatSecAct

Although the former D/CTC in early 2002 proposed the establishment of a covert long-term detention facility, OIG found scant documentation of the issue before Agency personnel at [redacted] sent a cable to Headquarters on 19 August 2002. In that cable, TDY Agency personnel proposed that Agency management consider several options for the future disposition of detainees. Such options included constructing a permanent facility outside the United States for indefinite incarceration of detainees or arranging with DoD for incarceration of detainees at the U.S. Naval Base, Guantanamo Bay. TDY Agency personnel also called attention to security and counterintelligence risks associated with exposure of CIA methodology if detainees are released or rendered to another country. OIG found no cable response from Headquarters.

239. (TS/)(b)(1) (b)(3) NatSecAct

With respect to Agency equities, a particular concern for senior Agency managers is the long-term disposition of detainees who have undergone EITs or have been exposed to Agency sensitive sources and methods. Moreover, Agency employees have expressed concern that a lack of an endgame for Agency detainees results in overcrowding at Agency detention sites.
240. (TS/FO) According to the DCI, Agency officers have had theoretical discussions about the disposition of detainees. The DDO explained that a key issue is what should happen to detainees who have undergone EITs. According to the DDO, no one knows the answer to that question and it is a policy decision that must be made outside the Agency.

241. (TS/FO) This Review identified four options for the disposition of detainees. These options, discussed in more detail below, include:

242.

243.

244.
Policymakers have given consideration to prosecution as a viable possibility, at least for certain detainees. To date, however, no decision has been made to proceed with this option.

83 (U//FOUO) Memorandum for the Record, dated 27 August 2002, on closed hearings with the SSCI.
248. (TS/ ) Senior U.S. Government and Agency officials have yet to determine if third parties, such as the ICRC, will eventually have access to individuals whose detention has been disclosed. Such is the case of Ibn Sheikh al-Libi, whom the U.S. military declared to the ICRC before the military transferred him to CIA control. According to the General Counsel, Al-Libi was not subjected to any of the interrogation techniques discussed in this Review. According to senior Agency officers, the Agency is loath to send CIA detainees who have been exposed to EITs or to other sensitive information, as in the case of al-Libi, to detention facilities where they would be available to the ICRC.

249. (TS/ ) According to the DCI, the CTC Interrogation Program will continue to exist as long as the Agency continues to elicit information from detainees. He added that, in the near future, he sees no change from the current system.
CONCLUSIONS

250. The Agency's detention and interrogation of terrorists has provided intelligence that has enabled the identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world. The CTC Detention and Interrogation Program has resulted in the issuance of thousands of individual intelligence reports and analytic products supporting the counterterrorism efforts of U.S. policymakers and military commanders. The effectiveness of particular interrogation techniques in eliciting information that might not otherwise have been obtained cannot be so easily measured, however.

251. After 11 September 2001, numerous Agency components and individuals invested immense time and effort to implement the CTC Program quickly, effectively, and within the law. The work of the Directorate of Operations, Counterterrorist Center (CTC), Office of General Counsel (OGC), Office of Medical Services (OMS), Office of Technical Service (OTS), and the Office of Security has been especially notable. In effect, they began with almost no foundation, as the Agency had discontinued virtually all involvement in interrogations after encountering difficult issues with earlier interrogation programs in Central America and the Near East. Inevitably, there also have been some problems with current activities.

252. OGC worked closely with DoJ to determine the legality of the measures that came to be known as enhanced interrogation techniques (EITs). OGC also consulted with White House and National Security Council officials regarding the proposed techniques. Those efforts and the resulting DoJ legal opinion of 1 August 2002 are well documented. That legal opinion was based, in substantial part, on OTS analysis and the experience and expertise of non-Agency personnel and academics concerning whether long-term psychological effects would result from use of the proposed techniques.
253. (TS//NF) The DoJ legal opinion upon which the Agency relies is based upon technical definitions of "severe" treatment and the "intent" of the interrogators, and consists of finely detailed analysis to buttress the conclusion that Agency officers properly carrying out EITs would not violate the Torture Convention's prohibition of torture, nor would they be subject to criminal prosecution under the U.S. torture statute. The opinion does not address the separate question of whether the application of standard or enhanced techniques by Agency officers is consistent with the undertaking, accepted conditionally by the United States regarding Article 16 of the Torture Convention, to prevent "cruel, inhuman or degrading treatment or punishment."

254. (TS/) Periodic efforts by the Agency to elicit reaffirmation of Administration policy and DoJ legal backing for the Agency's use of EITs—as they have actually been employed—have been well advised and successful. However, in this process, Agency officials have neither sought nor been provided a written statement of policy or a formal signed update of the DoJ legal opinion, including such important determinations as the meaning and applicability of Article 16 of the Torture Convention. In July 2003, the DCI and the General Counsel briefed senior Administration officials on the Agency's expanded use of EITs. At that time, the Attorney General affirmed that the Agency's conduct remained well within the scope of the 1 August 2002 DoJ legal opinion.

255. (TS/) A number of Agency officers of various grade levels who are involved with detention and interrogation activities are concerned that they may at some future date be vulnerable to legal action in the United States or abroad and that the U.S. Government will not stand behind them. Although the current detention and interrogation Program has been subject to DoJ legal review and Administration political approval, it diverges sharply from previous Agency policy and practice, rules that govern interrogations by U.S. military and law enforcement officers, statements of U.S. policy by the Department of State, and public
statements by very senior U.S. officials, including the President, as well as the policies expressed by Members of Congress, other Western governments, international organizations, and human rights groups. In addition, some Agency officers are aware of interrogation activities that were outside or beyond the scope of the written DoJ opinion. Officers are concerned that future public revelation of the CTC Program is inevitable and will seriously damage Agency officers’ personal reputations, as well as the reputation and effectiveness of the Agency itself.

256. (TS/ The Agency has generally provided good guidance and support to its officers who have been detaining and interrogating high value terrorists using EITs pursuant to the Presidential Memorandum of Notification (MON) of 17 September 2001. In particular, CTC did a commendable job in directing the interrogations of high value detainees at

At these foreign locations, Agency personnel—with one notable exception described in this Review—followed guidance and procedures and documented their activities well.

257. By distinction, the Agency—especially in the early months of the Program—failed to provide adequate staffing, guidance, and support to those involved with the detention and interrogation of detainees in Significant problems occurred first at the facility known as which this Review

Although some EITs were employed with terrorist detainees at most of the interrogations there used standard techniques.

258. Unauthorized, improvised, inhumane, and undocumented detention and interrogation techniques were used Two individuals died as a result. The circumstances of the two cases are quite different. Both were referred to the Department of Justice (DoJ) for potential prosecution. One has been declined and the other remains open. Each incident will be the
subject of a separate Report of Investigation by the Office of Inspector General. One case, in November 2002, took place at _______ where the treatment resulted in the death of a detainee. In the second case, unauthorized techniques were used in the interrogation of an individual who died at Asadabad Base while under interrogation by an Agency contractor in June 2003. Agency officers did not normally conduct interrogations at that location. The Agency officers involved lacked timely and adequate guidance, training, experience, supervision, or authorization, and did not exercise sound judgment.

259. The Agency failed to issue in a timely manner comprehensive written guidelines for detention and interrogation activities. Although ad hoc guidance was provided to many officers through cables and briefings in the early months of detention and interrogation activities, the DCI Confinement and Interrogation Guidelines were not issued until January 2003, several months after initiation of interrogation activity and after many of the unauthorized activities had taken place. The DCI Guidelines do not address certain important issues.

260. Such written guidance as does exist to address detentions and interrogations undertaken by Agency officers is inadequate. The Directorate of Operations Handbook contains a single paragraph that is intended to guide officers. Neither this dated guidance nor general Agency guidelines on routine intelligence collection is adequate to instruct and protect Agency officers involved in contemporary interrogation activities.

261. During the interrogations of two detainees, the waterboard was used in a manner inconsistent with the written DoJ legal opinion of 1 August 2002. DoJ had stipulated that
its advice was based upon certain facts that the Agency had submitted to DoJ, observing, for example, that "... you (the Agency) have also orally informed us that although some of these techniques may be used with more than once [sic], that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions." One key Al-Qaeda terrorist was subjected to the waterboard at least 183 times at 15 waterboard sessions during a two-week period and was denied sleep for a period of 180 hours. In this and another instance, the technique of application and volume of water used differed from the DoJ opinion.

262. (TS/\[b](1)\[b](3) NatSecAct\[b](1)\[b](3) NatSecAct\] provided comprehensive medical attention to detainees where EITs were employed with high value detainees, but did not provide adequate attention to detainees. Even after the death of a detainee OMS did not give sufficient attention and care to these detainees, and did not adequately document the medical care that was provided. OMS did not issue formal medical guidelines until April 2003. Per the advice of CTC/Legal, the OMS Guidelines were then issued as "draft" and remain so even after being re-issued in September 2003.

263. (TS/\[b](1)\[b](3) NatSecAct\[b](1)\[b](3) NatSecAct\] The Agency did not maintain an accounting of all detainees. Specifically, CTC did not ensure that, for every detainee, responsible personnel documented the circumstances of capture, basis for detention, specific interrogation techniques applied, intelligence provided, medical condition and treatment, and the location and status of the detainee throughout his detention. Accounting for detainees is improving because of the recent efforts of CTC.

264. (TS/\[b](1)\[b](3) NatSecAct\[b](1)\[b](3) NatSecAct\] Agency officers report that reliance on analytical assessments that were unsupported by credible intelligence may have resulted in the application of EITs without justification. Some participants in the Program, particularly field interrogators, judge that CTC assessments to the effect that detainees are withholding information are not always supported by an objective
evaluation of available information and the evaluation of the interrogators but are too heavily based, instead, on presumptions of what the individual might or should know.

265. (TS/ ) A few senior officers are concerned that compartmentation practices may be delaying the dissemination of information obtained from the interrogation of detainees to analysts and the FBI in a timely manner. They believe it possible to report useful intelligence while still protecting the existence and nature of the Program.

266. (PS/ ) The Agency faces potentially serious long-term political and legal challenges as a result of the CTC Detention and Interrogation Program, particularly its use of EITs and the inability of the U.S. Government to decide what it will ultimately do with terrorists detained by the Agency.
RECOMMENDATIONS

1. 

(b)(1)
(b)(3) NatSecAct
(b)(5)
3. (S//NF) For the General Counsel. Within 10 days of receipt of this Review, submit in writing to the Department of Justice (DoJ) a request that DoJ provide the Agency, within 60 days, a formal, written legal opinion revalidating and modifying, as appropriate, the guidance provided on 1 August 2002, regarding the use of EITs. The updated opinion should reflect actual Agency experience and practices in the use of the techniques to date and expectations concerning the continued use of these techniques. For the protection of Agency officers, request of DoJ that the updated opinion specifically address the Agency's practice of using large numbers of repetitions of the waterboard on single individuals and a description of the techniques as applied in practice. The opinion
should also address whether the application of standard or enhanced techniques by Agency officers is consistent with the undertaking accepted conditionally by the United States in Article 16 of the Torture Convention to prevent "cruel, inhuman or degrading treatment or punishment," and the potential consequences for Agency officers of any inconsistency. This Recommendation is significant.

4. (S//NF) For the DCI. In the event the Agency does not receive a written legal opinion satisfactorily addressing the matters raised in Recommendation 3 by the date requested, direct that EITs be implemented only within the parameters that were mutually understood by the Agency and DoJ on 1 August 2002, the date of the existing written opinion. This Recommendation is significant.

5. (TS//NF) For the DCI. Brief the President regarding the implementation of the Agency's detention and interrogation activities pursuant to the MON of 17 September 2001 or any other authorities, including the use of EITs and the fact that detainees have died. This Recommendation is significant.

6.

7.
8.

(b)(1)
(b)(3) NatSecAct
(b)(5)

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(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)

10.

(b)(1)
(b)(3) NatSecAct
(b)(5)
Tab A
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(b)(1)
(b)(3) NatSecAct

PROcedures and resources

1. (TS/ (b)(1) A team, led by the Deputy Inspector General, and comprising the Assistant Inspector General for Investigations, the Counsel to the Inspector General, a senior Investigations Staff Manager, three Investigators, two Inspectors, an Auditor, a Research Assistant, and a Secretary participated in this Review.

2. (TS/ (b)(1) OIG tasked relevant components for all information regarding the treatment and interrogation of all individuals detained by or on behalf of CIA after 9/11. Agency components provided OIG with over 38,000 pages of documents. OIG conducted over 100 interviews with individuals who possessed potentially relevant information. We interviewed senior Agency management officials, including the DCI, the Deputy Director of Central Intelligence, the Executive Director, the General Counsel, and the Deputy Director for Operations. As new information developed, OIG re-interviewed several individuals.

3. (TS/ (b)(1) OIG personnel made site visits to the interrogation facilities. OIG personnel also visited an overseas Station to review 92 videotapes of interrogations of Abu Zubaydah.
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(b)(1) NatSecAct
(b)(3) NatSecAct

CIA Act
NatSec Act

(Approved for Release: 2016/10/31 C05856717)
Tab C
August 1, 2002

Memorandum for John Rizzo
Acting General Counsel of the Central Intelligence Agency

Interrogation of al Qaeda Operative

You have asked for this Office's views on whether certain proposed conduct would violate the prohibition against torture found at Section 2340A of title 18 of the United States Code. You have asked for this advice in the course of conducting interrogations of Abu Zubaydah. As we understand it, Zubaydah is one of the highest ranking members of the al Qaeda terrorist organization, with which the United States is currently engaged in an international armed conflict following the attacks on the World Trade Center and the Pentagon on September 11, 2001. This letter memorializes our previous oral advice, given on July 24, 2002 and July 26, 2002, that the proposed conduct would not violate this prohibition.

I.

Our advice is based upon the following facts, which you have provided to us. We also understand that you do not have any facts in your possession contrary to the facts outlined here, and this opinion is limited to these facts. If these facts were to change, this advice would not necessarily apply. Zubaydah is currently being held by the United States. The interrogation team is certain that he has additional information that he refuses to divulge. Specifically, he is withholding information regarding terrorist networks in the United States or in Saudi Arabia and information regarding plans to conduct attacks within the United States or against our interests overseas. Zubaydah has become accustomed to a certain level of treatment and displays no signs of willingness to disclose further information. Moreover, your intelligence indicates that there is currently a level of "chatter" equal to that which preceded the September 11 attacks. In light of the information you believe Zubaydah has and the high level of threat you believe now exists, you wish to move the interrogations into what you have described as an "increased pressure phase."

As part of this increased pressure phase, Zubaydah will have contact only with a new interrogation specialist, whom he has not met previously, and the Survival, Evasion, Resistance, Escape ("SERE") training psychologist who has been involved with the interrogations since they began. This phase will likely last no more than several days but could last up to thirty days. In this phase, you would like to employ ten techniques that you believe will dislocate his
expectations regarding the treatment he believes he will receive and encourage him to disclose the crucial information mentioned above. These ten techniques are: (1) attention grasp, (2) walling, (3) facial hold, (4) facial slap (insult slap), (5) cramped confinement, (6) wall standing, (7) stress positions, (8) sleep deprivation, (9) insects placed in a confinement box, and (10) the waterboard. You have informed us that the use of these techniques would be on an as-needed basis and that not all of these techniques will necessarily be used. The interrogation team would use these techniques in some combination to convince Zubaydah that the only way he can influence his surrounding environment is through cooperation. You have, however, informed us that you expect these techniques to be used in some sort of escalating fashion, culminating with the waterboard, though not necessarily ending with this technique. Moreover, you have also orally informed us that although some of these techniques may be used with more than once, that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions. You have also informed us that Zubaydah sustained a wound during his capture, which is being treated.

Based on the facts you have given us, we understand each of these techniques to be as follows. The attention grasp consists of grasping the individual with both hands, one hand on each side of the collar opening, in a controlled and quick motion. In the same motion as the grasp, the individual is drawn toward the interrogator.

For walling, a flexible false wall will be constructed. The individual is placed with his heels touching the wall. The interrogator pulls the individual forward and then quickly and firmly pushes the individual into the wall. It is the individual’s shoulder blades that hit the wall. During this motion, the head and neck are supported with a rolled hood or towel that provides a c-collar effect to help prevent whiplash. To further reduce the probability of injury, the individual is allowed to rebound from the flexible wall. You have orally informed us that the false wall is in part constructed to create a loud sound when the individual hits it, which will further shock or surprise in the individual. In part, the idea is to create a sound that will make the impact seem far worse than it is and that will be far worse than any injury that might result from the action.

The facial hold is used to hold the head immobile. One open palm is placed on either side of the individual’s face. The fingertips are kept well away from the individual’s eyes.

With the facial slap or insult slap, the interrogator slaps the individual’s face with fingers slightly spread. The hand makes contact with the area directly between the tip of the individual’s chin and the bottom of the corresponding earlobe. The interrogator invades the individual’s personal space. The goal of the facial slap is not to inflict physical pain that is severe or lasting. Instead, the purpose of the facial slap is to induce shock, surprise, and/or humiliation.

Cramped confinement involves the placement of the individual in a confined space, the dimensions of which restrict the individual’s movement. The confined space is usually dark.
The duration of confinement varies based upon the size of the container. For the larger confined space, the individual can stand up or sit down; the smaller space is large enough for the subject to sit down. Confinement in the larger space can last up to eighteen hours; for the smaller space, confinement lasts for no more than two hours.

Wall standing is used to induce muscle fatigue. The individual stands about four to five feet from a wall, with his feet spread approximately to shoulder width. His arms are stretched out in front of him, with his fingers resting on the wall. His fingers support all of his body weight. The individual is not permitted to move or reposition his hands or feet.

A variety of stress positions may be used. You have informed us that these positions are not designed to produce the pain associated with contortions or twisting of the body. Rather, somewhat like walling, they are designed to produce the physical discomfort associated with muscle fatigue. Two particular stress positions are likely to be used on Zubaydah: (1) sitting on the floor with legs extended straight out in front of him with his arms raised above his head; and (2) kneeling on the floor while leaning back at a 45 degree angle. You have also orally informed us that through observing Zubaydah in captivity, you have noted that he appears to be quite flexible despite his wound.

Sleep deprivation may be used. You have indicated that your purpose in using this technique is to reduce the individual's ability to think on his feet and, through the discomfort associated with lack of sleep, to motivate him to cooperate. The effect of such sleep deprivation will generally remit after one or two nights of uninterrupted sleep. You have informed us that your research has revealed that, in rare instances, some individuals who are already predisposed to psychological problems may experience abnormal reactions to sleep deprivation. Even in those cases, however, reactions abate after the individual is permitted to sleep. Moreover, personnel with medical training are available to and will intervene in the unlikely event of an abnormal reaction. You have orally informed us that you would not deprive Zubaydah of sleep for more than eleven days at a time and that you have previously kept him awake for 72 hours, from which no mental or physical harm resulted.

You would like to place Zubaydah in a cramped confinement box with an insect. You have informed us that he appears to have a fear of insects. In particular, you would like to tell Zubaydah that you intend to place a stinging insect into the box with him. You would, however, place a harmless insect in the box. You have orally informed us that you would in fact place a harmless insect such as a caterpillar in the box with him. Your goal in so doing is to use his fears to increase his sense of dread and motivate him to avoid the box in the future by cooperating with interrogators.

Finally, you would like to use a technique called the "waterboard." In this procedure, the individual is bound securely to an inclined bench, which is approximately four feet by seven feet. The individual's feet are generally elevated. A cloth is placed over the forehead and eyes. Water...
is then applied to the cloth in a controlled manner. As this is done, the cloth is lowered until it covers both the nose and mouth. Once the cloth is saturated and completely covers the mouth and nose, airflow is slightly restricted for 20 to 40 seconds due to the presence of the cloth. This causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of "suffocation and incipient panic," i.e., the perception of drowning. The individual does not breathe any water into his lungs. During those 20 to 40 seconds, water is continuously applied from a height of twelve to twenty-four inches. After this period, the cloth is lifted, and the individual is allowed to breathe unimpeded for three or four full breaths. The sensation of drowning is immediately relieved by the removal of the cloth. The procedure may then be repeated. The water is usually applied from a canteen cup or small watering can with a spout. You have orally informed us that this procedure triggers an automatic physiological sensation of drowning that the individual cannot control even though he may be aware that he is in fact not drowning. You have also orally informed us that it is likely that this procedure would not last more than 20 minutes in any one application.

We also understand that a medical expert with SERE experience will be present throughout this phase and that the procedures will be stopped if deemed medically necessary to prevent severe mental or physical harm to Zubaydah. As mentioned above, Zubaydah suffered an injury during his capture. You have informed us that steps will be taken to ensure that this injury is not in any way exacerbated by the use of these methods and that adequate medical attention will be given to ensure that it will heal properly.

II.

In this part, we review the context within which these procedures will be applied. You have informed us that you have taken various steps to ascertain what effect, if any, these techniques would have on Zubaydah's mental health. These same techniques, with the exception of the insect in the cramped confined space, have been used and continue to be used on some members of our military personnel during their SERE training. Because of the use of these procedures in training our own military personnel to resist interrogations, you have consulted with various individuals who have extensive experience in the use of these techniques. You have done so in order to ensure that no prolonged mental harm would result from the use of these proposed procedures.

Through your consultation with various individuals responsible for such training, you have learned that these techniques have been used as elements of a course of conduct without any reported incident of prolonged mental harm. As indicated by the Director of the SERE school, (b)(6) has reported that, during the seven-year period that he spent in those positions, there were two requests from Congress for information concerning alleged injuries resulting from the training. One of these inquiries was prompted by the temporary physical injury a trainee sustained as result of being placed in a
confinement box. The other inquiry involved claims that the SERE training caused two individuals to engage in criminal behavior, namely, felony shoplifting and downloading child pornography onto a military computer. According to this official, these claims were found to be baseless. Moreover, he has indicated that during the three and a half years he spent as a member of the SERE program, he trained 10,000 students. Of those students, only two dropped out of the training following the use of these techniques. Although on rare occasions some students temporarily postponed the remainder of their training and received psychological counseling, those students were able to finish the program without any indication of subsequent mental health effects.

You have informed us that you have consulted with [Redacted] who has ten years of experience with SERE training. He stated that, during those ten years, insofar as he is aware, none of the individuals who completed the program suffered any adverse mental health effects. He informed you that there was one person who did not complete the training. That person experienced an adverse mental health reaction that lasted only two hours. After those two hours, the individual's symptoms spontaneously dissipated without requiring treatment or counseling and no other symptoms were ever reported by this individual. According to the information you have provided to us, this assessment of the use of these procedures includes the use of the waterboard.

Additionally, you received a memorandum from the [Redacted] which you supplied to us. He has experience with the use of all of these procedures in a course of conduct, with the exception of the insect in the confinement box and the waterboard. This memorandum confirms that the use of these procedures has not resulted in any reported instances of prolonged mental harm, and very few instances of immediate and temporary adverse psychological responses to the training. He has reported that a small minority of students have had temporary adverse psychological reactions during training. Of the 26,829 students trained from 1992 through 2001 in the Air Force SERE training, 4.3 percent of those students had contact with psychology services. Of those 4.3 percent, only 3.2 percent were pulled from the program for psychological reasons. Thus, out of the students trained overall, only 0.14 percent were pulled from the program for psychological reasons. Furthermore, although the memorandum indicated that surveys of students having completed this training are not done, he expressed confidence that the training did not cause any long-term psychological impact. He based his conclusion on the debriefing of students that is done after the training. More importantly, he based this assessment on the fact that although training is required to be extremely stressful in order to be effective, very few complaints have been made regarding the training. During his tenure, in which 10,000 students were trained, no congressional complaints have been made. While there was one Inspector General complaint, it was not due to psychological concerns. Moreover, he was aware of only one letter inquiring about the long-term impact of these techniques from an individual trained...
over twenty years ago. He found that it was impossible to attribute this individual's symptoms to his training. concluded that if there are any long-term psychological effects of the United States Air Force training using the procedures outlined above they "are certainly minintal."

With respect to the waterboard, you have also orally informed us that the Navy continues to use it in training. You have informed us that your on-site psychologists, who have extensive experience with the use of the waterboard in Navy training, have not encountered any significant long-term mental health consequences from its use. Your on-site psychologists have also indicated that JPRA has likewise not reported any significant long-term mental health consequences from the use of the waterboard. You have informed us that other services ceased use of the waterboard because it was so successful as an interrogation technique, but not because of any concerns over any harm, physical or mental, caused by it. It was also reported to be almost 100 percent effective in producing cooperation among the trainees. also indicated that he had observed the use of the waterboard in Navy training some ten to twelve times. Each time it resulted in cooperation but it did not result in any physical harm to the student.

You have also reviewed the relevant literature and found no empirical data on the effect of these techniques, with the exception of sleep deprivation. With respect to sleep deprivation, you have informed us that is not uncommon for someone to be deprived of sleep for 72 hours and still perform excellently on visual-spatial motor tasks and short-term memory tests. Although some individuals may experience hallucinations, according to the literature you surveyed, those who experience such psychotic symptoms have almost always had such episodes prior to the sleep deprivation. You have indicated the studies of lengthy sleep deprivation showed no psychosis, loosening of thoughts, flattening of emotions, delusions, or paranoid ideas. In one case, even after eleven days of deprivation, no psychosis or permanent brain damage occurred. In fact the individual reported feeling almost back to normal after one night's sleep. Further, based on the experiences with its use in military training (where it is induced for up to 48 hours), you found that rarely, if ever, will the individual suffer harm after the sleep deprivation is discontinued. Instead, the effects remit after a few good nights of sleep.

You have taken the additional step of consulting with U.S. interrogations experts, and other individuals with oversight over the SERE training process. None of these individuals was aware of any prolonged psychological effect caused by the use of any of the above techniques either separately or as a course of conduct. Moreover, you consulted with outside psychologists who reported that they were unaware of any cases where long-term problems have occurred as a result of these techniques.

Moreover, in consulting with a number of mental health experts, you have learned that the effect of any of these procedures will be dependant on the individual's personal history, cultural history and psychological tendencies. To that end, you have informed us that you have
completed a psychological assessment of Zubaydah. This assessment is based on interviews with Zubaydah, observations of him, and information collected from other sources such as intelligence and press reports. Our understanding of Zubaydah's psychological profile, which we set forth below, is based on that assessment.

According to this assessment, Zubaydah, though only 31, rose quickly from very low level mujahedin to third or fourth man in al Qaeda. He has served as Usama Bin Laden's senior lieutenant. In that capacity, he has managed a network of training camps. He has been instrumental in the training of operatives for al Qaeda, the Egyptian Islamic Jihad, and other terrorist elements inside Pakistan and Afghanistan. He acted as the Deputy Camp Commander for al Qaeda training camp in Afghanistan, personally approving entry and graduation of all trainees during 1999-2000. From 1996 until 1999, he approved all individuals going in and out of Afghanistan to the training camps. Further, no one went in and out of Peshawar, Pakistan without his knowledge and approval. He also acted as al Qaeda's coordinator of external contacts and foreign communications. Additionally, he has acted as al Qaeda's counter-intelligence officer and has been trusted to find spies within the organization.

Zubaydah has been involved in every major terrorist operation carried out by al Qaeda. He was a planner for the Millennium plot to attack U.S. and Israeli targets during the Millennium celebrations in Jordan. Two of the central figures in this plot who were arrested have identified Zubaydah as the supporter of their cell and the plot. He also served as a planner for the Paris Embassy plot in 2001. Moreover, he was one of the planners of the September 11 attacks. Prior to his capture, he was engaged in planning future terrorist attacks against U.S. interests.

Your psychological assessment indicates that it is believed Zubaydah wrote al Qaeda's manual on resistance techniques. You also believe that his experiences in al Qaeda make him well-acquainted with and well-versed in such techniques. As part of his role in al Qaeda, Zubaydah visited individuals in prison and helped them upon their release. Through this contact and activities with other al Qaeda mujahedin, you believe that he knows many stories of capture, interrogation, and resistance to such interrogation. Additionally, he has spoken with Ayman al-Zawahiri, and you believe it is likely that the two discussed Zawahiri's experiences as a prisoner of the Russians and the Egyptians.

Zubaydah stated during interviews that he thinks of any activity outside of jihad as "silly." He has indicated that his heart and mind are devoted to serving Allah and Islam through jihad and he has stated that he has no doubts or regrets about committing himself to jihad. Zubaydah believes that the global victory of Islam is inevitable. You have informed us that he continues to express his unabated desire to kill Americans and Jews.

Your psychological assessment describes his personality as follows. He is "a highly self-directed individual who prizes his independence." He has "narcissistic features," which are evidenced in the attention he pays to his personal appearance and his "obvious efforts to
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demonstrate that he is really a rather "humble and regular guy." He is "somewhat compulsive" in how he organizes his environment and business. He is confident, self-assured, and possesses an air of authority. While he admits to at times wrestling with how to determine who is an "innocent," he has acknowledged celebrating the destruction of the World Trade Center. He is intelligent and intellectually curious. He displays "excellent self-discipline." The assessment describes him as a perfectionist, persistent, private, and highly capable in his social interactions. He is very guarded about opening up to others and your assessment repeatedly emphasizes that he tends not to trust others easily. He is also "quick to recognize and assess the moods and motivations of others." Furthermore, he is proud of his ability to lie and deceive others successfully. Through his deception he has, among other things, prevented the location of al Qaeda safehouses and even acquired a United Nations refugee identification card.

According to your reports, Zubaydah does not have any pre-existing mental conditions or problems that would make him likely to suffer prolonged mental harm from your proposed interrogation methods. Through reading his diaries and interviewing him, you have found no history of "mood disturbance or other psychiatric pathology," "thought disorder," "... enduring mood or mental health problems." He is in fact "remarkably resilient and confident that he can overcome adversity." When he encounters stress or low mood, this appears to last only for a short time. He deals with stress by assessing its source, evaluating the coping resources available to him, and then taking action. Your assessment notes that he is "generally self-sufficient and relies on his understanding and application of religious and psychological principles, intelligence and discipline to avoid and overcome problems." Moreover, you have found that he has a "reliable and durable support system" in his faith, "the blessings of religious leaders, and camaraderie of like-minded mujahedins and brothers." During detention, Zubaydah has managed his mood, remaining at most points "circumspect, calm, controlled, and deliberate." He has maintained this demeanor during aggressive interrogations and reductions in sleep. You describe that in an initial confrontational incident, Zubaydah showed signs of sympathetic nervous system arousal, which you think was possibly fear. Although this incident led him to disclose intelligence information, he was able to quickly regain his composure, his air of confidence, and his "strong resolve" not to reveal any information.

Overall, you summarize his primary strengths as the following: ability to focus, goal-directed discipline, intelligence, emotional resilience, street savvy, ability to organize and manage people, keen observation skills, fluid adaptability (can anticipate and adapt under duress and with minimal resources), capacity to assess and exploit the needs of others, and ability to adjust goals to emerging opportunities.

You anticipate that he will draw upon his vast knowledge of interrogation techniques to cope with the interrogation. Your assessment indicates that Zubaydah may be willing to die to protect the most important information that he holds. Nonetheless, you are of the view that his belief that Islam will ultimately dominate the world and that this victory is inevitable may provide the chance that Zubaydah will give information and rationalize it solely as a temporary
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setback. Additionally, you believe he may be willing to disclose some information, particularly information he deems to not be critical, but which may ultimately be useful to us when pieced together with other intelligence information you have gained.

III

Section 2340A makes it a criminal offense for any person “outside of the United States [to] commit[] or attempt[] to commit torture.” Section 2340(1) defines torture as:

an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody of physical control.

18 U.S.C. § 2340(1). As we outlined in our opinion on standards of conduct under Section 2340A, a violation of 2340A requires a showing that: (1) the torture occurred outside the United States; (2) the defendant acted under the color of law; (3) the victim was within the defendant’s custody or control; (4) the defendant specifically intended to inflict severe pain or suffering; and (5) that the acted inflicted severe pain or suffering. See Memorandum for John Rizzo, Acting General Counsel for the Central Intelligence Agency, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340–2340A at 3 (August 1, 2002) (“Section 2340A Memorandum”). You have asked us to assume that Zubaydah is being held outside the United States, Zubaydah is within U.S. custody, and the interrogators are acting under the color of law. At issue is whether the last two elements would be met by the use of the proposed procedures, namely, whether those using these procedures would have the requisite mental state and whether these procedures would inflict severe pain or suffering within the meaning of the statute.

Severe Pain or Suffering. In order for pain or suffering to rise to the level of torture, the statute requires that it be severe. As we have previously explained, this reaches only extreme acts. See id. at 13. Nonetheless, drawing upon cases under the Torture Victim Protection Act (TVPA), which has a definition of torture that is similar to Section 2340’s definition, we found that a single event of sufficiently intense pain may fall within this prohibition. See id. at 26. As a result, we have analyzed each of these techniques separately. In further drawing upon those cases, we also have found that courts tend to take a totality-of-the-circumstances approach and consider an entire course of conduct to determine whether torture has occurred. See id. at 27. Therefore, in addition to considering each technique separately, we consider them together as a course of conduct.

Section 2340 defines torture as the infliction of severe physical or mental pain or suffering. We will consider physical pain and mental pain separately. See 18 U.S.C. § 2340(1). With respect to physical pain, we previously concluded that “severe pain” within the meaning of...
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Section 2340 is pain that is difficult for the individual to endure and is of an intensity akin to the pain accompanying serious physical injury. See Section 2340A Memorandum at 6. Drawing upon the TVPA precedent, we have noted that examples of acts inflicting severe pain that typify torture are, among other things, severe beatings with weapons such as clubs, and the burning of prisoners. See id. at 24. We conclude below that none of the proposed techniques inflicts such pain.

The facial hold and the attention grasp involve no physical pain. In the absence of such pain it is obvious that they cannot be said to inflict severe physical pain or suffering. The stress positions and wall standing both may result in muscle fatigue. Each involves the sustained holding of a position. In wall standing, it will be holding a position in which all of the individual’s body weight is placed on his finger tips. The stress positions will likely include sitting on the floor with legs extended straight out in front and arms raised above the head, and kneeling on the floor and leaning back at a 45 degree angle. Any pain associated with muscle fatigue is not of the intensity sufficient to amount to “severe physical pain or suffering” under the statute, nor, despite its discomfort, can it be said to be difficult to endure. Moreover, you have orally informed us that no stress position will be used that could interfere with the healing of Zubaydah’s wound. Therefore, we conclude that these techniques involve discomfort that falls far below the threshold of severe physical pain.

Similarly, although the confinement boxes (both small and large) are physically uncomfortable because their size restricts movement, they are not so small as to require the individual to contort his body to sit (small box) or stand (large box). You have also orally informed us that despite his wound, Zubaydah remains quite flexible, which would substantially reduce any pain associated with being placed in the box. We have no information from the medical experts you have consulted that the limited duration for which the individual is kept in the boxes causes any substantial physical pain. As a result, we do not think the use of these boxes can be said to cause pain that is of the intensity associated with serious physical injury.

The use of one of these boxes with the introduction of an insect does not alter this assessment. As we understand it, no actually harmful insect will be placed in the box. Thus, though the introduction of an insect may produce trepidation in Zubaydah (which we discuss below), it certainly does not cause physical pain.

As for sleep deprivation, it is clear that depriving someone of sleep does not involve severe physical pain within the meaning of the statute. While sleep deprivation may involve some physical discomfort, such as the fatigue or the discomfort experienced in the difficulty of keeping one’s eyes open, these effects remit after the individual is permitted to sleep. Based on the facts you have provided us, we are not aware of any evidence that sleep deprivation results in severe physical pain or suffering. As a result, its use does not violate Section 2340A.

Even those techniques that involve physical contact between the interrogator and the
individual do not result in severe pain. The facial slap and walling contain precautions to ensure that no pain even approaching this level results. The slap is delivered with fingers slightly spread, which you have explained to us is designed to be less painful than a closed-hand slap. The slap is also delivered to the fleshy part of the face, further reducing any risk of physical damage or serious pain. The facial slap does not produce pain that is difficult to endure. Likewise, walling involves quickly pulling the person forward and then thrusting him against a flexible false wall. You have informed us that the sound of hitting the wall will actually be far worse than any possible injury to the individual. The use of the rolled towel around the neck also reduces any risk of injury. While it may hurt to be pushed against the wall, any pain experienced is not of the intensity associated with serious physical injury.

As we understand it, when the waterboard is used, the subject's body responds as if the subject were drowning—even though the subject may be well aware that he is in fact not drowning. You have informed us that this procedure does not inflict actual physical harm. Thus, although the subject may experience the fear or panic associated with the feeling of drowning, the waterboard does not inflict physical pain. As we explained in the Section 2340A Memorandum, "pain and suffering" as used in Section 2340 is best understood as a single concept, not distinct concepts of "pain" as distinguished from "suffering." See Section 2340A Memorandum at 6 n.3. The waterboard, which inflicts no pain or actual harm whatsoever, does not, in our view inflict "severe pain or suffering." Even if one were to parse the statute more finely to attempt to treat "suffering" as a distinct concept, the waterboard could not be said to inflict severe suffering. The waterboard is simply a controlled acute episode, lacking the connotation of a protracted period of time generally given to suffering.

Finally, as we discussed above, you have informed us that in determining which procedures to use and how you will use them, you have selected techniques that will not harm Zubaydah's wound. You have also indicated that numerous steps will be taken to ensure that none of these procedures in any way interferes with the proper healing of Zubaydah's wound. You have also indicated that, should it appear at any time that Zubaydah is experiencing severe pain or suffering, the medical personnel on hand will stop the use of any technique.

Even when all of these methods are considered combined in an overall course of conduct, they still would not inflict severe physical pain or suffering. As discussed above, a number of these acts result in no physical pain, others produce only physical discomfort. You have indicated that these acts will not be used with substantial repetition, so that there is no possibility that severe physical pain could arise from such repetition. Accordingly, we conclude that these acts neither separately nor as part of a course of conduct would inflict severe physical pain or suffering within the meaning of the statute.

We next consider whether the use of these techniques would inflict severe mental pain or suffering within the meaning of Section 2340. Section 2340 defines severe mental pain or suffering as "the prolonged mental harm caused by or resulting from" one of several predicate
acts. 18 U.S.C. § 2340(2). Those predicate acts are: (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration or application, or threatened administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that any of the preceding acts will be done to another person. See 18 U.S.C. § 2340(2)(A)–(D). As we have explained, this list of predicate acts is exclusive. See Section 2340A Memorandum at 8. No other acts can support a charge under Section 2340A based on the infliction of severe mental pain or suffering. See id. Thus, if the methods that you have described do not either in and of themselves constitute one of these acts or as a course of conduct fulfill the predicate act requirement, the prohibition has not been violated. See id. Before addressing these techniques, we note that it is plain that none of these procedures involves a threat to any third party, the use of any kind of drugs, or for the reasons described above, the infliction of severe physical pain. Thus, the question is whether any of these acts, separately or as a course of conduct, constitutes a threat of severe physical pain or suffering, a procedure designed to disrupt profoundly the senses, or a threat of imminent death. As we previously explained, whether an action constitutes a threat must be assessed from the standpoint of a reasonable person in the subject’s position. See id. at 9.

No argument can be made that the attention grasp or the facial hold constitute threats of imminent death or are procedures designed to disrupt profoundly the senses or personality. In general the grasp and the facial hold will startle the subject, produce fear, or even insult him. As you have informed us, the use of these techniques is not accompanied by a specific verbal threat of severe physical pain or suffering. To the extent that these techniques could be considered a threat of severe physical pain or suffering, such a threat would have to be inferred from the acts themselves. Because these actions themselves involve no pain, neither could be interpreted by a reasonable person in Zubaydah’s position to constitute a threat of severe pain or suffering. Accordingly, these two techniques are not predicate acts within the meaning of Section 2340.

The facial slap likewise falls outside the set of predicate acts. It plainly is not a threat of imminent death, under Section 2340(2)(C), or a procedure designed to disrupt profoundly the senses or personality, under Section 2340(2)(B). Though it may hurt, as discussed above, the effect is one of smarting or stinging and surprise or humiliation, but not severe pain. Nor does it alone constitute a threat of severe pain or suffering, under Section 2340(2)(A). Like the facial hold and the attention grasp, the use of this slap is not accompanied by a specific verbal threat of further escalating violence. Additionally, you have informed us that in one use this technique will typically involve at most two slaps. Certainly, the use of this slap may dislodge any expectation that Zubaydah had that he would not be touched in a physically aggressive manner. Nonetheless, this alteration in his expectations could hardly be construed by a reasonable person in his situation to be tantamount to a threat of severe physical pain or suffering. At most, this technique suggests that the circumstances of his confinement and interrogation have changed. Therefore, the facial slap is not within the statute’s exclusive list of predicate acts.
Walling plainly is not a procedure calculated to disrupt profoundly the senses or personality. While walling involves what might be characterized as rough handling, it does not involve the threat of imminent death or, as discussed above, the infliction of severe physical pain. Moreover, once again we understand that use of this technique will not be accompanied by any specific verbal threat that violence will ensue absent cooperation. Thus, like the facial slap, walling can only constitute a threat of severe physical pain if a reasonable person would infer such a threat from the use of the technique itself. Walling does not in and of itself inflict severe pain or suffering. Like the facial slap, walling may alter the subject’s expectation as to the treatment he believes he will receive. Nonetheless, the character of the action falls so far short of inflicting severe pain or suffering within the meaning of the statute that even if he inferred that greater aggressiveness was to follow, the type of actions that could be reasonably be anticipated would still fall below anything sufficient to inflict severe physical pain or suffering under the statute. Thus, we conclude that this technique falls outside the proscribed predicate acts.

Like walling, stress positions and wall- standing are not procedures calculated to disrupt profoundly the senses, nor are they threats of imminent death. These procedures, as discussed above, involve the use of muscle fatigue to encourage cooperation and do not themselves constitute the infliction of severe physical pain or suffering. Moreover, there is no aspect of violence to either technique that remotely suggests future severe pain or suffering from which such a threat of future harm could be inferred. They simply involve forcing the subject to remain in uncomfortable positions. While these acts may indicate to the subject that he may be placed in these positions again if he does not disclose information, the use of these techniques would not suggest to a reasonable person in the subject’s position that he is being threatened with severe pain or suffering. Accordingly, we conclude that these two procedures do not constitute any of the predicate acts set forth in Section 2340(2).

As with the other techniques discussed so far, cramped confinement is not a threat of imminent death. It may be argued that, focusing in part on the fact that the boxes will be without light, placement in these boxes would constitute a procedure designed to disrupt profoundly the senses. As we explained in our recent opinion, however, to “disrupt profoundly the senses” a technique must produce an extreme effect in the subject. See Section 2340A Memorandum at 10–12. We have previously concluded that this requires that the procedure cause substantial interference with the individual’s cognitive abilities or fundamentally alter his personality. See id. at 11. Moreover, the statute requires that such procedures must be calculated to produce this effect. See id. at 10; 18 U.S.C. § 2340(2)(B).

With respect to the small confinement box, you have informed us that he would spend at most two hours in this box. You have informed us that your purpose in using these boxes is not to interfere with his senses or his personality, but to cause him physical discomfort that will encourage him to disclose critical information. Moreover, your imposition of time limitations on the use of either of the boxes also indicates that the use of these boxes is not designed or calculated to disrupt profoundly the senses or personality. For the larger box, in which he can
both stand and sit, he may be placed in this box for up to eighteen hours at a time, while you have informed us that he will never spend more than an hour at time in the smaller box. These time limits further ensure that no profound disruption of the senses or personality, were it even possible, would result. As such, the use of the confinement boxes does not constitute a procedure calculated to disrupt profoundly the senses or personality.

Nor does the use of the boxes threaten Zubaydah with severe physical pain or suffering. While additional time spent in the boxes may be threatened, their use is not accompanied by any express threats of severe physical pain or suffering. Like the stress positions and walling, placement in the boxes is physically uncomfortable but any such discomfort does not rise to the level of severe physical pain or suffering. Accordingly, a reasonable person in the subject's position would not infer from the use of this technique that severe physical pain is the next step in his interrogator's treatment of him. Therefore, we conclude that the use of the confinement boxes does not fall within the statute's required predicate acts.

In addition to using the confinement boxes alone, you also would like to introduce an insect into one of the boxes with Zubaydah. As we understand it, you plan to inform Zubaydah that you are going to place a stinging insect into the box, but you will actually place a harmless insect in the box, such as a caterpillar. If you do so, to ensure that you are outside the predicate act requirement, you must inform him that the insects will not have a sting that would produce death or severe pain. If, however, you were to place the insect in the box without informing him that you are doing so, then, in order to not commit a predicate act, you should not affirmatively lead him to believe that any insect is present which has a sting that could produce severe pain or suffering or even cause his death. While placing the insect in the box may certainly play upon fears that you believe that Zubaydah may harbor regarding insects, so long as you take either of the approaches we have described, the insect's placement in the box would not constitute a threat of severe physical pain or suffering to a reasonable person in his position. An individual placed in a box, even an individual with a fear of insects, would not reasonably feel threatened with severe physical pain or suffering if a caterpillar was placed in the box. Further, you have informed us that you are not aware that Zubaydah has any allergies to insects, and you have not informed us of any other factors that would cause a reasonable person in that same situation to believe that an unknown insect would cause him severe physical pain or death. Thus, we conclude that the placement of the insect in the confinement box with Zubaydah would not constitute a predicate act.

Sleep deprivation also clearly does not involve a threat of imminent death. Although it produces physical discomfort, it cannot be said to constitute a threat of severe physical pain or suffering from the perspective of a reasonable person in Zubaydah's position. Nor could sleep deprivation constitute a procedure calculated to disrupt profoundly the senses, so long as sleep deprivation (as you have informed us is your intent) is used for limited periods, before hallucinations or other profound disruptions of the senses would occur. To be sure, sleep deprivation may reduce the subject's ability to think on his feet. Indeed, you indicate that this is
the intended result. His mere reduced ability to evade your questions and resist answering does not, however, rise to the level of disruption required by the statute. As we explained above, a disruption within the meaning of the statute is an extreme one, substantially interfering with an individual's cognitive abilities, for example, inducing hallucinations, or driving him to engage in uncharacteristic self-destructive behavior. See infra 13; Section 2340A Memorandum at 11. Therefore, the limited use of sleep deprivation does not constitute one of the required predicate acts.

We find that the use of the waterboard constitutes a threat of imminent death. As you have explained the waterboard procedure to us, it creates in the subject the uncontrollable physiological sensation that the subject is drowning. Although the procedure will be monitored by personnel with medical training and extensive SERE school experience with this procedure who will ensure the subject's mental and physical safety, the subject is not aware of any of these precautions. From the vantage point of any reasonable person undergoing this procedure in such circumstances, he would feel as if he is drowning at very moment of the procedure due to the uncontrollable physiological sensation he is experiencing. Thus, this procedure cannot be viewed as too uncertain to satisfy the imminence requirement. Accordingly, it constitutes a threat of imminent death and fulfills the predicate act requirement under the statute.

Although the waterboard constitutes a threat of imminent death, prolonged mental harm must nonetheless result to violate the statutory prohibition on infliction of severe mental pain or suffering. See Section 2340A Memorandum at 7. We have previously concluded that prolonged mental harm is mental harm of some lasting duration, e.g., mental harm lasting months or years. See id. Prolonged mental harm is not simply the stress experienced in, for example, an interrogation by state police. See id. Based on your research into the use of these methods at the SERE school and consultation with others with expertise in the field of psychology and interrogation, you do not anticipate that any prolonged mental harm would result from the use of the waterboard. Indeed, you have advised us that the relief is almost immediate when the cloth is removed from the nose and mouth. In the absence of prolonged mental harm, no severe mental pain or suffering would have been inflicted, and the use of these procedures would not constitute torture within the meaning of the statute.

When these acts are considered as a course of conduct, we are unsure whether these acts may constitute a threat of severe physical pain or suffering. You have indicated to us that you have not determined either the order or the precise timing for implementing these procedures. It is conceivable that these procedures could be used in a course of escalating conduct, moving incrementally and rapidly from least physically intrusive, e.g., facial hold, to the most physical contact, e.g., walling or the waterboard. As we understand it, based on his treatment so far, Zubaydah has come to expect that no physical harm will be done to him. By using these techniques in increasing intensity and in rapid succession, the goal would be to dislodge this expectation. Based on the facts you have provided to us, we cannot say definitively that the entire course of conduct would cause a reasonable person to believe that he is being threatened.
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with severe pain or suffering within the meaning of section 2340. On the other hand, however, under certain circumstances—for example, rapid escalation in the use of these techniques culminating in the waterboard (which we acknowledge constitutes a threat of imminent death) accompanied by verbal or other suggestions that physical violence will follow—might cause a reasonable person to believe that they are faced with such a threat. Without more information, we are uncertain whether the course of conduct would constitute a predicate act under Section 2340(2).

Even if the course of conduct were thought to pose a threat of physical pain or suffering, it would nevertheless—on the facts before us—not constitute a violation of Section 2340A. Not only must the course of conduct be a predicate act, but also those who use the procedure must actually cause prolonged mental harm. Based on the information that you have provided to us, indicating that no evidence exists that this course of conduct produces any prolonged mental harm, we conclude that a course of conduct using these procedures and culminating in the waterboard would not violate Section 2340A.

Specific Intent. To violate the statute, an individual must have the specific intent to inflict severe pain or suffering. Because specific intent is an element of the offense, the absence of specific intent negates the charge of torture. As we previously opined, to have the required specific intent, an individual must expressly intend to cause such severe pain or suffering. See Section 2340A Memorandum at 3 citing Carter v. United States, 530 U.S. 255, 267 (2000). We have further found that if a defendant acts with the good faith belief that his actions will not cause such suffering, he has not acted with specific intent. See id. at 4 citing South Atl. Lmtd. Purshp. of Tenn. v. Reise, 218 F.3d 518, 531 (4th Cir. 2002). A defendant acts in good faith when he has an honest belief that his actions will not result in severe pain or suffering. See id. citing Cheek v. United States, 498 U.S. 192, 202 (1991). Although an honest belief need not be reasonable, such a belief is easier to establish where there is a reasonable basis for it. See id. at 5. Good faith may be established by, among other things, the reliance on the advice of experts. See id. at 8.

Based on the information you have provided us, we believe that those carrying out these procedures would not have the specific intent to inflict severe physical pain or suffering. The objective of these techniques is not to cause severe physical pain. First, the constant presence of personnel with medical training who have the authority to stop the interrogation should it appear it is medically necessary indicates that it is not your intent to cause severe physical pain. The personnel on site have extensive experience with these specific techniques as they are used in SERE school training. Second, you have informed us that you are taking steps to ensure that Zubaydah’s injury is not worsened or his recovery impeded by the use of these techniques.

Third, as you have described them to us, the proposed techniques involving physical contact between the interrogator and Zubaydah actually contain precautions to prevent any serious physical harm to Zubaydah. In “walling,” a rolled hood or towel will be used to prevent
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whiplash and he will be permitted to rebound from the flexible wall to reduce the likelihood of injury. Similarly, in the "facial hold," the fingertips will be kept well away from the his eyes to ensure that there is no injury to them. The purpose of that facial hold is not to injure him but to hold the head immobile. Additionally, while the stress positions and wall standing will undoubtedly result in physical discomfort by tiring the muscles, it is obvious that these positions are not intended to produce the kind of extreme pain required by the statute.

Furthermore, no specific intent to cause severe mental pain or suffering appears to be present. As we explained in our recent opinion, an individual must have the specific intent to cause prolonged mental harm in order to have the specific intent to inflict severe mental pain or suffering. See Section 2340A Memorandum at 8. Prolonged mental harm is substantial mental harm of a sustained duration, e.g., harm lasting months or even years after the acts were inflicted upon the prisoner. As we indicated above, a good faith belief can negate this element. Accordingly, if an individual conducting the interrogation has a good faith belief that the procedures he will apply, separately or together, would not result in prolonged mental harm, that individual lacks the requisite specific intent. This conclusion concerning specific intent is further bolstered by the due diligence that has been conducted concerning the effects of these interrogation procedures.

The mental health experts that you have consulted have indicated that the psychological impact of a course of conduct must be assessed with reference to the subject's psychological history and current mental health status: The healthier the individual, the less likely that the use of any one procedure or set of procedures as a course of conduct will result in prolonged mental harm. A comprehensive psychological profile of Zubaydah has been created. In creating this profile, your personnel drew on direct interviews, Zubaydah's diaries, observation of Zubaydah since his capture, and information from other sources such as other intelligence and press reports. You found that Zubaydah has no history of mental health problems. Your profile further emphasizes that, in addition to his excellent mental health history, he is quite resilient. Not only is Zubaydah resilient, but you have also found that he has in place a durable support system through his faith, the blessings of religious leaders, and the camaraderie he has experienced with those who have taken up the cause with him. Based on this remarkably healthy profile, you have concluded that he would not experience any mental harm of sustained duration from the use of these techniques, either separately or as a course of conduct.

As we indicated above, you have informed us that your proposed interrogation methods have been used and continue to be used in SERE training. It is our understanding that these techniques are not used one by one in isolation, but as a full course of conduct to resemble a real interrogation. Thus, the information derived from SERE training bears both upon the impact of the use of the individual techniques and upon their use as a course of conduct. You have found that the use of these methods together or separately, including the use of the waterboard, has not resulted in any negative long-term mental health consequences. The continued use of these methods without mental health consequences to the trainees indicates that it is highly improbable...
that such consequences would result here. Because you have conducted the due diligence to determine that these procedures, either alone or in combination, do not produce prolonged mental harm, we believe that you do not meet the specific intent requirement necessary to violate Section 240A.

You have also informed us that you have reviewed the relevant literature on the subject, and consulted with outside psychologists. Your review of the literature uncovered no empirical data on the use of these procedures, with the exception of sleep deprivation for which no long-term health consequences resulted. The outside psychologists with whom you consulted indicated were unaware of any cases where long-term problems have occurred as a result of these techniques.

As described above, it appears you have conducted an extensive inquiry to ascertain what impact, if any, these procedures individually and as a course of conduct would have on Zubaydah. You have consulted with interrogation experts; including those with substantial SERE school experience, consulted with outside psychologists, completed a psychological assessment and reviewed the relevant literature on this topic. Based on this inquiry, you believe that the use of the procedures, including the waterboard, and as a course of conduct would not result in prolonged mental harm. Reliance on this information about Zubaydah and about the effect of the use of these techniques more generally demonstrates the presence of a good faith belief that no prolonged mental harm will result from using these methods in the interrogation of Zubaydah. Moreover, we think that this represents not only an honest belief but also a reasonable belief based on the information that you have supplied to us. Thus, we believe that the specific intent to inflict prolonged mental is not present, and consequently, there is no specific intent to inflict severe mental pain or suffering. Accordingly, we conclude that on the facts in this case the use of these methods separately or a course of conduct would not violate Section 2340A.

Based on the foregoing, and based on the facts that you have provided, we conclude that the interrogation procedures that you propose would not violate Section 2340A. We wish to emphasize that this is our best reading of the law; however, you should be aware that there are no cases construing this statute, just as there have been no prosecutions brought under it.

Please let us know if we can be of further assistance.

[Signature]

Jay S. Bybee
Assistant Attorney General
Tab D
Guidelines on Confinement Conditions For CIA Detainees

These Guidelines govern the conditions of confinement for CIA Detainees, who are persons detained in detention facilities that are under the control of CIA ("Detention Facilities").

These Guidelines recognize that environmental and other conditions, as well as particularized considerations affecting any given Detention Facility, will vary from case to case and location to location.

1. Minimums

Due provision must be taken to protect the health and safety of all CIA Detainees, including basic levels of medical care (which need not comport with the highest standards of medical care that is provided in US-based medical facilities); food and drink which meets minimum medically appropriate nutritional and sanitary standards; clothing and/or a physical environment sufficient to meet basic health needs; periods of time within which detainees are free to engage in physical exercise (which may be limited, for example, to exercise within the isolation cells themselves); and sanitary facilities (which may, for example, comprise buckets for the relief of personal waste). Conditions of confinement at the Detention Facilities do not have to conform with US prison or other specific or pre-established standards.

2. Implementing Procedures

a. Medical and, as appropriate, psychological personnel shall be physically present at, or reasonably available to, each Detention Facility. Medical personnel shall check the physical condition of each detainee at intervals appropriate to the circumstances and shall keep appropriate records.
Guidelines on Confinement Conditions for CIA Detainees

b. Personnel directly engaged in the design and operation of Detention Facilities will be selected, screened, trained, and supervised by a process established and, as appropriate, coordinated by the Director, DCI Counterterrorist Center.

c. 

3. Responsible CIA Officer

The Director, DCI Counterterrorist Center shall ensure (a) that, at all times, a specific Agency staff employee (the "Responsible CIA Officer") is designated as responsible for each specific Detention Facility, (b) that each Responsible CIA Officer has been provided with a copy of these Guidelines and has reviewed and signed the attached Acknowledgment, and (c) that each Responsible CIA Officer and each CIA officer participating in the questioning of individuals detained pursuant to the Memorandum of Notification of 17 September 2001 has been provided with a copy of the "Guidelines on Interrogation Conducted Pursuant to the Presidential Memorandum of 17 September 2001" and has reviewed and signed the Acknowledgment attached thereto. Subject to operational and security considerations, the Responsible CIA Officer shall be present at, or visit, each Detention Facility at intervals appropriate to the circumstances.

4. Periodic Site Visits and Review

On at least a quarterly basis, appropriate Headquarters personnel shall review the conditions at each Detention Facility and make site visits as appropriate. Reports shall be prepared after the site visits.

APPROVED:

[Signature]
Director of Central Intelligence

[Signature]
Date

(b)(3) NatSecAct

(b)(3) CIA Act

Approved for Release: 2016/10/31 C05856717
Guidelines on Confinement Conditions for CIA Detainees

ACKNOWLEDGMENT

I, ________________, am the Responsible CIA Officer for the Detention Facility known as ________________. By my signature below, I acknowledge that I have read and understand and will comply with the "Guidelines on Confinement Conditions for CIA Detainees" of __________, 2003.

ACKNOWLEDGED:

____________________________  ______________________
Name                              Date
Tab E
Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001

These Guidelines address the conduct of interrogations of persons who are detained pursuant to the authorities set forth in the Memorandum of Notification of 17 September 2001.

These Guidelines complement internal Directorate of Operations guidance relating to the conduct of interrogations. In the event of any inconsistency between existing DO guidance and these Guidelines, the provisions of these Guidelines shall control.

1. Permissible Interrogation Techniques

Unless otherwise approved by Headquarters, CIA officers and other personnel acting on behalf of CIA may use only Permissible Interrogation Techniques. Permissible Interrogation Techniques consist of both (a) Standard Techniques and (b) Enhanced Techniques.

Standard Techniques are techniques that do not incorporate physical or substantial psychological pressure. These techniques include, but are not limited to, all lawful forms of questioning employed by US law enforcement and military interrogation personnel. Among Standard Techniques are the use of isolation, sleep deprivation not to exceed 72 hours, reduced caloric intake (so long as the amount is calculated to maintain the general health of the detainee), deprivation of reading material, use of loud music or white noise (at a decibel level calculated to avoid damage to the detainee’s hearing), and the use of diapers for limited periods (generally not to exceed 72 hours, or during transportation where appropriate).
Guideline on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001

Enhanced Techniques are techniques that do incorporate physical or psychological pressure beyond Standard Techniques. The use of each specific Enhanced Technique must be approved by Headquarters in advance, and may be employed only by approved interrogators for use with the specific detainee, with appropriate medical and psychological participation in the process. These techniques are, the attention grasp, walling, the facial hold, the facial slap (insult slap), the abdominal slap, cramped confinement, wall standing, stress positions, sleep deprivation beyond 72 hours, the use of diapers for prolonged periods, the use of harmless insects, the water board, and such other techniques as may be specifically approved pursuant to paragraph 4 below. The use of each Enhanced Technique is subject to specific temporal, physical, and related conditions, including a competent evaluation of the medical and psychological state of the detainee.

2. Medical and Psychological Personnel

Appropriate medical and psychological personnel shall be either on site or readily available for consultation and travel to the interrogation site during all detainee interrogations employing Standard Techniques, and appropriate medical and psychological personnel must be on site during all detainee interrogations employing Enhanced Techniques. In each case, the medical and psychological personnel shall suspend the interrogation if they determine that significant and prolonged physical or mental injury, pain, or suffering is likely to result if the interrogation is not suspended. In any such instance, the interrogation team shall immediately report the facts to Headquarters for management and legal review to determine whether the interrogation may be resumed.

3. Interrogation Personnel

The Director, DCI Counterterrorist Center shall ensure that all personnel directly engaged in the interrogation of persons detained pursuant to the authorities set forth in the MoN have been appropriately screened (from the medical, psychological, and security standpoints), have reviewed these Guidelines, have received appropriate training in their implementation, and have completed the attached Acknowledgment.
Guideline on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001

4. Approvals Required

Whenever feasible, advance approval is required for the use of Standard Techniques by an interrogation team. In all instances, their use shall be documented in cable traffic. Prior approval in writing (e.g., by written memorandum or in cable traffic) from the Director, DCI Counterterrorist Center, with the concurrence of the Chief, CTC Legal Group, is required for the use of any Enhanced Technique(s), and may be provided only where D/CTC has determined that (a) the specific detainee is believed to possess information about risks to the citizens of the United States or other nations, (b) the use of the Enhanced Technique(s) is appropriate in order to obtain that information, (c) appropriate medical and psychological personnel have concluded that the use of the Enhanced Technique(s) is not expected to produce "severe physical or mental pain or suffering," and (d) the personnel authorized to employ the Enhanced Technique(s) have completed the attached Acknowledgment. Nothing in these Guidelines alters the right to act in self-defense.

5. Recordkeeping

In each interrogation session in which an Enhanced Technique is employed, a contemporaneous record shall be created setting forth the nature and duration of each such technique employed, the identities of those present, and a citation to the required Headquarters approval cable. This information, which may be in the form of a cable, shall be provided to Headquarters.

APPROVED:

[Signature]
Director of Central Intelligence

[Signature]
Date
Guideline on Interrogations Conducted Pursuant to the
Presidential Memorandum of Notification of 17 September 2001

ACKNOWLEDGMENT

I, ____________, acknowledge that I have read and
understand and will comply with the "Guidelines on
Interrogations Conducted Pursuant to the Presidential
Memorandum of Notification of 17 September 2001" of ________,
2003.

ACKNOWLEDGED:

______________________________   ______________________
Name                                    Date
Tab F
DRAFT OMS GUIDELINES ON MEDICAL AND PSYCHOLOGICAL SUPPORT TO DETAINEE INTERROGATIONS
September 4, 2003

The following guidelines offer general references for medical officers supporting the detention of terrorists captured and turned over to the Central Intelligence Agency for interrogation and debriefing. There are three different contexts in which these guidelines may be applied: (1) during the period of initial interrogation, (2) during the more sustained period of debriefing at an interrogation site, and (3) the permanent detention of captured terrorists in long-term facilities.

INTERROGATION SUPPORT

Captured terrorists turned over to the C.I.A. for interrogation may be subjected to a wide range of legally sanctioned techniques, all of which are also used on U.S. military personnel in SERE training programs. These are designed to psychologically "dislocate" the detainee, maximize his feeling of vulnerability and helplessness, and reduce or eliminate his will to resist our efforts to obtain critical intelligence.

Sanctioned interrogation techniques must be specifically approved in advance by the Director, CTC in the case of each individual case. They include, in approximately ascending degree of intensity:

Standard measures (i.e., without physical or substantial psychological pressure)
- Shaving
- Stripping
- Diapering (generally for periods not greater than 72 hours)
- Hooding
- Isolation
- White noise or loud music (at a decibel level that will not damage hearing)
- Continuous light or darkness
- Uncomfortably cool environment
- Restricted diet, including reduced caloric intake (sufficient to maintain general health)
- Shackling in upright, sitting, or horizontal position
- Water Dousing
- Sleep deprivation (up to 72 hours)

Enhanced measures (with physical or psychological pressure beyond the above)
- Attention grasp
- Facial hold
- Insult (facial) slap

(b)(1)
(b)(3) NatSecAct

TOP SECRET/
Abdominal slap
Prolonged diapering
Sleep deprivation (over 72 hours)
Stress positions
   —on knees, body slanted forward or backward
   —leaning with forehead on wall
Walling
Cramped confinement (Confinement boxes)
Waterboard

In all instances the general goal of these techniques is a psychological impact, and not some physical effect, with a specific goal of “dislocat[ing] his expectations regarding the treatment he believes he will receive…” The more physical techniques are delivered in a manner carefully limited to avoid serious physical harm. The slaps for example are designed “to induce shock, surprise, and/or humiliation” and “not to inflict physical pain that is severe or lasting.” To this end they must be delivered in a specifically circumscribed manner, e.g., with fingers spread. Walling is only against a springboard designed to be loud and bouncy (and cushion the blow). All walling and most attention grasps are delivered only with the subject’s head solidly supported with a towel to avoid extension-flexion injury.

OMS is responsible for assessing and monitoring the health of all Agency detainees subject to “enhanced” interrogation techniques, and for determining that the authorized administration of these techniques would not be expected to cause serious or permanent harm.1 "DCI Guidelines" have been issued formalizing these responsibilities, and these should be read directly.

Whenever feasible, advance approval is required to use any measures beyond standard measures; technique-specific advanced approval is required for all “enhanced” measures and is conditional on on-site medical and psychological personnel confirming from direct detainee examination that the enhanced technique(s) is not expected to produce “severe physical or mental pain or suffering.” As a practical matter, the detainee’s physical condition must be such that these interventions will not have lasting effects.

1 The standard used by the Justice Department for “mental” harm is “prolonged mental harm,” i.e., “mental harm of some lasting duration, e.g., mental harm lasting months or years.” "In the absence of prolonged mental harm, no severe mental pain or suffering would have been inflicted.” Memorandum of August 1, 2002, p. 15.

2 “Psychological personnel” can be either a clinical psychologist or a psychiatrist. Unless the waterboard is being used, the medical officer can be a physician or a PA; use of the waterboard requires the presence of a physician.
effect, and his psychological state strong enough that no severe psychological harm will result.

The medical implications of the DCI guidelines are discussed below.

General intake evaluation

New detainees are to have a thorough initial medical assessment, with a complete, documented history and physical addressing in depth any chronic or previous medical problems. This should especially attend to cardio-vascular, pulmonary, neurological and musculo-skeletal findings. (See the section on shackling and waterboard for more specifics.) Vital signs and weight should be recorded, and blood work drawn ("tiger" top [serum separating] and lavender top tubes) for CBC, Hepatitis B and C, HIV and Chem panel (to include albumin and liver function tests).

Documented subsequent medical rechecks should be performed on a regular basis, the frequency being within the judgment of the medical representative and the Chief of Site. The recheck can be more focused on relevant factors. The content of the documentation should be similar to what would ordinarily be recorded in a medical chart. Although brief, the data should reflect what was checked and include negative findings. All assessments should be reported through approved communications channels applicable to the site in which the detainee is held, and subject to review/release by the Chief of the site. This should include an A copy of the medical findings should also be included in an electronic file maintained locally on each detainee, which incorporates all medical evaluations on that individual. This file must be available to successive medical practitioners at site.

Medical treatment

It is important that adequate medical care be provided to detainees, even those undergoing enhanced interrogation. Those requiring chronic medications should receive them, acute medical problems should be treated, and adequate fluids and nutrition provided. These medical interventions, however, should not undermine the anxiety and dislocation that the various interrogation techniques are designed to foster. Medical assessments during periods of enhanced interrogation, while encompassing all that is medically necessary, should not appear overly attentive. Follow-up evaluations during this period may be performed in the guise of a guard or through remote video. All interventions, assessments and evaluations should be coordinated with the Chief of Site and interrogation team members to insure they are performed in such a way as to minimize undermining interrogation aims to obtain critical intelligence.
Medications and nutritional supplements may be hidden in the basic food provided (e.g. as a liquid or thoroughly crushed tablet). If during the initial phase of interrogation detainees are deprived of all measurements of time (e.g., through continuous light and variable schedules), a time-rigid administration of medication (or nutrition) should be avoided. There generally is ample latitude to allow varying treatment intervals.

The basic diet during the period of enhanced interrogation need not be palatable, but should include adequate fluids and nutrition. Actual consumption should be monitored and recorded. Liquid Ensure (or equivalent) is a good way to assure that there is adequate nutrition. Brief periods during which food is withheld (24-48 hours) as an adjunct to interrogation are acceptable. Individuals refusing adequate liquids during this stage should have fluids administered at the earliest signs of dehydration. For reasons of staff safety, the rectal tube is an acceptable method of delivery. If there is any question about adequacy of fluid intake, urinary output also should be monitored and recorded.

Uncomfortably cool environments

Detainees can safely be placed in uncomfortably cool environments for varying lengths of time, ranging from hours to days. The length of time will depend on multiple factors, including age, health, extent of clothing, and freedom of movement. Individual tolerance and safety have to be assessed on a case by case basis, and continuously reevaluated over time. The following guidelines and reference points are intended to assist the medical staff in advising on acceptable lower ambient temperatures in certain operational settings. The comments assume the subject is a young, healthy, dry, lightly clothed individual sheltered from wind, i.e., that they are a typical detainee.

Core body temperature falls after more than 2 hours at an ambient temperature of 10°C/50°F. At this temperature increased metabolic rate cannot compensate for heat loss. The WHO recommended minimum indoor temperature is 18°C/64°F. The "thermoneutral zone" where minimal compensatory activity is required to maintain core temperature is 20°C/68°F to 30°C/86°F. Within the thermoneutral zone, 26°C/78°F is considered optimally comfortable for lightly clothed individuals and 30°C/86°F for naked individuals. Currently, D/CTC policy stipulates 24-26°C as the detention cell and interrogation room temperatures, permitting variations due to season. This has proven more achievable in some Sites than others.

If there is any possibility that ambient temperatures are below the thermoneutral range, they should be monitored and the actual temperatures documented. Occasionally, as part of the interrogation process they are housed in spaces with ambient temperatures of between 13°C/55°F and 16°C/60°F. Unless the detainee is clothed and standing, or sitting on a mat, this exposure should not be continued for longer than 2-3 hours.
At ambient temperatures below 18°C/64°F, detainees should be monitored for the development of hypothermia. This risk is greatest in those who are naked or nearly so, who are in substantial direct contact with a surface that conducts heat away from the body (e.g., the floor), whose restraints severely limit muscle work, who have comparatively little muscle mass, who are fatigued and sleep deprived, and are age 45 or over.

Wet skin or clothing places a detainee at much greater risk for hypothermia, so if a partial or complete soaking is used in conjunction with the interrogation, or even for bathing, the detainee must be dry before being placed in a space with an ambient temperature below 26°C/78°F.

Signs of mild hypothermia (body temp 90-98°F) include shivering, lack of coordination (fumbling hands, stumbling), slurred speech, memory loss, and pale and cold skin. Detainees exhibiting any of these signs should be allowed some combination of increased clothing, floor mat, more freedom of movement, and increased ambient temperature.

Moderate hypothermia (body temperature of 86-90°F) is present when shivering stops, there is an inability to walk or stand, and/or the subject is confused/irrational. An aggressive medical intervention is warranted in these cases.

White noise or loud music

As a practical guide, there is no permanent hearing risk for continuous, 24-hours-a-day exposures to sound at 82 dB or lower; at 84 dB for up to 18 hours a day; 90 dB for up to 8 hours, 95 dB for 4 hours, and 100 dB for 2 hours. If necessary, instruments can be provided to measure these ambient sound levels. In general, sound in the dB 80-99 range is experienced as loud; above 100 dB as uncomfortably loud. Common reference points include garbage disposer (80 dB), cockpit of propeller aircraft (88 dB), shouted conversation (90 dB), motorcycles at 25 feet (90 dB), inside of subway car at 35 mph (95 dB), power mower (96 dB), chain saw (110 dB), and live rock band (114 dB). For purposes of interrogation, D/CTC has set a policy that no white noise and no loud noise used in the interrogation process should exceed 79 DB.

Shackling

Shackling in non-stressful positions requires only monitoring for the development of pressure sores with appropriate treatment and adjustment of the shackles as required. Should shackle-related lesions develop, early intervention is important to avoid the
development of an interrogation-limiting cellulitis. Cleaning the lesion, and a slight loosening of the shackles may be all that is required.

If the detainee is to be shackled standing with hands at or above the head (as part of a sleep deprivation protocol), the medical assessment should include a pre-check for anatomic factors that might influence how long the arms could be elevated. This would include shoulder range of motion, pulses in neutral and elevated positions, a check for bruises, and assessment of the basic sensorimotor status of the upper extremities.

Assuming no medical contraindications are found, extended periods (up to 72 hours) in a standing position can be approved if the hands are no higher than head level and weight is borne fully by the lower extremities. Detainees who have one foot or leg casted or who lost part of a lower extremity to amputation should be monitored carefully for the development of excessive edema in the weight-supporting leg. If edema approaches knee level, these individuals should be shifted to a foot-elevated, seated or reclining sleep-deprivation position. In the presence of a suspected lower limb cellulitis, the detainee should be shifted to a seated leg-elevated position, and antibiotics begun. Absent other contraindications, sleep deprivation can be continued in both these circumstances.

NOTE: An occasional detainee placed in a standing stress position has developed lower limb tenderness and erythema, in addition to an ascending edema, which initially have not been easily distinguished from a progressive cellulitis or venous thrombosis. These typically have been associated with pre-existing abrasions or ulcerations from shackling at the time of initial rendition. In order to best inform future medical judgments and recommendations, the presence of these lesions should be accurately described before the standing stress position is employed. In all cases approximately daily observations should be recorded which document the length of time the detainee has been in the stress position, and level of any developing edema or erythema.

More stressful shackled positions may also be approved for shorter intervals, e.g. during an interrogation session or between sessions. The arms can be elevated above the head (elbows not locked) for roughly two hours without great concern. Reasonable judgment should be used as to the angle of elevation of the arms.
Periods in this arms-elevated shackle position lasting between two and four hours would merit caution, and subject should be monitored for excessive distress. The detainee should never be required to bear weight on the upper extremities, and the utilization of this technique should not exceed approximately 4 hours in a 24 hour period. If through fatigue or otherwise the detainee becomes truly incapable of supporting himself on his feet (e.g., after 36, 48 hours, etc.), and the detainee’s weight is shifted to the shackles, the use of overhead shackles should be discontinued.

Sleep deprivation

Sleep deprivation (with or without associated stress positions) is among the most effective adjuncts to interrogation, and is the only technique with a demonstrably cumulative effect—the longer the deprivation (to a point), the more effective the impact. The standard approval for sleep deprivation, per se (without regard to shackling position) is 72 hours. Extension of sleep deprivation beyond 72 continuous hours is considered an enhanced measure, which requires D/CTC prior approval. The amount of sleep required between deprivation periods depends on the intended purpose of the sleep deprivation. If it is intended to be one element in the process of demonstrating helplessness in an unpleasant environment, a short nap of two or so hours would be sufficient. Perceptual distortion effects are not uncommon after 96 hours of sleep deprivation, but frank psychosis is very rare. Cognitive effects, of course, are common. If it is desired that the subject be reasonably attentive, and clear-thinking during the interrogation, at least a 6 hour recovery should be allowed. Current D/CTC policy requires 4 hours sleep once the 72 hour limit has been met during standard interrogation measures.

NOTE: Examinations performed during periods of sleep deprivation should include the current number of hours without sleep; and, if only a brief rest preceded this period, the specifics of the previous deprivation also should be recorded.

Crammed confinement (Confinement boxes)

Detainees can be placed in awkward boxes, specifically constructed for this purpose. These can be rectangular and just over the detainee’s height, not much wider than his body, and comparatively shallow, or they can be small cubes allowing little more than a cross-legged sitting position. These have not proved particularly effective, as they may become a haven offering a respite from interrogation. Assuming no significant medical conditions (e.g., cardiovascular, musculoskeletal) are present, confinement in the small box is allowable up to 2 hours. Confinement in the large box is limited to 8 consecutive hours, up to a total of 18 hours a day.
Waterboard

This is by far the most traumatic of the enhanced interrogation techniques. The historical context here was limited knowledge of the use of the waterboard in SERE training (several hundred trainees experience it every year or two). In the SERE model the subject is immobilized on his back, and his forehead and eyes covered with a cloth. A stream of water is directed at the upper lip. Resistant subjects then have the cloth lowered to cover the nose and mouth, as the water continues to be applied, fully saturating the cloth, and precluding the passage of air. Relatively little water enters the mouth. The occlusion (which may be partial) lasts no more than 20 seconds. On removal of the cloth, the subject is immediately able to breathe, but continues to have water directed at the upper lip to prolong the effect. This process can continue for several minutes, and involve up to 15 canteen cups of water. Ostensibly the primary desired effect derives from the sense of suffocation resulting from the wet cloth temporarily occluding the nose and mouth, and psychological impact of the continued application of water after the cloth is removed. SERE trainees usually have only a single exposure to this technique, and never more than two; SERE trainers consider it their most effective technique, and deem it virtually irresistible in the training setting.

Our very limited experience with the waterboard is different. The subjects were positioned on the back but in a slightly head down (Trendelenburg) position (to protect somewhat against aspiration). A good air seal seemingly was not easily achieved by the wet cloth, and the occlusion was further compromised by the subject attempting to drink the applied water. The result was that copious amounts of water sometimes were used—up to several liters of water (bottled if local water is unsafe, and with 1 tsp salt/liter if significant swallowing takes place). The resulting occlusion was primarily from water filling the nasopharynx, breathholding, and much less frequently the oropharynx being filled—rather than the "sealing" effect of the saturated cloth. D/CTC policy set an occlusion limit of 40 seconds, though this was very rarely reached. Additionally, the procedure was repeated sequentially several times, for several sessions a day, and this process extended with varying degrees of frequency/intensity for over a week.

While SERE trainers believe that trainees are unable to maintain psychological resistance to the waterboard, our experience was otherwise. Subjects unquestionably can withstand a large number of applications, with no seeming cumulative impact beyond their strong aversion to the experience. Whether the waterboard offers a more effective alternative to sleep deprivation and/or stress positions, or is an effective supplement to these techniques is not yet known.
The SERE training program has applied the waterboard technique (single exposure) to trainees for years, and reportedly there have been thousands of applications without significant or lasting medical complications. The procedure nonetheless carries some risks, particularly when repeated a large number of times or when applied to an individual less fit than a typical SERE trainee. Several medical dimensions need to be monitored to ensure the safety of the subject.

Before employing this technique there needs to be reasonable assurance that the subject does not have serious heart or lung disease, particularly any obstructive airway disease or respiratory compromise from morbid obesity. He also must have stable anterior dentition, no recent facial or jaw injuries, and an intact gag reflex. Since vomiting may be associated with these sessions, diet should be liquid during the phase of interrogation when use of the waterboard is likely, and the subject should be NPO (other than water) for at least 4 hours before any session. The most obvious serious complication would be a respiratory arrest associated with laryngospasm, so the medical team must be prepared to respond immediately to this crisis; preferably the physician will be in the treatment room. Warning signs of this or other impending respiratory complications include hoarseness, persisting cough, wheezing, stridor, or difficulty clearing the airway. If these develop, use of the waterboard should be discontinued for at least 24 hours. If they recur with later applications of the waterboard, its use should be stopped. Mock applications need not be limited. In all cases in which there has been a suggestion of aspiration, the subject should be observed for signs of a subsequently developing pneumonia.

In our limited experience, extensive sustained use of the waterboard can introduce new risks. Most seriously, for reasons of physical fatigue or psychological resignation, the subject may simply give up, allowing excessive filling of the airways and loss of consciousness. An unresponsive subject should be righted immediately, and the interrogator should deliver a sub-xiphoid thrust to expel the water. If this fails to restore normal breathing, aggressive medical intervention is required. Any subject who has reached this degree of compromise is not considered an appropriate candidate for the waterboard, and the physician on the scene can not approve further use of the waterboard without specific C/OMS consultation and approval.

A rigid guide to medically approved use of the waterboard in essentially healthy individuals is not possible, as safety will depend on how the water is applied and the specific response each time it is used. The following general guidelines are based on very limited knowledge, drawn from very few subjects whose experience and response was quite varied. These represent only the medical guidelines; legal guidelines also are operative and may be more restrictive.
A series (within a "session") of several relatively rapid waterboard applications is medically acceptable in all healthy subjects, so long as there is no indication of some emerging vulnerability (such as hoarseness, wheezing, persisting cough or difficulty clearing the airways). Several such sessions per 24 hours have been employed without apparent medical complication. The exact number of sessions cannot be prescribed, and will depend on the response to each. If more than 3 sessions of 5 or more applications are envisioned within a 24 hours period, a careful medical reassessment must be made before each later session.

By days 3-5 of an aggressive program, cumulative effects become a potential concern. Without any hard data to quantify either this risk or the advantages of this technique, we believe that beyond this point continued intense waterboard applications may not be medically appropriate. Continued aggressive use of the waterboard beyond this point should be reviewed by the HVT team in consultation with Headquarters prior to any further aggressive use. (Absent medical contraindications, sporadic use probably carries little risk.) Beyond the increased medical concern (for both acute and long term effects, including PTSD), there possibly would be desensitization to the technique. Sleep deprivation is a medically less risky option, and sleep deprivation (and stress positions) also can be used to prolong the period of moderate use of the waterboard, by reducing the intensity of its early use through the interposition of these other techniques.

**NOTE:** In order to best inform future medical judgments and recommendations, it is important that every application of the waterboard be thoroughly documented: how long each application (and the entire procedure) lasted, how much water was used in the process (realizing that much splashes off), how exactly the water was applied, if a seal was achieved, if the naso- or oropharynx was filled, what sort of volume was expelled, how long was the break between applications, and how the subject looked between each treatment.

**POST-INTERROGATION DETENTION**

[this section is still under construction]

OMS' responsibility for the medical and psychological well-being of detainees does not end when detainees emerge from the interrogation phase. Documented periodic medical and psychological re-evaluations are necessary during the debriefing phase which follows interrogation, as well as during subsequent periods of custodial detention. Absent any specific complaint, these can be at approximately monthly intervals. Acute problems must be addressed at the time of presentation. As during the interrogation phase, all assessments, examinations, and evaluations should be reported through approved communications channels applicable to the site in which the detainee is held, and subject to review/release by the Chief of that site.
Detainee weights should be recorded on at least a monthly basis, and assessed for indications of inadequate nutrition. As a rule of thumb, "ideal" weight for height should be about 106 pounds for an individual 5 feet tall, and six pounds heavier for each additional inch of height. Terrorists incarcerated in the Federal prison system whose weights fall below this level are given nutritional supplements. Those falling to 90% of these levels who are unwilling to take nutrition orally (through hunger strikes) have forced feedings through a naso-gastric tube. While to date this has not been an issue with detainees, should significant weight loss develop it must be carefully assessed. It is possible that a detainee will simply be of slight build, but true weight loss in an already slight individual—especially in association with deliberately reduced intake—may require some intervention.

Additionally, if there are sustained periods without exposure to sunlight, the diet will need to be further supplemented with calcium and vitamin D. Simply increasing the use of multi-vitamins will give too much of one substance but not enough of another. The OMS recommendation for this situation is two 500 mg tables of plain calcium a day (such as two Os-Cal 500 mg tabs) with one capsule of the prescription Rocaltrol; or alternatively two Centrum Silver tablets (slightly less than the recommendation for vitamin D) with an additional 500 mg of a plain calcium table.

As the period of interrogation or intense debriefing passes, detainees may be left alone for increasing periods of time before being transferred elsewhere. Personal hygiene issues likely will emerge during this time, with the possible development of significant medical problems. It is particularly important that cells be kept clean during this period and that there be some provision for regular bathing, and dental hygiene, and that detainees be monitored to insure they are involved in self-care.

Psychological problems are more likely to emerge in those no longer in active debriefings, especially those in prolonged, total isolation. The loss of involvement with the debriefing staff should be replaced with other forms of interaction—through daily encounters with more than one custodial staff member, and the provision of reading materials (preferably in Arabic) and other forms of mental stimulation.
DISPOSITION MEMORANDUM

SUBJECT: (U//AT66) Alleged Use of Unauthorized Interrogation Techniques

CASE: (U) 2005-8085-1G

ISSUES UNDER INVESTIGATION:

1. (TS/ /NF) Office of Inspector General (OIG) initiated an investigation into information that Agency officers applied an interrogation technique to Abu Hudhaifa a.k.a. Ramzi Ben Mizauni Benfraj a.k.a. Laid Saidi, in a manner considered inconsistent with Agency procedures.1 The initial information was received in Lotus Note message on 17 March 2004.2 It reported that used a technique on a high value detainee (HVD) that did not have the requisite approvals in place.3 gave the same detainee a bath using cold water as a means of making the subject uncomfortable.

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1 (S//NF) As reported in Washington

2 (U) Throughout the remainder of this Report, Lotus Note messages will be referred to as e-mails.

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Approved for Release: 2016/10/31 C06535667

8 June 2009

COPY
2. (S//NF) In a 17 March 2004 e-mail to OIG, the OIG reported that they moved detainee Abu Hudhaifa to a safehouse in early 2003, and placed him in a bathtub of icy water for approximately 15 minutes as part of an interrogation. In actuality, Abu Hudhaifa was transported to the safehouse on 2003, where he remained un...
5. (TS/NC) CIA operational records indicate that the use of water dousing and/or bath was a standard technique at the time of this incident.

INVESTIGATIVE EFFORTS:

6. (S//NF) OIG reviewed relevant documents. Agency policy and guidelines on the use of interrogation techniques were reviewed. The Directorate of Operations (now known as the National Clandestine Service) provided relevant cable traffic concerning the detention and interrogation of Abu Hudhaifa. Relevant e-mails concerning water dousing and/or bathing were received from CTC/Legal, CTC/RDG, and OMS. OIG reviewed security files and Official Personnel Folders for selected personnel who had contact with Abu Hudhaifa during this period of time.

7. (S//NF) OIG interviewed Agency employees and contractors who had information concerning the detention and interrogation of Abu Hudhaifa at the safehouse.

8. (S//NF) OIG conducted this investigation to determine whether proper Agency procedures were followed in the application of the ice water bath; whether interrogation techniques used were properly and accurately documented; and whether interrogators used any unauthorized techniques.
9. (TS/NE) The Office of General Counsel (OGC) consulted extensively with Department of Justice (DOJ) and National Security Council (NSC) legal and policy staffs in determining and documenting the legal parameters and constraints for interrogations. In August 2002, DOJ's Office of Legal Counsel (OLC) provided the Agency a legal opinion in which it determined that 10 specific enhanced interrogation techniques (EITs) considered for use by CIA with Abu Zubaydah would not violate the torture prohibition. The only technique of those 10 involving water that was reviewed by OLC at the time was the use of the waterboard.

10. (TS/NE) On 28 January 2003, DCI George Tenet signed "Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001." The guidelines were intended to make clear, transparent, and rigorous what interrogation techniques were approved for use by trained interrogators of the EITs that OLC had provided an opinion on, dated 1 August 2002 on Abu Zubaydah. The DCI Interrogation Guidelines were sent in cable Director on 31 January 2003 and, therefore, were the guidelines in effect when Abu Hudhaifa was rendered 2003.

6 (TS/NE) This is broadly addressed in OIG's Interrogation Review (2003-7123-IG), paragraphs 41 - 48.

8 (TS/NE) The EITs specified in Director cable are the attention grasp, walling, the facial hold (insult hold), the abdominal slap, cramped confinement, wall standing, stress positions, sleep deprivation beyond 72 hours, the use of diapers for prolonged periods, the use of harmless insects, the waterboard, and such other techniques as may be specifically approved. The use of each EIT is subject to specific temporal, physical, and related conditions, including a competent evaluation of the medical and psychological state of the detainee.
11. (TS/FOUO) The DCI Interrogation Guidelines define "Permissible Interrogation Techniques" and specify that

...unless otherwise approved by Headquarters, CIA officers and other personnel acting on behalf of CIA may use only Permissible Interrogation Techniques. Permissible Interrogation Techniques consist of both (a) Standard Techniques and (b) Enhanced Techniques.

EITs require advance approval from Headquarters, as do standard techniques whenever feasible. 9

12. (TS/FOUO) The DCI Interrogation Guidelines define "standard interrogation techniques" as techniques that do not incorporate significant physical or psychological pressure. These techniques include, but are not limited to, all lawful forms of questioning employed by US law enforcement and military interrogation personnel. 10 Whenever feasible, advanced approval was required for the use of standard techniques by an interrogation team. In all instances, their use shall be documented in cable traffic.

13. (TS/FOUO) The technique of water dousing and/or bath during interrogation is relevant to this investigation. The DCI Interrogation Guidelines do not include water dousing as a standard or enhanced interrogation technique. However, the Interrogation Guidelines do not specifically prohibit improvised actions. 11 The DCI Interrogation Guidelines specify that if any other technique is to be introduced, it must be reviewed and approved by Headquarters.

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9 (U//FOUO) The guidelines addresses in this and the subsequent paragraph are those cited above that were signed by DCI Tenet on 28 January 2002.

10 (U//FOUO) Among standard interrogation techniques are the use of isolation, sleep deprivation not to exceed 72 hours, reduced caloric intake (so long as the amount is calculated to maintain the general health of the detainee), deprivation of reading material, use of loud music or white noise (at a decibel level calculated to avoid damage to the detainee's hearing), the use of diapers for limited periods (generally not to exceed 72 hours, or during transportation where appropriate), and moderate psychological pressure.
EVOLUTION OF WATER DOUSING:

14. (TS/ /NF) Cables between Headquarters indicate that water dousing was used starting in early 2003. It appears that water dousing was introduced at an unspecified time. On March 2003 requesting approval to use water dousing as an additional EIT for Khalid Shaykh Mohammed (KSM). On the same date, cable Director was sent by Headquarters approving the use of water dousing with certain conditions. The cable specified that KSM could not be placed naked on bare cement floor, but had to be placed on a sheet or towel. OMS advised that placing KSM on bare cement could cause his body heat to leach much faster than if he was placed on a towel or sheet. Also, the air temperature must be above 65 degrees if KSM would not be dried immediately.

15. (TS/ /NF) A water dousing session would last from 10 to 20 minutes. Water was poured on the detainee from a container while the interrogator questioned the detainee. Water was applied so as not to enter the nose or mouth.  

16. (TS/ /NF) Although several cables requesting and authorizing interrogation techniques refer to water dousing as an EIT, water dousing was a standard technique when it was applied in May 2003. It was not until cable Director dated 21 June 2003 that the application of water dousing was classified as a standard EIT.

17. (TS/ /NF) This was the policy in effect when water dousing was used at an unspecified time. Even though it is not documented as policy until 10 January 2004.
technique in writing. In a briefing by Director Tenet and General Counsel Scott Muller to the NSC Principals on 29 July 2003, water dousing was described as a standard technique. The 4 September 2003 draft OMS Guidelines also identified water dousing as a standard technique.

17. Nevertheless, OGC "re-defined" water dousing as an EIT on 10 January 2004 in cable The cable provided a description of the technique including the requirement that the interrogator must ensure that the detainee’s breathing is not obstructed and water does not enter the detainee’s eyes, nose, or mouth. OGC then requested a legal opinion from OLC on the use of water dousing in a letter dated 2 March 2004. OLC responded on 26 August 2004, advising that the use of water dousing would not violate Title 18 U.S.C. § 2340A Torture. OLC also issued a formal opinion on water dousing and its application in May 2005.

BACKGROUND:

The full title of these guidelines is the "Draft OMS Guidelines on Medical and Psychological Support to Detainee Interrogations."

The letter requested reaffirmation of legal guidance previously supplied by OLC concerning interrogation methods and any guidance OLC chose to provide on four additional techniques, water dousing being one of them.

The OLC opinion was based in part on the fact that the dousing technique would pose virtually no risk of hypothermia, or any other serious medical condition and was not intended to cause, and did not cause, any appreciable pain.

FINDINGS:

(b)(1)
(b)(3) NatSecAct

22. (S//NF) Abu Hudhaifa remained in [redacted] for several days.
26. (S//NF) **Tw** cables describe the interrogation of Abu Hudhaifa. The cables claim that no enhanced interrogation techniques were used on Abu Hudhaifa. However, with the exception of standing sleep deprivation for approximately 66 hours and nudity, the cables did not describe what techniques were used during the interrogation sessions.

22 (S//NF) Cables 39042, dated May 2003, and cable 39101, dated May 2003.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)
33. (S//NF) Sleep deprivation was documented in the cables. After the first interrogation session, Abu Hudhaifa was stripped of his clothing and placed in the standing sleep deprivation position around 1500 hours on May 2003. On the morning of May 2003, after approximately 66 hours of standing sleep deprivation, Abu Hudhaifa noticed his left lower leg was swollen from the knee to the ankle. Abu Hudhaifa was removed from the standing position and placed in a recumbent position.

34. (TS//NF) There are no cables indicating that prior approval to use enhanced interrogation techniques was requested.

25 (S//NF) In May 2003, sleep deprivation of less than 72 hours was considered a standard technique.
40. (U//AU) On 7 July 2006, an article written by Craig S. Smith and Squad Mekhennet appeared in the New York Times concerning the rendition and interrogation of Abu Hudhaifa (using his true name Laid Saidi) (b)(3) NatSecAct The article quoted Abu Hudhaifa as saying, "They put me in a room, suspended me by my arms and attached my feet to the floor. They cut off my clothes very fast and took off my blindfold. An older man, graying at the temples, entered the room with a young woman with shoulder-length blond hair." The article also quotes Abu Hudhaifa as saying he was chained standing for five days, and cold water was thrown on him. The article did not report any claims by Hudhaifa about being placed in a bathtub full of ice.

CONCLUSIONS: (b)(1)

41. (TS/__________/NF) There never were any interrogation guidelines authorizing the use of a bathtub and ice for water dousing. Further guidelines required the documentation of all techniques used, whether standard or enhanced. Therefore, under the direction and supervision of Abu Hudhaifa was water doused in a manner that was not consistent with Agency guidelines. Moreover, the interrogators failed to document the use of water and/or ice water in cable traffic. Frozen plastic bottles of water and ice were added to the water in the bathtub. The water dousing session lasted for approximately 15 minutes.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent

TOP SECRET
(b)(1) 16
(b)(3) NatSec Act

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NOT FOR

COPY
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(ShhNF) DEATH OF A DETAINEE IN
(2003-7402-IG)

27 April 2005

John L. Helgerson
Inspector General

(b)(3) CIAAct
(b)(6)
Acting Assistant Inspector General
for Investigations

(b)(3) CIAAct
(b)(6)
Supervisory Special Agent

(b)(3) NatSecAct

(b)(3) NatSecAct

SECRET

NOFORN/MR

Approved for Release: 2016/10/31 C06541713
(b)(3) NatSecAct
NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

DISSEMINATION CONTROL ABBREVIATIONS

NOFORN- Not Releasable to Foreign Nationals
PROPIN- Caution-Proprietary Information Involved
ORCON- Dissemination and Extraction of Information
Controlled by Originator
REL...- This Information has been Authorized for
Release to...
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*Note: *(b)(1), *(b)(3), *(b)(6), *(b)(7)(c) apply to NatSecAct.*
APPENDIX
Chronology of Significant Events

EXHIBIT
Subject: Gul Rahman: Chronology of Events

(b)(1)
(b)(3) NatSecAct
(b)(3) CIA Act
(b)(3) NatSecAct
INTRODUCTION

1. (S//NF) On November 2002, an individual detained by the CIA in Gul Rahman, died. On November, the Deputy Director for Operations (DDO) informed the Deputy Inspector General that the DDO had dispatched a team to investigate the death. In January 2003, the Office of Inspector General (OIG) initiated an investigation. This report reviews the events leading to Rahman’s death.

SUMMARY

2. (S//NF) Rahman, a suspected Afghan extremist associated with the Hezbi Islami Gulbuddin (HIG) organization, who was approximately 34 years old, was captured in Pakistan on October 2002. On November 2002, aircraft rendered Rahman from...
3. (S//NF) Between November 2002 and November 2007, Rahman underwent at least six interrogation sessions by Agency personnel. The interrogation team included the Site Manager, an independent contractor (IC) psychologist/interrogator, (C) Bruce Jessen; the Station’s and an IC linguist, had no interrogation experience or relevant training before his arrival in July 2002. However, he acquired some on-the-job training and experience during the four months he had been prior to Rahman’s death.

4. (S/) Rahman was subjected to sleep deprivation sessions of up to 48 hours, at least one cold shower, and a "hard takedown" termed "rough treatment" as reported in pre-death cables addressing the progress of the interrogation. In addition, Rahman reportedly was without clothing for much of his time at Despite these measures, Rahman remained uncooperative and provided no intelligence. His only concession was to acknowledge his identity on November 2002 and, subsequently, to explain what village he came from; otherwise, Rahman retained his resistance posture, and demeanor. The cable from on November 2002 reporting that Rahman had admitted his identity stated, "Rahman spent the days since his last session with Station officers in cold conditions with minimal food and sleep." A psychological assessment of Rahman, prepared by Jessen and reported in a cable on November 2002, noted Rahman’s remarkable physical and psychological resilience and recommended, in part, "continued environmental deprivations."

2 (U//FOO) Not all members of the interrogation team were involved in every interrogation session.
5. (S//NF) On the afternoon of November 2002, when guards delivered food to Rahman, he reportedly threw his food, water bottle, and defecation bucket at the guards. In addition, he reportedly threatened the guards and told them he had seen their faces and would kill them upon his release. When was informed of this incident, he approved or directed the guards to shackle Rahman’s hands and feet and connect the shackles with a short chain. This position forced Rahman, who was naked below the waist, to sit on a cold concrete floor and prevented him from standing up.

6. (S//NF) The following morning, the guards reported that Rahman was slumped over in his cell. The ambient temperature was recorded at a low of degrees Fahrenheit. Rahman was still in the "short chain position," wearing only a sweatshirt.

7. (S//NF) Station reported Rahman’s death that day in cable to the DDO. The DDO dispatched an investigative team [the Directorate of Operations (DO) Investigative Team] consisting of a senior security officer assigned to the Office of General Counsel, an Office of General Counsel attorney, and an Agency pathologist to interviews, and the pathologist performed an autopsy of Rahman. The autopsy indicated, by a diagnosis of exclusion, that the death was caused by hypothermia.³

8. (S//NF) On 22 January 2003, the General Counsel informed the Inspector General (IG) that Rahman died as a result of the conditions at a facility substantially controlled by Agency officers. OIG initiated an investigation into the circumstances surrounding this incident and reported the death to the Department of Justice

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³ (U) Hypothemia is subnormal temperature within the central body. The term hypothemia is used when an individual’s body temperature is below 95 degrees Fahrenheit. This will occur when the loss of body heat exceeds heat production.
(DoJ) by letter on 13 February 2003. On 29 December 2003, the Chief of the Counterterrorism Section, DoJ reported by memorandum that DoJ would not pursue a federal prosecution of criminal charges regarding Rahman's death. The matter is under review by the U.S. Attorney's Office for the Eastern District of Virginia.

9. (S//NF) At the time of his assignment in , was a first-tour operations officer who had no training or experience to prepare him to manage a detention facility or conduct interrogations. At the time of Rahman's death, had not received interrogation training and was operating the facility with a modicum of Headquarters guidance and Station direct supervision.

10. (S//NF) This OIG investigation concludes that treated Rahman harshly because of his alleged stature, lack of cooperation, pressure to break Rahman, and inexperience with a committed interrogation resister. approved or ordered placing Rahman in the short chain position while naked below the waist in near freezing confinement conditions and this directly led to Rahman's death by hypothermia. exhibited reckless indifference to the possibility that his actions might cause injuries or result in Rahman's death.

11. (S//NF) OIG found that Rahman did not receive a physical examination during his detention at and concludes that the Station's Physician's Assistant (PA) did not attend to Rahman in the same manner and with the same

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4 (S//NF) This referral is a requirement of Title 50 United States Code (U.S.C.), § 403q(b)(5) that mandates OIG to report information concerning possible violations of federal criminal law to DoJ. The General Counsel had orally advised the Chief of the Criminal Division, DoJ, of the circumstances of Rahman's death on 24 January 2003.
standard of care as the other detainees. Further as a medical care provider, was aware of the increasingly cold conditions during the period of time he and Rahman were both in November 2002 and did not advocate more humane treatment for Rahman.

12.  OIG also concludes that did not provide adequate supervision for activities at Moreover, bears direct responsibility for failing to include pertinent facts in his official written account of Rahman’s death that led to material omissions and inaccuracies being provided to the Congressional oversight committees.

**BACKGROUND**

13.  Soon after the establishment of Station in early 2002, the Station took the initiative to begin conducting interrogations of detainees using Station linguists.

14.  In April 2002, Station proposed the construction of a detention facility to meet the Station’s requirement for “secure, safe, and separated handling of terrorist detainees.” In June 2002, Headquarters' Counterterrorist Center (CTC) approved the funds to establish the detention facility.
A facility was an Agency operation.

15. (S//NF) received its first detainee on September 2002. After the first month of operation, the population had grown to its maximum capacity of 20 detainees.

16. (S//NF) was secured by guards and supported by a small cooking/cleaning cadre. The guard force was divided with guards working inside the facility, and the remainder securing the outside perimeter.

17. (S//NF) had overall responsibility for the facility, and Agency staff officers and contractors traveled on temporary duty (TDY) to conduct interrogations at the facility.

PROCEDURES AND RESOURCES

18. (S//NF) Two OIG officers traveled to inspected and conducted interviews there as a part of the investigation. OIG reviewed the material collected during the Special Review, Counterterrorism Detention and Interrogation Program (2003-7123-IG), that is relevant to this investigation. Included within that material are policy documents, cables, and internal and external communications. OIG also drew material for this Report from of the interview reports prepared during the Special Review. OIG reviewed all materials assembled for the DO Investigative Team and that team's final report, including a final autopsy report.
FINDINGS

(SHNF) GUL RAHMAN'S CAPTURE, RENDITION AND DETENTION
(b)(3) NatSecAct

19. (S/ ) Rahman was a suspected Afghan extremist from Lowgar Province, who was associated with the HIG organization. CTC identified him as a close associate of Gulbuddin Hekmatyar and Abu Abd Al-Rahman Al-Najdi, an alleged member of Al-Qaeda. Rahman was an ethnic Pashtun who spoke Pashtu, Dari, and Farsi and was approximately 34 years old.

21. (S/ ) Rahman was apprehended in Islamabad, Pakistan, on October 2002, during an early morning raid. During an interrogation session after he admitted his true identity, Rahman said he was from Kolangar Village, Pol-E-Alam Region, Lowgar Province. Lowgar Province is immediately southwest of Kabul.

(b)(1) (b)(3) NatSecAct

(b)(1) (b)(3) NatSecAct

(b)(1) (b)(3) NatSecAct

(b)(1) (b)(3) NatSecAct
On October 2002, Station sent a cable advising that during a interrogation session, they had identified one of his fellow detainees as Gul Rahman. They requested that the apprehension. In a reflection of how important a detainee Rahman was believed to be, Headquarters subsequently advised Stations that Secretary of Defense Donald Rumsfeld had requested an update on the case.

On November 2002, Rahman was rendered to . Following Rahman's rendition to , generated six cables regarding Rahman, including two cables following his death. Only one of these cables, which reported the chronology of Rahman's death, provided a characterization of Rahman, describing him as an "enemy combatant."  

12 The Department of Defense defines an "enemy combatant" as an individual who, under the laws and customs of war, may be detained for the duration of the conflict. (Letter from William J. Haynes II to Senator Carl Levin, 26 November 2002.)
He was targeted because of his role in Al-Qa'ida. Rahman was considered an Al-Qa'ida operative because he assisted the group. Being both a HIG member and an Al-Qa'ida operative is not inconsistent. There is no formal definition of the term "operative." In Rahman's case, it would be similar to the term "facilitator." Viewed as somewhat less involved than an operative.

### Management and Conditions

25. (S//NF)

| (b)(1) |
| (b)(3) NatSecAct |

27. (S//NF) The detention facility consisted of 20 individual concrete structures used as cells.

| (b)(1) |
| (b)(3) NatSecAct |

Four of the cells had a metal bar above eye level that ran between two walls to which detainees could be secured by their hands in a standing sleep-deprivation position. The facility's windows were covered to

| (b)(1) |
| (b)(3) NatSecAct |

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13 (S//NF) A replacement facility for was completed in 2004 and detainees were removed from. 

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suppress outside light. Stereo speakers in the cellblock constantly played loud music to thwart any attempt to communicate between detainees.

29. (S//NF) [Blank] was not insulated and had no central air conditioning or heating; an Agency-purchased generator supported its power requirements. When [Blank] received its first detainee in September 2002, by many accounts the temperature was hot and remained generally hot or warm until November 2002.15 Individual cells were designed with a recess for electrical space heaters; however, electrical heaters were not placed in the cells.

30. (S//NF) [Blank] estimated there were between six and 12 gas heaters in the cellblock at the time of Rahman's death. [Blank] officer who participated in the DO Investigation Team, reported there were five gas heaters in the detainee area of the facility before Rahman’s death.

31. (S//NF) According to [Blank] the customary practice at [Blank] was to shave each detainee's head and beard and conduct a medical examination upon arrival. Detainees were then given uniforms and moved to a cell. Photographs were taken of each detainee for identification purposes. While in the cells, detainees were shackled to the wall. The guards fed the detainees on an alternating schedule of one meal on one day and two meals the next day. In anticipation of the cold weather, [Blank] directed [Blank].
assistant, to acquire warmer uniforms, heaters, propane, and blankets. According to he was successful in purchasing the uniforms, blankets and some heaters. It was difficult to purchase heaters because they were in high demand. If a detainee was cooperative, he was afforded improvements in his environment to include a mat, blankets, a Koran, a lamp, and additional food choices. Detainees who were not cooperative were subjected to austere conditions and aggressive interrogations until they became compliant.

32. (S//NF) for the U.S. Bureau of Prisons (BOP) to send a training team to from to November. This team worked with the interior guard force concentrating on techniques such as entry and escort procedures, application of restraints, security checks, pat down and cell searches, and documenting prescribed checks of detainees.

33. (S//NF) characterized as "so many accidents waiting to happen." For example, there could be an attack from the outside; the detainees could hurt themselves, described as a "high risk, high gain intelligence facility." In an electronic message (e-mail) to the DDO two days after Rahman's death wrote, in part,

On an employee impact note, I have made it clear to all hands involved that the responsibility is mine alone, nothing more need
be said on that, and I am and have been coordinating with appropriate senior HQS levels since the inception of this program.

35. (S//NF) [redacted] said he did not know what his duties would be when he arrived in [redacted]. He believed the primary factors in his assignment as Site Manager were the vacancy in the detention program and that he had no formal instruction relating to interrogations until April 2003, [redacted] months into his tour.21

36. (S//NF) [redacted] was assigned responsibility for all detention-related functions [redacted] was also responsible for renditions to and from other countries and detainee transfers.

21 (S//NF) [redacted] was not designated as a Certified Interrogator until he completed the two-week interrogation course and 40 hours of supervised interrogations with an experienced interrogator. Certification was awarded on April 2003.
37. (S//NF) explained that he selected based on several factors, including the fact added that he watched discharge his duties and was very satisfied with the job he performed. said that he, and talked a lot about issues. had free access to the Station front office, and recalled consulting with at least once a day.

38. (S//NF) stated that he and briefed on CIA policies, and learned from on-the-job training. believed that received whatever guidance was available at CTC before he arrived, but did not know what that was. said that the guidance he passed to included such issues as CIA’s prohibition on torture; being vigilant to ensure there is no torture; and the fact that it is permissible to use certain tactics in debriefing that cannot injure, threaten with death, or induce lasting physical damage to the detainees.

39. (S//NF) said he was briefed on particular interrogations on a case-by-case basis. If there was a new or important detainee at he was briefed every day as the interrogation ran its course.

40. (S//NF) advised that he had discussions with Station management—including—every other day, or when issues arose. stated that someone from Station management visited about once a month.
41. (S//NF) The Director of CTC—in written comments on the draft report endorsed by the DDO, who served as the previous Director of CTC—said that, by the fall of 2002, the shortage of veteran operations officers had hit Station hard. To accomplish critical missions, CTC often relied on talented young officers—such as to take on responsibilities beyond their training and experience. In case, he was asked to take on enormous responsibilities principally because of his and relative maturity, which qualified him better than most for this entirely new DO mission.

(S//NF) POLICY FOR CUSTODIAL INTERROGATIONS AT THE TIME OF RAHMAN’S DEATH

42. (S//NF) Prior to the time of Rahman’s death, CTC and OGC disseminated policy guidance, via cables, e-mail, or orally, on a specific case-by-case basis to address requests to use specific interrogation techniques. Agency management did not require those involved in interrogations to sign an acknowledgement that they had read, understood, or agreed to comply with the guidance provided; nor did the Agency maintain a comprehensive record of individuals who had been briefed on interrogation procedures.

43. (S//NF) According to in 2002, a senior operations officer interrogated a particularly obstinate . The officer drafted a cable that proposed techniques that, ultimately, became the model for recalled that the proposal included use of darkness, sleep deprivation, solitary confinement, and noise; the use of cold temperatures was not addressed. The response from Headquarters was that the proposal was acceptable, based on the fact

23 (S//NF) As noted below, appears mistaken about the absence of a proposal to use cold as a technique.
that no permanent harm would result from any of the proposed measures.24 Prior to the death of Rahman, that cable from Headquarters served as the Station's guidance on what could be done in interrogations.

44. (S//NF) explained that Station guidance was to adhere to the four techniques approved by Headquarters. Guidance to individual interrogators initially was "catch as catch can." It was responsibility to monitor things at stated that the issue of when the Station needed to seek Headquarters approval was a grav area.

45. (S/—2002, submitted to Headquarters a proposed interrogation plan for the detainee at the It requested "specific Headquarters concurrence and definitive CTC/Legal authority" to employ specified interrogation techniques with the detainee. It proposed sound disorientation, time deprivation, light deprivation, physical comfort level deprivation, lowering the quality of the detainee's food, and unpredictable round-the-clock interrogation that would lead to sleep deprivation. The cable offered a specific description of each of the proposed techniques. One specific proposal was,

Physical comfort level deprivation: With the use of a window air conditioner and a judicious provision/deprivation of warm clothing/blankets, believe we can increase [the detainee's] physical discomfort level to the point where we may lower his mental/trained resistance abilities.
48. (S) [Redacted] A review of cables to or from [Redacted] between August and November disclosed only one cable proposing [Redacted].
additional interrogation methods for [redacted] detainees. This cable, written by Jessen for a different detainee, requested permission to apply "the following [moderate value target] interrogation pressures ... as deemed appropriate by [Jessen], ... isolation, sleep deprivation, sensory deprivation (sound masking), facial slap, body slap, attention grasp, and stress positions."

49. (S//NF) According to [redacted] the initial interrogations conducted at [redacted] in September and October 2002 were more custodial interviews, with the added psychological impact of being in that facility with total darkness and separation from other detainees. When Agency officers came to conduct interviews or interrogations, the only guidance he provided them was how to get in and out of the facility securely. [redacted] stated that the interrogators enjoyed the freedom to do what they wanted. He did not possess a list of "do's and don'ts" for interrogations.

50. (S//NF) The Director of CTC—in written comments on the draft report endorsed by the DDO said that, at the time of Rahman's death, there was a lack of clear, applicable program guidance for operations to detain and interrogate terrorists captured on the battlefield. He stated,

[T]he opening of [redacted] in September 2002 came as a practical response to a clear-cut and urgent operational need. Unfortunately, [redacted] began operation while CIA was still in the process of establishing uniform and detailed program guidance on detention and interrogations practices, and prior to development of the structured, tightly controlled CTC detention and interrogation program managed by CTC ... today. While that program—which was launched in November 2002 from a low base of experience, personnel, and overall expertise—also came together without well developed and detailed CIA policies on detention and interrogation.
51. (S//NF) Accordingly, when arrived in on November 2002, for his first TDY assignment reportedly advised "You cannot harm or kill the detainees, but you can handle the debriefing/interrogations as you see fit." It was not apparent to that knew what the rules were.

52. (S//NF) stated that it was his normal practice to meet all rendition aircraft flights unless he needed to be elsewhere. However, he said he did not have a specific recollection of the rendition of Rahman on November 2002. There was no logbook documenting the arrivals and departures of Agency personnel at the facility.

53. (S//NF) contends that Rahman was the responsibility of Jessen. was not certain whether Jessen was sent with Rahman or another case. Jessen conducted several interrogation sessions with Rahman.

54. (S//NF) According to Jessen met with Rahman every day. Those sessions were documented in a series of cables that indicated were drafted by Jessen. said he participated in some of the interrogations Jessen conducted but could not remember how many. When informed that a pre-death cable reported that Jessen conducted six sessions with Rahman, estimated he participated in about three of those.

26 (S//NF) served in from November 2002 until January 2003.

28 (S//NF) According to an October 2002 CTC/UBL cable, was being sent "to conduct in-depth interrogations of several key Al-Qaeda operatives recently detained in Rahman was not captured until October 2002.

29 (S//NF) Jessen was in from October until November 2002.
he did not recall which interpreter participated in the interrogation sessions with Rahman. According to _______ after Jessen left _______ November 2002, Rahman became _______ case by default, adding that all of the detainees who were not being interrogated were under his general control.

55. (S//NF) Jessen, who holds a Ph. D in clinical psychology, was experienced from nearly two decades of work in the Department of Defense SERE program and had conducted interrogations of CIA’s first high value detainee at a different location. Jessen explained that he was directed to go to _______ to conduct an evaluation of another detainee, _______. While there, he evaluated several other detainees, prepared interrogation plans, and forwarded them to Headquarters. Also asked Jessen to evaluate Rahman, described as a "hard case." Jessen said Rahman, got a lot of attention and he became the focus of _______ and the Station's High Value Target cell.

56. (S//NF) Jessen explained that _______ asked Jessen to look at Rahman in addition to the other detainees Jessen was evaluating at _______. According to Jessen, _______ was responsible for all of the detainees that came to _______. When detainees arrived, it was _______ responsibility to interrogate them. When asked if Rahman was his case, Jessen responded, "Unequivocally, no." When informed that _______ asserted that Rahman was Jessen’s case, Jessen averred that _______ was wrong.

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30 (E) Jessen became a CIA independent contractor on _______ 2002, following his retirement from active duty with the U.S. Air Force.
57. (S//NF) According to a second independent contractor psychologist/interrogator, (C) James Mitchell, came to work with another detainee during November. Mitchell participated in one of Jessen’s sessions with Rahman. Both psychologists left on November 2002.

58. (S//NF) Mitchell stated that he observed interrogate Rahman on one occasion for about 10 minutes; Rahman was uncooperative. Mitchell stated Rahman appeared healthy; however, he had scratches on his face, bruises on his ankles, and his wrists were black and blue. Mitchell requested that the PA examine Rahman’s hands.

59. (S//NF) described Rahman as a significant figure at did not have an opportunity to interrogate Rahman and did not see him when he was alive. was informed that Rahman was someone else’s case, possibly...

60. (S//NF) advised that she was in when Rahman was detained there. She participated in his initial interrogation and traveled to after he was rendered there. said she participated in an undetermined number of interrogations of Rahman but estimates it was fewer than 10. She participated with and Jessen on two occasions. She estimated she participated in five interrogations of Rahman after Jessen left.

31 (S//NF) Cable records indicate Mitchell arrived on November 2002. Mitchell had a background with the SERE program similar to Jessen’s. He became a CIA IC in September 2001 following retirement from the U.S. Air Force. Like Jessen, Mitchell had been involved in the interrogation of the Agency’s first high value detainee.

32 (S//NF) According to the Station PA, no one ever requested that he examine Rahman, his hands, or any other detainee.
November 2002. When asked who had the interrogation responsibility for Rahman, responded, "no one in particular—so I guess and me."

RAHMAN'S TREATMENT DURING DETENTION AND INTERROGATION

said he did not specifically recall Rahman's treatment upon arrival at stated that Rahman's clothes would have been removed early in his detention, and most of the time Rahman was naked or would have been wearing only a diaper.

said that Rahman was either in his cell or in a sleep deprivation cell when he was not being interrogated. did not know exactly how much time Rahman spent in the sleep deprivation cell but estimated it was about 50 percent of the time. contended that no sleep deprivation was conducted on Rahman after Jessen departed [on November] and added there would have been no point in continuing it then because Rahman was not being interrogated. According to Rahman arrived at in a diaper and it was removed at some point. He was probably put back in a diaper when he was put in a sleep deprivation cell. However said there would have been no reason to use a diaper when Rahman was not in a sleep deprivation cell.

characterized Rahman as stoic and very stubborn, unlike the other detainees. He was the most stubborn individual they detained at the facility. Although most of the other detainees were "compliant" almost immediately, Rahman was hard-

As mentioned earlier, four of the 20 cells at were constructed with an iron bar across the top of the cell and secured to two walls. These cells could be used to force the detainee to stand during sleep deprivation sessions.

Despite contention, recalled that Rahman was in a sleep deprivation cell on November 2002 when she checked on the detainees.

During the OIG visit to and May 2003, two detainees were undergoing standing sleep deprivation in these cells. Both were naked.

At the time of Rahman's death, been in operation for 69 days.
core Pashtun. He had been a combatant all his life and had been wounded many times. Rahman did not complain and simply said, "Thanks to God, all is well." When reminded that in his videotaped 19 December 2002 interview with the DO Investigative Team, he stated that Rahman complained incessantly, he simply recalled Rahman being stoic.

64. (S/NI) According to cables reporting Rahman’s interrogations, he did complain about conditions. After the first two days of interrogation, reported that Rahman "complained about poor treatment, complained about the violation of his human rights, and claimed inability to think due to conditions (cold)." The subsequent cable reporting Rahman’s interrogation sessions described Jessen’s impression that Rahman "continues to use 'health and welfare' behaviors and complaints as a major part of his resistance posture."

65. (S/NI) The DO Investigative Team interviewed guard commander four days after Rahman’s death. According to the guard commander, Rahman wore pants for approximately his first three days at and then spent the remainder of his detention without pants.

66. (S/NI) Jessen said that Rahman’s diaper and clothes would have been removed at the interrogators’ direction. The guards would not have removed them without direction. According to Jessen, Rahman was without his clothes more than he was with them. The interrogators gave Rahman some clothing after he admitted his identity on November 2002.

67. (S/NI) The linguist explained that it was difficult for him to remember how often he assisted in Rahman’s interrogation at but estimated it was approximately five to seven times. He assisted in the interrogation of two detainees, including

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SECRET/ NOFORN//MR (b)(3) NatSecAct

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Rahman stated that during the entire time he saw Rahman at
Rahman was either wearing a diaper or was naked below
the waist. said that he could not be precise about when
Rahman wore a diaper as opposed to being naked, but his condition
seemed to alternate from one to the other. The shirt that
Rahman wore was not sufficient to cover his genital area. Rahman
was particularly concerned with being naked in front of
the guards. Every time Rahman came to the
interrogation room, he asked to be covered. did not observe a
supply of diapers at the but it was evident to
him that Rahman had received a replacement diaper at some
juncture.

68. (S//NF) According to prior to the first interrogation
session stated that Rahman was a "really bad guy." was
present when Rahman was rendered to and was
present when Rahman was first interrogated at . That was
either the night Rahman was rendered to or the succeeding
day. The first interrogation session included and
possibly The only other person remembered being
present during one of Rahman’s interrogations was Mitchell. The
interrogation sessions with Rahman were normally brief because of
his unwillingness to cooperate. They were mostly around 15 minutes
in duration; the longest was one or two hours.

69. (S//NF) Jessen estimated that he interrogated Rahman two
to four times. He employed an "insult slap" with Rahman once but
determined it was only a minor irritant to Rahman and worthless as a
continuing technique. Jessen occasionally observed encounters with Rahman and said he was the hardest case in
captivity that Jessen had ever observed. Even when Rahman was
depleted psychologically, he would routinely respond that he was

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40 (S//NF) A cable reported that Jessen was involved in six interrogation sessions with
Rahman.
"fine" when asked about his condition. The only concession Rahman made was to admit his identity when it was clearly established and irrefutable.

70. (S//NF) Jessen prepared the interrogation plan for Rahman before departing and noted that there was no quick fix to get him to cooperate. It would take a long time and it was necessary to keep up the pressure on Rahman and to provide medical assessments. Jessen did not foresee that the interrogation plan on Rahman would be implemented for some time, at least not until the Station was augmented by graduates of the interrogation classes. Jessen wrote in a cable dated November 2002 as a part of the Interrogation Plan Recommendation:

It will be important to manage the [proposed interrogation] deprivations so as to allow [Rahman] adequate rest and nourishment so he remains coherent and capable of providing accurate information. The station physician should collaborate with the interrogation team to achieve this optimum balance. It is reasonable to expect two weeks or more of this regimen before significant movement occurs.

71. (S//NF) described Rahman as "incredibly stalwart," and said he would not talk. did not remember what clothes Rahman was wearing. added that Rahman would have been naked during the interrogation sessions. She said she is not certain, but believed that an received clothes, a top and bottom, after Jessen departed.

72. (S//NF) stated that he is not certain how many detainees at have been naked from the waist down. It

41 (S/) According to a Headquarters cable sent November 2002, the first interrogation course was scheduled to run from November 2002, with 10 students scheduled to attend that session. responded on November 2002, with concurrence for a TY interrogation team to travel to following completion of the course. Later, the senior interrogator in CTC wrote an e-mail regarding the request and noted in part, "...At least one of the guys they have in mind is Gul Rahman, who is an Afghan, and I do not think he is truly a [High Value Target] or [a Medium Value Target.] How do you think we should proceed on this?"

42 (S//NF) There was no Station physician, only Physicians' Assistants.
depends upon how they are acting; "It may be needed to break them."

It was used in Rahman's case to break him down to be more compliant. He was defiant and strong and made threats, according to

(b)(3) NatSecAct

Rahman's Medical Care. According to the November 2002 câble that reported the chronology of events connected with Rahman's death, Rahman was brought to on November and given a physical examination. However, despite this official reporting, the PA who accompanied Rahman stated that neither he nor any other PA conducted physical examinations at on Rahman or other detainees who were rendered there during that period. The brief check the PA performed on rendition detainees if could not be considered a physical examination because, in part, it did not involve questioning the detainees about their health history and current condition.

(b)(3) NatSecAct

On November 2002, Station reported by cable that medics made visits to evaluate the detainees: 43

"approximately a fourth of the prisoners have one or more significant pre-existing medical problems upon "

(b)(3) NatSecAct

The November 2002 cable reported that during two monthly assistance visits to by the medics, all detainees were taken from their cells to a room and given a private medical evaluation where they were interviewed by an Office of Medical Services (OMS) officer and a urine specimen was taken to determine the specific nutrition and hydration levels. It reported that the last routine visit was November 2002 and the urine testing determined all of the detainees were receiving sufficient nourishment and hydration. The cable further reported that all the

43 (S//NF) When the used the term "medic" it meant Physicians' Assistants.
detainees were cooperative with the medical personnel regarding their health and welfare except for Rahman, who simply stated, "Thanks to God, all is well."  

76. (S//NF) PA advised that he visited shortly after his November 2002 arrival. The facility had opened since his prior assignment. He consulted with OMS by telephone and received guidance to treat the detainees if they are ill. Then examined the detainees, heard their health concerns, and tested their urine to determine if they had sufficient nourishment. said he did not perform any arrival medical examination on Rahman or any other newly arrived detainee at and was unaware of detainee arrivals and departures from the facility. was confident he would remember if he had examined Rahman.  

78. (S//NF) According to in an interview with the OIG, on a subsequent date, possibly November 2002, he checked on the detainees and observed Rahman for the first time. reported that Rahman was wearing a blue sweatshirt and blue.
sweatpants, and possibly socks, and was standing in his cell with his arm chained to a pin on the wall. believed Rahman had abrasions on his wrists, similar to the other detainees. stated that he did not know what language Rahman spoke, but Rahman indicated that he was okay and did not make any complaints. Consequently, according to he did not examine Rahman or test his urine and did not know if there were any abrasions beneath his clothes. did not know of any medical contact with Rahman by the other two medical care providers at the Station.

Consequently, according to he did not examine Rahman or test his urine and did not know if there were any abrasions beneath his clothes. did not know of any medical contact with Rahman by the other two medical care providers at the Station.

79. recollection that Rahman was wearing sweatpants is at odds with others who spent considerable time at during that period. No other interviewee mentioned that Rahman was wearing pants after his first couple of days. The guard commander said that Rahman's pants were removed after approximately three days and he was without pants. The deputy guard commander said that Rahman was naked most of the time. the interpreter, recalled that Rahman was naked below the waist or wore a diaper during his entire period of detention. said that Rahman's clothes were removed early and he was naked or wore a diaper most of the time.

80. Reports of Rahman's Interrogation. first cable report of Rahman's interrogation was issued three days after his rendition to It reported that and Jessen had interrogated Rahman over a 48-hour period and noted that the psychological and physiological pressures available for use were unlikely to make Rahman divulge significant information. The cable

48 A TDY physician reported they did not have any interaction with Rahman while he was alive.
(b)(3) NatSecAct

Despite 48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment, Rahman remained steadfast in maintaining his high resistance posture and demeanor.

(b)(3) NatSecAct

81. (8/) A second, post-rendition cable was sent from to on November 2002. It reported that Rahman appeared to be physically fatigued but defiant during interrogations. It sought material to employ as psychological pressure and requested that prepare a videotape of

(b)(3) NatSecAct

82. (8/) sent a third post-rendition cable on November 2002, "Subject: Gul Rahman Admits His Identity." It reported that , Jesse, and interrogated Rahman on November 2002, and that Rahman had spent the days since his last interrogation session in cold conditions with minimal food and sleep. It further reported that Rahman was confused for portions of the interviews due to fatigue and dehydration. The cable reported that Rahman provided his true identity and biographical information but provided fictitious and rehearsed responses about his relationship with . It reported that Rahman was afforded improved conditions and would be reinterviewed on November 2002.

(b)(3) NatSecAct

49 (57/57) There is no indication that met this request.

50 (57/) estimated that she participated in seven to 10 interrogation sessions with Rahman at . However, this was the only occasion when her presence is documented in

(b)(3) NatSecAct

51 (57/) As previously reported, the November 2002 cable reported the Station's medical support to detainees. The cable cited that, during the November 2002 medical assistance visit to it was determined that all detainees were receiving sufficient hydration.
83. (S//NF) sent a fourth cable on November 2002. That cable was prepared by Jessen and reported a mental status examination and a recommended interrogation plan for Rahman. It reported that Rahman had demonstrated a rigid and intractable resistance posture and would not be affected by continuing interrogations. The cable recommended continuing environmental deprivations and instituting a concentrated interrogation regimen of 18 out of 24 hours. It also recommended that the Station collaborate with the interrogation team to achieve the optimum balance and noted it was reasonable to expect two or more weeks of the regimen before seeing any progress. Finally, it recommended using the newly trained interrogators from Headquarters' recent training class.

84. (S//NF) On the reported day of Rahman's death, November 2002, sent a cable to the DDO, Gul Rahman: Chronology of Events. It reported that Rahman appeared calm and controlled to his interrogators but had reportedly threatened guards previously, vowing to kill them all or have them killed following his release. This was cited as the reason that Rahman was constantly restrained with hand and ankle restraints in his cell. It also reported that last saw Rahman on the afternoon of November 2002, and that Rahman was found dead on the morning of November 2002. The Station concluded it was not possible to determine the cause of Rahman's death without an autopsy. The cable did not include the information.

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52 (S//NF) The mental status exam was requested by CTC/UBL on November 2002. CTC/UBL noted "[Headquarters] UBL is motivated to extract any and all operational information on Al-Qa'ida and [HIG] from Rahman...[and] achieving Rahman's cooperation [is] of great importance. We would like to work quickly to create circumstances in which he will cooperate."

53 (S//NF) Jessen reportedly heard from before November 2002 that Rahman sensed the guards were and threatened to kill them, but Jessen said he never witnessed the guards mistreat Rahman.

54 (S//NF) Despite the assertion that Rahman was constantly restrained with hand and ankle restraints in his cell, the same cable reported that Rahman's hand restraints were removed on November 2002.
that Rahman was naked below the waist or that a series of chains and restraints (the short chain position) was used on Rahman that forced him to sit bare-bottomed on the concrete floor of his cell.

85. (S//NF) Cold Conditions. stated that on November 2002, was occupied with other duties and asked her to check on each detainee because it was getting cold. went from cell to cell and gave apples to detainees. Also, she gave a few of them blankets and, if they did not have socks, she provided socks to them.

86. (S//NF) did not provide a blanket, socks, or an apple to Rahman. She returned his apple to and stated she did not know what did with the apple but doubted he would have given it to Rahman because he was noncompliant. said she saw all of the detainees, except Rahman. He was in one of the sleep deprivation cells when she provided apples to the detainees. The other detainees she observed all wore sweatshirts and sweatpants and most had socks; none of the detainees was without clothes. Some wore wool knit sweaters on top of the sweatshirts.

87. (S//NF) stated that it was very cold in when he was there on a brief TDY and the issue of hypothermia crossed his mind as he saw Rahman wearing only socks and a diaper. He commented on the cold and hypothermia to the other Headquarters officer traveling with him, but not to explained that he was at only to

55 (S//NF) This cable was the basis for the information provided in the 29 November 2002 congressional Notification on Rahman’s death. It was not until a second Congressional Notification was made on May 2003, three months after the DO Investigative Team’s report was issued, that CIA informed Congress that Rahman was naked below the waist and shackled in the short chain position that prevented Rahman from standing upright.

56 (S//NF) This account places Rahman in a sleep deprivation cell on November 2002, and appears to conflict with account that Rahman’s sleep deprivation was discontinued on November 2002, when Jesse departed.

57 (S//NF) believed he visited a few days after Rahman’s arrival there, also witnessed the hard takedown of Rahman while
observe and assumed that the officers there would realize it was cold and would not leave a prisoner unclothed for a long period. 

had observed blankets in other cells and assumed Rahman would get a blanket soon. recognized that someone could not be left naked for long without unwanted complications.

88. (S/NF) recalled that both Rahman and another detainee complained about being cold. did not approach about the cold conditions at and was not aware of anyone else doing so.

89. (S/NF) Jessen remembered it was cold in prior to his departure on November 2002. There were some electrical heaters in the cellblock area but none in the individual cells. Jessen remembered receiving a heater from because the room was cold.
90. (S//NF) Within the days of arriving in November, a contract linguist was assigned by or his assistant to perform a daily check of the detainees in their cells. It was during that period that the temperature dropped precipitously; checks were normally conducted in the morning, and also in the evening if the weather was colder. They had observed the detainees shivering around the period of November. Some detainees with blankets were shivering. Those without blankets were those who were not cooperating.

91. (S//NF) Remembered that sometime around November 2002, mentioned the temperature was dropping, it was getting cold, and they should try to keep the detainees warmer. It was a general statement made to a group including and was also present during a discussion between and about supplying warmer clothes. They were concerned that the provision of blankets to all of the detainees at that time could send the wrong signal; they tried to use desired items like blankets as something to earn by cooperation.

92. (S//NF) A contract linguist stated that he asked a few days before Rahman died (probably on November) at what temperature hypothermia occurred. Reportedly responded that he believed it occurred when the atmospheric temperature dropped to 58 degrees Fahrenheit. According to did not respond in a manner indicating he was going to do something about it; he just said "okay." was certain, however, that had heard him. explained that he did not raise the issue of the cold with because of anything he had heard about

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59 (S//NF)

60 (S//NF)

61 (S//NF) During an interview with the DO Investigative Team on November 2002, cited that did not know at what temperature one would reach hypothermia.
Rahman. Rather, it was based on what [redacted] observed with two other detainees he was working with, as well as the fact that he was cold even when wearing a jacket.

93. (S/NF) [redacted] told OIG that, based on his knowledge of thermodynamics and conductivity, if a person’s body temperature drops to 95 degrees Fahrenheit, the brain would be impacted. At 90 degrees Fahrenheit the person will die. However, if the room temperature is 70 degrees Fahrenheit or above and a person is sitting naked on the floor, the person will be all right. If the room temperature is 30 degrees Fahrenheit, a person could sit on the floor and be unaffected if he is clothed. [redacted] explained that he was aware that a concrete floor would suck the heat out of someone who was sitting on the floor without pants. From his knowledge of thermodynamics, [redacted] opined that Rahman had only a 30 percent chance of surviving the night while sitting on the cold floor of his cell without pants.

94. (S/NF) Five days after Rahman’s death, the DO Investigative Team interviewed [redacted] The one and one-half page report that resulted from that interview contained the following:

[redacted] that after his first or second visit to [redacted] he mentioned the temperature at the facility to [redacted] told them that it was cold in the facility, the prisoners were shivering, and it was not cold outside yet.

95. (S/NF) During an OIG interview, less than four months later, when asked if he had concerns regarding the temperature at [redacted] at the time of Rahman’s death, [redacted] responded, "not really." When asked if he had a conversation with anyone about the temperature at [redacted] responded that he believed he told [redacted] had mentioned to someone that it was cold. [redacted] added that he did not remember the identity of the person with whom he discussed the issue of the cold temperature; "it could have been anyone." When asked what prompted his comment about the cold, [redacted] stated that it was
starting to get cold. "I walked by and must have said it was getting cold." said he had forgotten the comment; it was not made in a formal context. However, reminded him of his comment. When asked if this comment could have been made to who had the responsibility for responded, "It could have been [made to] anyone."

96. (S//NF) To assist in remembering the identity of the person with whom he spoke about the cold condition in read the interview report prepared by the DO Investigative Team after the death of Rahman. then observed, "I guess it could be he would have been the most likely officer." When asked to quantify that likelihood as a percentage, responded it was 50 percent. denied he told the two members of the DO Investigative Team that the detainees were shivering. When asked if cold was used as a technique at responded, "Not that I know." He explained that he was more focused on the use of loud music there.

97. (S//NF) recalled that, at the time of Rahman's death, lamented that he previously raised the issue of the cold with someone at specifically said, "I told those people that they had to do something about the cold there." said it was clear from the context that was not referring to some low-level person, but did not identify whom he was describing.

98. (S//NF) stated that he has no recollection of having a conversation with regarding the cold weather. However, did recall mentioning that he thought Rahman's death was induced by the cold.

62 (C) Additionally, the notes prepared by the OGC attorney during interview with the DO Investigative Team read, "The first and second time mentioned temperature to them; meaning and others unknown."
99. (S//NF) According to no one brought to his attention or to the front office any concerns about the cold. said it was not apparent in talking with that there was a problem with cold at (b)(3) NatSecAct

100. (S//NF) In December 2002, less than one month after Rahman's hypothermia-induced detaine(b)(1) reported the following regarding another detaine(b)(3) NatSecAct

[The detainee] was submitted [sic] to sensory deprivation, cold, and sleep deprivation within the parameters of [a referenced cable]... When moved to the interrogation room for interrogation sessions [the detainee] was stripped and had to earn his clothing with cooperation and information. When he demonstrated resistance, [the detainee] was left in a cold room, shackled and stripped, until he demonstrated cooperation.

101. (S//NF) Cold Showers. who was present at in November 2002, reported that she witnessed "the shower from hell" used on Rahman during his first week in detention. asked Rahman his identity, and when he did not respond with his true name, Rahman was placed back under the cold water by the guards at direction. Rahman was so cold that he could barely utter his alias. According to the entire process lasted no more than 20 minutes. It was intended to lower Rahman's resistance and was not for hygienic reasons. At the conclusion of the shower, Rahman was moved to one of the four sleep deprivation cells where he was left shivering for hours or overnight with his hand chained over his head.(b)(1)

102. (S//NF) Jessen, who was present at at the same time, recalled the guards administering a cold shower to Rahman as a "deprivation technique." Jessen subsequently checked on Rahman after he had been returned to his cell. Jessen detected that Rahman was showing the early stages of hypothermia and ordered the guards to give the detainee a blanke(b)(1) who interpreted for Rahman,
also witnessed order a cold shower for Rahman. Rahman was being uncooperative at the time, and stated it was evident that the cold shower was not being ordered for hygienic reasons.

103. (S//NF) A Bureau of Prisons officer, conducting training for the guards at witnessed a tall detainee wearing a blindfold and a diaper fastened by duct tape arrive at an unheated and cold area where the shower was located. The diaper was removed and discarded. The detainee was placed under the stream of the shower for approximately five minutes and he was shivering. Because of the detainee's height, a guard wearing rubber gloves stood on a stool to ensure the detainee was covered head to foot with the water spray. There was soap in a bucket, but it was not used. The officer was informed that a contractor was coming to that day to repair the water heater. There was no towel present; the detainee was dried with his shirt and then escorted back to the cell wearing a new diaper and his wet shirt. In the cell, the guards restrained the detainee's hands to a bar at the approximate height of his head. It occurred to the BOP officer that the cold shower might have been intended as a deprivation or interrogation technique.

104. (S//NF) Based on the length of time Rahman was estimated that Rahman would have received two showers. witnessed only one shower and it was a cold shower. Rahman did not like the shower, but the guards were able to get him clean. was not certain if the BOP officers witnessed the showers.

105. (S//NF) Several of the officers interviewed about the possible use of cold showers as a technique cited that the water heater was inoperable and there was no other recourse except for cold showers. However, explained that if a detainee were cooperative, he would be given a warm shower if possible. BOP officer provided a similar account of the cold shower. He did not believe it was employed as an interrogation technique because the water heater was broken at the time.
stated that when a detainee was uncooperative, the interrogators accomplished two goals by combining the hygienic reason for a shower with the unpleasantness of a cold shower.

106. (S//NF) According to cold was not supposed to play a role in the interrogation. Cold was not a technique; it was a change of season. When asked in February 2003, if cold was used as an interrogation technique, responded, "not per se." He explained that physical and environmental discomfort was used to encourage the detainees to improve their environment. observed that cold is hard to define. He asked rhetorically, "How cold is cold? How cold is life threatening?" stated that Rahman was not given cold water. He stated that cold water continues to be employed however, showers were administered in a heated room. He stated there was no specific guidance on it from Headquarters, and was left to its own discretion in the use of cold. asserted that there was a cable documenting the use of "manipulation of the environment."66

107. (S//NF) Hard Takedown. During the course of Rahman's autopsy, the Agency pathologist noted several abrasions on the body. Jessen, who was present during the first 10 days of Rahman's confinement, reported that, while in the company of Jessen witnessed a team of four or five officers execute a "hard takedown" on Rahman.68 According to Jessen, the team dragged Rahman from his cell, cut his clothes off, secured his hands with Mylar tape and put a hood over his head. They ran Rahman up and down the long corridor adjacent to his cell. A couple of times he stumbled and was momentarily dragged along the ground until they were able to get Rahman back.

67 (S//NF) The Final Autopsy Findings noted "superficial excoriations of the right and left upper shoulders, left lower abdomen, and left knee, mechanism undetermined."
on his feet. Rahman was slapped and punched in the stomach during this episode, but Jessen could determine that the officers were pulling their punches to limit the pain. Jessen said the takedown was rehearsed and professionally executed. The process took between three to five minutes, and Rahman was returned to his cell. Rahman had crusty contusions on his face, leg, and hands that looked bad, but nothing that required treatment. Jessen heard that other hard takedowns were also executed at 59 Three other officers who were present at the same time provided similar accounts of the incident.

108. (S//NF) Jessen saw a value in the hard takedown in order to make Rahman uncomfortable and experience a lack of control. Jessen recognized, however, that the technique was not approved and recommended to  that he obtain written approval for employing the technique.

109. (S//NF) According to the hard takedown was employed often in interrogations as "part of the atmospherics." It was the standard procedure for moving a detainee to the sleep deprivation cell. It was performed for shock and psychological impact and signaled the transition to another phase of the interrogation. He said that the act of putting a detainee into a diaper also could cause abrasions if the detainee struggles because the floor of the facility is concrete.

110. (S//NF) contended that he ordered the hard takedown on Rahman to make him think he was being taken to a different cell, This was accomplished by running him up and down the corridor. As Rahman was being moved down the corridor, he fell and got a scrape on his shoulder. did not remember where else Rahman received injuries. explained that the scraping was not
expected to be part of the process, and he was displeased with the results because Rahman was injured. stated that he had no interest in hurting the detainees. He observed that abrasions cause management problems because there is a need to summon the physician to the facility to tend to the detainees’ wounds to prevent infection. stated that neither he, Station management, or anyone else involved with the program ever authorized or encouraged anyone to hit, slap, or intentionally inflict pain on a detainee.

111. (S//NF) stated that this hard takedown was the only time Rahman could have received the abrasions on his body. He recalled only one instance when the hard takedown was used on Rahman. According to the reference to rough treatment in the November 2002 cable refers to the hard takedown, as well as the insult slap given to Rahman by Jessen.

112. (S//NF) noted there was an alternative to the hard takedown that he called the "gentle takedown." It was reserved for detainees who had been cooperative and were being transferred from . In those instances, the detainee is advised what to expect in advance and instructed to lie on his stomach and not resist. It must be reported to Headquarters.

113. (S//NF) stated he did not discuss the hard takedown with Station managers; he thought they understood what techniques were being used at . stated that, after completing the interrogation class, he understood that if he was going to do a hard takedown, he must report it to Headquarters.
114. (S//NF) When the November 2002 cable reporting the treatment of Rahman reached CTC, a senior CTC/Renditions Group officer forwarded this cable via an e-mail message to a CTC attorney. The officer highlighted part of the paragraph that reported, "Despite 48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment, Rahman remains steadfast in maintaining his high resistance posture and demeanor." The CTC officer commented, "Another example of field interrogation using coercive techniques without authorization."

115. (S//NF) a CTC attorney, stated that she was not familiar with the "hard takedown" technique and was not aware that this technique had been used at . She explained that she had sought approval to employ the hard takedown, intentionally cold conditions, and the short chain restraint, she would have responded that they were not available for approval since they did not fit the legal parameters. Although a cold shower for Rahman was an available technique, she would have recommended that it not be approved if had provided all the relevant details, including that Rahman’s cell was cold and he was not fully clothed.

116. (S//NF) stated that he was generally familiar with the technique of hard takedowns. He asserted that it is authorized and believed it had been used one or more times at in order to intimidate a detainee. stated that he would not necessarily know if it had been used and did not consider it a serious enough handling technique to require Headquarters approval. When asked about the possibility that a detainee might have been dragged on the ground during the course of a hard takedown, responded that he was unaware of that and did not understand the point of dragging someone along the corridor in

73 (S//NF) There is no evidence that hard takedowns or short chain restraints are or were authorized. They are not listed in relevant Agency guidance as approved interrogation measures.
117. (S//NF) contended that he observed Rahman’s dead body and the abrasions did not appear to be fresh. stated that he understood from that the abrasions on Rahman’s shoulders predated his transfer to. However, after examining three postmortem photographs taken during the autopsy, advised OIG that, in his professional judgment, the abrasion on Rahman’s shoulder was between two and five days old. He estimated the abrasion on Rahman’s hip as ranging from three or four days to a maximum of seven days old.

118. (S//NF) Following his return to Headquarters subsequent to the autopsy, the pathologist learned that Rahman had been subjected to a technique that was used to disorient him and he had fallen; that was presumably the hard takedown. It was the pathologist’s medical opinion that the abrasions on the shoulders and hip occurred fairly simultaneously. He estimated they occurred from one to three days, at most, before Rahman’s death and certainly did not occur two weeks before his death. The pathologist did not ask who assisted during the autopsy. whether he had seen the abrasions prior to the autopsy.

119. (S//NF) Despite the visible presence of abrasions on Rahman’s body, Station reported in the November 2002 cable that constituted the official report of Rahman’s death to the DDO, "The Station medic inspected the body and noticed no obvious contusions, abrasions, marks, swelling, or other indications of specific cause of death." This same language was incorporated in the 29 November 2002 Congressional Notification of Rahman’s death.

Rahman’s Last Three Days

120. (S//NF) In the November 2002 cable sent to the DDO, Station reported a chronology of the events regarding Rahman, with specific reference to the last days of his detention and his death. No other cables documented Rahman’s activities or status after November 2002.
121. (S//NF) stated that he drafted this cable. stated that he is familiar with this cable. He does not remember much of the contents of the cable, but the necessary documentation of circumstances of the death would be in the cable. It was drafted by and released by edited it for clarity, as was his custom for all cables he released from. He had no recollection rega(b)(1)x the substance of(dts he made to the cable. 

122. (S//NF) November 2002. The November 2002 chronology cable reported:

The last time Rahman was seen by officer prior to his death was on the afternoon of Monday November 2002. At that time Rahman was assessed to be in good overall health. Station noted that Rahman had small abrasions on his wrists and ankles as a result of the restraints. His ankle restraints were loosened and his hand restraints were removed when Rahman was returned to his cell.74

123. (S//NF) recalled that he had one brief session with Rahman on November 2002, four days after Jessen left stated that this was based on Jessen’s recommendation that Rahman be left alone and environmental deprivations continued.75 The purpose of the session in an interrogation room, according to was just to check on Rahman to determine if he was more compliant. Rahman never went any further than admitting his identity. did not recall if Rahman was wearing a diaper at that time but noted there would have been no reason to use a diaper because Rahman was not in a sleep deprivation cell.

124. (S//NF) contended he has little specific recollection of the session on November 2002 also did not

74 (S//NF) This is the only passage in the cable that addressed the events of November 2002. would have made this assessment of Rahman’s health.

75 (S//NF) sent an e-mail message on November 2002, to her supervisors at Headquarters. She wrote, ‘I am the primary interrogator on six detainees . . . is concentrating on Gul Rahman and other new detainees and already has a full plate.’
recall which interpreter was used in this session, but he would have used one, to conduct an interrogation. stated the session was neutral in tone and not confrontational. Accordingly, he would consider it a debriefing, not an interrogation.

125. (S/NF) recalled that, during the last few days of his detention, Rahman did something that caused to order the guards to give Rahman a sweatshirt and possibly some socks and to loosen his restraints. stated Rahman must have been somewhat compliant because his hand restraints were removed. The fact that his wrists had pretty bad scabs on them was also a factor in having the restraints removed. According to the sweatshirt was not the result of Rahman complaining of being cold or surmising Rahman was cold because he saw Rahman shivering. They were in the interrogation room, which was relatively warm with two 1000-watt lights and an electric heater. stated that he might have given Rahman the sweatshirt because it was getting cooler; was trying to find a way to do something positive for Rahman. stated he did not recall having a conversation with anyone about the cold conditions at the time. He could not, however, discount the possibility that concerns raised by others might have played a role in his decision to give Rahman the sweatshirt.

126. (S/) November 2002. The November 2002 chronology cable reported:

At 1530 local on November 2002, the commander told station that when Rahman had been given food at 1500 local, he had thrown it, his plate, his water bottle and defecation bucket at the guards who had delivered the food. Station requested that...
the commander to replace [sic] Rahman's hand restraints to prevent this from reoccurring, or prevent him from undertaking any other violent actions.\textsuperscript{76}

127. (S//NF) recalled that, on November, he was at and was approached by a guard. The guard(s) reported that Rahman had been acting violently and had thrown his food and defecation bucket at the guards. Rahman had also threatened the guards, noting that he had seen their faces and would kill them when he got out of the facility. \textsuperscript{76} confirmed it is likely that Rahman had seen the guards' faces, because they were sometimes lax about using their kerchiefs to cover their faces.

128. (S//NF) did not recall whether were present at when Rahman threw his food. He did not specifically recall telling others about the incident but acknowledged that he may have told and who would have had an interest in the case.

129. (S//NF) approached on November 2002, between 1500 and 1800 hours, according to was laughing and revealed that Rahman had been violent in his cell, threatened the guards, and had thrown his food. added that he would take care of it. interpreted this as a lighthearted comment and assumed was laughing because no detainee had done this previously. further assumed that when said he would take care of it, he meant he would have the cell cleaned and have Rahman chained. believed he departed with shortly following the comment by did not recall for certain whether came back with him or remained with

\textsuperscript{76} This is the only passage in the cable that addresses the events of November 2002. It has been established that the term "station" in this paragraph means
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

did not remember hearing that Rahman had thrown anything else besides his food. did not recall a discussion of the Rahman incident on November 2002.

130. (S/AF) recalled that, approximately a day before Rahman's death, casually mentioned Rahman had thrown his food and defecation bucket at the guards. To her, this appeared to be a normal update on Rahman. interpreted tone as indicative that the throwing of the items was "not a big deal," but rather an indication of Rahman's stature of being hard core. stated that did not mention that Rahman had threatened the guards. She did not remember being present during this discussion.

131. (S/AF) stated he did not know what might have prompted Rahman to act in this manner. He was the only detainee who had ever threatened the guards or thrown food at them. As a result of this conduct, ordered the guards to shackle Rahman's hands. was not certain who proposed the idea to short chain Rahman. suspected the guard(s) recommended it and he approved. Regardless of the origin, acknowledged that he would have authorized Rahman's short chaining on November 2002.

132. (S/AF) explained that the short chain was necessary to prevent Rahman from throwing things. reasoned if only Rahman's hands had been shackled together, he still would have been able to throw objects. That is, manacled one hand to the other still permitted the limited range of movement that would
allow Rahman the ability to throw something. In view, trying to harm others when they entered the cell crossed the line; a detainee who acted in this manner needed to be restrained. did not want Rahman throwing things even though the tray was constructed of cardboard and the bucket and water bottle were made of plastic. did not know if the defecation bucket was empty at the time it was thrown.

133. (S//NF) According to the short chaining was not the result of the verbal threat to the guards. did not have any firsthand knowledge of the threat; the guards told him about it. They did not appear very worried or frightened by the threat. found this surprising because threatened the guards previously. did not recall Rahman being punished for the previous threats; thought he would recall if Rahman had been punished.

134. (S//NF) stated it never occurred to him that short chaining Rahman while wearing no pants would have consequences. In retrospect, said he can see there were problems caused by that action. At the time, he viewed short chaining as just a mechanism to safely secure Rahman. did not think he had crossed the line in ordering the short chaining. It was not done to induce pain or suffering. His only thought at the time was to make Rahman immobile. stated they are not in the punishment game are in the business of getting information.

135. (S//NF) According to it was evident to him during his investigation that directed how Rahman was to be treated and interrogated. The guards would not have chained

78 (S//NF) Despite this view, there was no need for the guards to enter the cell to deliver food. The doors for each cell were constructed with a small slot near the bottom of the doors. The purpose of the slot was for the safe delivery of food to the detainee without opening the doors. The same slot was used by the guards to inspect the cell and monitor detainees during security checks.

79 (S//NF) Four of the officers who responded to Rahman's cell on November 2002 said they did not see or smell urine or excrement in or around the cell.
Rahman without being instructed to do so.

Anything that happened to Rahman would have come through

136. (S//NF) the BOP officers explained that taught the use of a short chain to the guards and mentioned it as an alternative method of securing a prisoner. BOP officer said "short chaining" is used by BOP officers in cases where the inmate has been violent or kicks at the guards and would never be used for an inmate who threw food at a guard. The guards practiced the technique for approximately an hour and were told to practice all the techniques in the evening on each other. According to the BOP officers, they did not offer any scenarios for the use of the short chain, that is, under what circumstances it should be used; they simply taught the technique.

137. (S//NF) who assisted at from late September to early December 2002, and had considerable contact with the guards, stated that the guards used a form of short shackling prior to the arrival of the BOP officers. The original technique involved chaining both the hands and the feet to the wall. The wall hook was less than two feet from the floor. The detainee would have to sit on the floor of the cell with his arm elevated and bent. stated that he saw Rahman short chained in his cell. He never saw any other detainee placed in that position.

138. (S//NF) November 2002. The November 2002 chronology cable reported:

Interviewed separately on November 2002, each of the two guards reported that during normal cell checks at 2200, 2300, 0400, and 0800 on November, they saw Rahman was alive in his

81 (S//NF) The difference between the two techniques is that, with the original technique, the detainee is chained to the wall, and there is no third chain connecting the hands to the feet.
Rahman was visually inspected through the door cell slot but no guard entered his cell. Both of the two guards on the 0900 cell check said independently that Rahman was definitely alive, with his eyes open, seated in his cell at 0800 hours on November 2002. Shortly after 1000 hours on November 2002, Station personnel then present at the facility to conduct an interrogation of another individual were notified by guards that Gul-Rahman was sleeping in his cell but there was some problem. These officers were escorted to the cell by the guards. These officers realized Rahman was deceased and they subsequently requested via secure radio that Station medic visit the facility. Officers reported that a small amount (palm-sized pool) of dried blood was present in and around the mouth and nose of subject. Rahman was observed still shackled, and slumped over in the seated position.

At approximately 1030 hours, Station medic arrived at the location. The Station medic inspected the body and noticed no obvious contusions, abrasions, marks, swelling, or other indications of specific cause of death. He noted that the blood in evidence was dark, not in keeping with a wound to the nose or mouth area. The medic’s notes on Rahman’s condition are filed at Station. His estimation was that Rahman had been dead less than a few hours.

139. (NF) According to the two TDY officers who were present at ______ when Rahman was reported dead, he was lying on his side; his hands were shackled together as were his feet. His hands were then secured to his feet and his feet were chained to a grate on the wall with a six- to 12-inch chain.

140. (NF) ______ stated he was unaware that Station officers tried to contact him on the morning of ______ November 2002 when Rahman’s death was discovered. He indicated the radio was not always on. ______ said he was not certain where he was at the time Rahman’s body was found. ______ thought perhaps he was at the Station ______, but he acknowledged that had he been at the Station and the trio called, someone would have located him.

82 (NF) None of the personnel, including ______ who were present in ______ became aware of Rahman’s death that date could account for ______ whereabouts throughout the morning when Rahman’s death was reported to the Station.
When the officers subsequently returned to the Station from
they informed selected Station personnel of Rahman's
death. One of them, identity unrecalled, informed they had
found Rahman dead in his cell. When went to see he
was already aware of Rahman's death.

141. (S/ acknowledged that the account of the
guards checking on Rahman at 2200 and 2300 and 0400 hours, as
reported in the cable, was odd and inconsistent with the policy of the
rounds conducted every four hours. He maintained, however, that
this was what the guards told him said he thought it was
unusual that the guard commander was not present at
when Rahman's death was reported. Other officers also cited that
this absence appeared unusual.

142. (S/ From what he heard, said he was
confident Rahman died of hypothermia. Being on the bare floor was
likely a factor. stated he had no more experience than the
average person with hypothermia. From life experience
recognized that if the ground is colder than your body, it is prudent
to have something between your body and the ground.

assumed

that other detainees did not die because they were more warmly
dressed. Rahman was the only prisoner short chained in his cell at
the time; he was different from the other prisoners. When asked if he
thought Rahman would have been alive on November 2002 if he
had cooperated, responded that if Rahman had been
cooperative, he would probably still be alive.

When interviewed by the DO Investigative Team three days after Rahman's death,
confirmed this during his OIG interview.

No photographs were taken of Rahman or the condition of his cell. The only
photographs of Rahman were the photographs taken in conjunction with the autopsy on
November 2002.
143. (S//NF) stated that he is hesitant to conclude that hypothermia was the cause of Rahman’s death. He is not convinced that there were not other unspecified medical conditions that existed with Rahman that contributed to his death.所述 that it is hard for him to square with hypothermia as the cause of death since Rahman was alive through the night.

(UI//FOUO) **THE INVESTIGATION BY THE DO INVESTIGATIVE TEAM**

144. (S//NF) Station reported Rahman’s death in an cable to the DDO on November 2002, the day of Rahman’s death. Shortly thereafter the DDO dispatched three Agency officers (the "DO Investigative Team") to on a to investigate the circumstances of the death. The DO Investigative Team, consisting of who was the senior security officer assigned to conducted interviews, and the pathologist performed an autopsy of Rahman.

145. (S//NF) advised the DO Investigative Team that detainees were examined and photographed upon their arrival to protect the Agency in the event they were beaten or otherwise mistreated prior to rendition. However, when on January 2003, two months after Rahman's arrival in requested the identity of the medical officer, the results of Rahman's medical examination, and copies of the rendition photographs did not produce them reported that no medical documents were retained from the renditions, and the Station did not retain medical documentation of detainees said he could not
identify the medic who reportedly examined Rahman and also said the digital photographs of Rahman had been overwritten.

146. (S//NF) The DO Investigative Team interviewed CIA employees and contractors and the inside guards. The medic was interviewed a second time when he returned to Headquarters while on leave from and by an e-mail message that was sent to later attempting to locate additional information. On January 2003, completed a 33-page report with 50 attachments, including the post-mortem photographs.

147. (S//NF) stated he delivered tissue samples and histologies (microscopic examination of structure of the tissues) to government laboratories. From the toxicology and laboratory studies, he learned there were no traces of cyanide, opiates, truth serums, or poisons. He said he was "99.9 percent" certain that the cause of death was hypothermia and asserted that, if Rahman’s death had occurred in the United States, it would have been listed as death by hypothermia. stated that, from a clinical perspective, he is skeptical of the accuracy of the reporting of the time of death. He believes the account of the guards that Rahman was shivering at 0800 hours "does not fit."

148. (S//NF) On November 2002, sent an e-mail message to several OGC attorneys assigned to the DO that was intended to be a preliminary report of his findings. Included in the e-mail message was the following:

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87 said he did not prepare any other report on this matter.
On November 2002, prior to departing, the Subject sent an e-mail message to his supervisors which was forwarded to the DDO and Associate DDO. The e-mail reported in part:

which is where our Subject was housed, is a newly constructed concrete facility that has no heating or cooling. Temperatures have recently dropped into the thirties at night. Having walked through the facility in the afternoon, it was still very cold. Most prisoners are fully clothed, however this prisoner was somewhat difficult to handle and uncooperative. He had thrown food and threatened to kill the guards. As punishment his pants were taken from him. He had not worn pants (meaning he was naked from the waste [sic] down) for several days. There was no carpeting or matting on the floor, which means that when he was shackled, his naked body sat against the bare concrete.
151. (S//NF) The autopsy indicated, by a diagnosis of exclusion, that Rahman’s death was caused by hypothermia. The Final Autopsy Findings reported the cause of death as "undetermined," the manner of death as "undetermined," and the clinical impression as hypothermia.

152. (S//NF) The DO Investigative Team concluded:

- There is no evidence to suggest that Rahman’s death was deliberate.
- There is no evidence to suggest that Rahman was beaten, tortured, poisoned, strangled, or smothered.
- Hypothermia was the most likely cause of death of Rahman.
- Rahman’s death was not deliberate but resulted from incarceration in a cold environment while nude from the waist down and being shackled in a position that prevented him from moving around to keep warm. Additionally, this kept him in direct contact with the cold concrete floor leading to a loss of body heat through conduction.

Rahman’s actions contributed to his own death. By throwing his last meal, he was unable to provide his body with a source of fuel to keep him warm. Additionally, his violent behavior resulted in his restraint, which prevented him from generating body heat by moving around and brought him in direct contact with the concrete floor leading to a loss of body heat through conduction.

88 (U) A diagnosis of exclusion in a death case is one where all other causes of death are excluded and the clinical environment in which the victim was found is examined along with the immediate history developed during the investigation. However, no definitive tests or findings establish that diagnosis.
153. (S//NF) A senior CTC operations officer stated that when he was at _________ between 13 September and 3 October 2002, he offered to fire a handgun outside the interrogation room while the operations officer was interviewing a detainee who was thought to be withholding information. Reportedly, ________ staged the incident, which included screaming and yelling outside the cell by other CIA officers and ______ guards. When the guards moved the detainee from the interrogation room, they passed a guard who was dressed as a hooded detainee, lying motionless on the ground and made to appear as if he had been shot to death. The operations officer added that ________ openly discussed his plan for the mock execution for several days prior to and after the event with ______ Station officers.

154. (S//NF) Station officer ________ recounted that around ________ 2002, she heard that this same senior CTC operations officer staged a mock execution. She was not present but understood it went badly; she was told that it was transparently a ruse and no benefit was derived from it.

155. (S//NF) Four other officers and ICs who were interviewed admitted to either participating in such an incident or hearing about one of them. An IC who led a CTC review of procedures at ________ after Rahman’s death stated that ________ described staging a mock execution of a detainee. Reportedly, a detainee who witnessed the "body" in the aftermath of the ruse "sang like a bird."

156. (S//NF) ________ admitted that he participated in a "mock execution" at ________ when the first detainees arrived. He contended the detainees were there only one day, and he hoped to shake them up quickly. ________ explained he discharged a firearm in a safe manner while an ________ officer lay on the floor and ________ officer lay on the floor and ________.

89 (S//NF) It is difficult to determine how many mock executions were staged during this period. There appear to be at least two. ________ admits to participating in only one.
chicken blood was splattered on the wall. The technique was an idea and was based on the concept of showing something that looks real, but is not. According to [redacted], in that case it was ineffective because it appeared to be staged.

157. (S//NF) [redacted] stated that [redacted] also employed the mock execution technique once; the officer informed [redacted] about it afterwards. The [redacted] reportedly tried the technique because the detainee knew it was a [redacted] facility and the officer wanted to induce the belief that [redacted] would do anything. [redacted] contended that he did not know when this incident occurred or if it was successful.

158. (S//NF) When asked about the possibility that handguns had been used as props or mock executions had been staged at [redacted], [redacted] responded, "We don't do that ... there's none of that." [redacted] said he would be surprised if someone said that a gun was used; it was not part of an interrogation technique. He explained that handguns were not allowed in the vicinity of detainees, for fear that the weapons could be taken away or turned on the interrogators.

159. (S//NF) Upon further discussion, [redacted] revealed that approximately four days before his interview with OIG, [redacted] told of an instance when [redacted] conducted a mock execution at [redacted] in approximately 2002. Reportedly, the firearm was discharged outside of the building, and it was done because the detainee reportedly possessed critical threat information. [redacted] stated that he did not hear of a similar act occurring at subsequently.

(S//NF) NOTIFICATIONS OF RAHMAN'S DEATH TO CONGRESS

160. (S//) As discussed previously, [redacted] reported Rahman's death to Headquarters in November 2002...
cable to the DDO. (See Exhibit.) On November 2002, Station Medical Support to Detainees in

reported

This addressed the medical care provided to detainees in general along with a comment about the medical treatment provided to Rahman.

161. (§/) On 29 November 2002, the Director of Congressional Affairs (D/OCA) provided the Chairman and ranking member of each Intelligence Committee and the Chairman and Ranking Member of the House and Senate Appropriations Subcommittees on Defense a background paper entitled "Death of Detainee Gul Rahman." The paper identified Rahman as "an Al-Qa’ida operative and Hezbi-Islami Gulbuddin/Hekmatyar associate who was also a close contact of senior Al-Qa’ida facilitator Abu Abdul Rahman Al-Najdi." It reported CIA was sending a team of officers to conduct an inquiry into Rahman’s death, including an autopsy to determine the cause of death. The background paper reported, "Rahman arrived at the detention facility on November [2002] and was given a physical examination which indicated no medical issues or preexisting medical conditions."91

162. (§/) On 23 January 2003, the IG reported to the DCI by memorandum that the General Counsel had informed the IG on 22 January 2003 of the death of Gul Rahman. Further, the IG stated that the OIG was investigating the issue. On 30 January 2003, the DCI forwarded the IG’s memorandum to the Congressional oversight committees and reiterated the DCI had notified the committees of this matter by formal notification on 29 November 2002. The DCI’s letter added that the DO Investigative Team’s report was nearing

91 (§/) The first portion of this statement appears to be drawn from the November 2002 cable reporting the death of Rahman. As explained earlier, this information is inaccurate. There is no evidence that Rahman received a physical examination upon his arrival at or at any time following his arrival in It cannot be determined where the Office of Congressional Affairs obtained the information that Rahman did not have any medical issues or a preexisting medical condition because that conclusion was not reported in either the or November 2002 cables.
completion and CIA would be sending the committees a follow-up notification in the near future.

163. (S/) On 2 May 2003, the D/OCA provided an update to the Intelligence Committees of Congress and Chairman and Ranking Member of the House and Senate Appropriations Subcommittee on Defense in the form of a background paper entitled "Death of Detainee Gul Rahman." The background paper, "Investigation by the Directorate of Operations," which included an autopsy and toxicology, disclosed that Rahman's death was accidental and most likely resulted from hypothermia."92 The background paper reported that Rahman was nude from the waist down and that "an autopsy disclosed several surface abrasions which he obtained within the first few days of his incarceration."93 The background paper reported, "During his incarceration, Rahman threatened several times to kill guards." At 1500 [hours] on November 2002... Rahman again threatened to kill the guards and threw his food, water bottle, and waste bucket at the guards." Finally, the background paper reported, "As a result of his violent behavior, and following procedures recommended by the U.S. BOP, Rahman was shackled to the wall in a short chain position which prevents prisoners from standing upright."95

92 /  As reported above, in actuality, the autopsy reported the cause of death as "undetermined," the manner of death as "undetermined," and the clinical impression as hypothermia. The investigative report concluded, "There is no evidence to suggest that Rahman's death was deliberate."

93 / The initial report to Congress on 29 November 2002 did not report that Rahman was naked below the waist and chained in a position that forced him to sit on the concrete floor. The autopsy did not address the age of the abrasions. As explained earlier, the pathologist opined to OIG that the abrasions to the shoulders and hips occurred from one to three days, at most, before Rahman's death.

94 / According to Rahman reportedly threatened the guards two times only, during the week of November and on November.

95 / As reported previously advised OIG that he did not recall punishing Rahman for the first alleged verbal threat. BOP officers, who taught the short chain position, indicated that they had never seen the short chain position used in a cell situation. Additionally, they did not offer scenarios for use of the short chain position and would not employ the technique on a detainee for throwing food. They simply taught the technique.
(U) **APPLICABLE LAWS, REGULATIONS AND POLICIES**

164. (U) Title 18 U.S.C. §112, *Manslaughter*, provides in pertinent part:

Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary – Upon a sudden quarrel or heat of passion.
Involuntary – In the commission of an unlawful act, not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

165. (U) Title 18 U.S.C. §2441, *Torture*, provides penalties for "who[m]ever outside the United States commits or attempts to commit torture." The statute defines the crime of torture, in pertinent part, as:

an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

166. (U) Title 18 U.S.C. §2441, *War Crimes*, provides penalties for "whomever, whether inside or outside the United States, commits a war crime" wherein "the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States." The statute defines a war crime as any conduct defined as a grave breach of the Geneva Conventions [or any protocol to such convention to which the United States is a party]. The proscribed conduct includes the following

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96 (U) The United States is not yet a party to either of the two "Protocols Additional to the Geneva Conventions."
relevant offenses: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering to body or health.  

167. (U) On 7 February 2002, President Bush issued a memorandum noting that the "provisions of Geneva will apply to our present conflict with the Taliban" [in Afghanistan] but would not apply to Al-Qaeda.  

Neither the Taliban nor Al-Qaeda would be entitled to enemy Prisoners of War status, however. Nonetheless, the President ordered, "As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

168. (S//NF) On 24 January 2003, the General Counsel orally informed the Chief of the Criminal Division, DoJ of Rahman’s death. On 13 February 2003, OIG reported Rahman’s death in detention to the U.S. DoJ by memorandum.

169. (S//NF) On 29 December 2003, the Chief, Counterterrorism Section, Criminal Division, DoJ, reported by letter that it declined to pursue a federal prosecution of criminal charges in this matter. As of April 2005, the matter is under review by the U.S. Attorney’s Office for the Eastern District of Virginia pursuant to the direction of the Attorney General.

97 (U) Grave breaches are defined in the Fourth Geneva Convention Relative to the Protection of Persons in Time of War are listed in Article 147. (Article 130 of the Third Geneva Convention Relative to the Treatment of Prisoners of War lists these same offenses as "grave breaches.")

98 (U) Memorandum from the President to the Vice President, Secretary of State, Secretary of Defense, Attorney General, Chief of Staff to the President, Director of Central Intelligence, Assistant to the President for National Security Affairs, and the Chairman of the Joint Chiefs of Staff, "Humane Treatment of al Qaeda and Taliban Detainees," dated and signed 7 February 2002.
170. (U//FOUO) Agency Regulation 13-6, Appendix I, Standards for Employee Accountability provides:

a. Consequences will follow an employee’s failure to comply with a statute, regulation, policy or other guidance that is applicable to the employee’s professional conduct or performance.

b. The lack of knowledge of a statute, regulation, policy or guidance does not necessarily excuse the employee. However, lack of knowledge may affect the level of employee responsibility and the extent to which disciplinary action is warranted. Therefore the following factors will be considered prior to holding an employee accountable for a particular act or omission:

   (1) Agency efforts to make employees aware of the statute, regulation, policy or guidance;

   (2) The extent of employee awareness of the statute, regulation, policy or guidance;

   (3) The importance of the conduct or performance at issue;

   (4) The position or grade of the employee.

c. Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill, and diligence.

d. Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had an opportunity and the responsibility to act or not act.

e. Managers may be held accountable in addition for the action(s) or inaction of subordinates even if the manager lacks knowledge of the subordinate’s conduct. Such accountability depends on:

   (1) Whether the manager reasonably should have been aware of the matter and has taken reasonable measures to ensure such awareness.
(2) Whether the manager has taken reasonable measures to ensure compliance with the law and Agency policies and regulations.

CONCLUSIONS

171. (S//NF) CIA had not issued any applicable custodial interrogation guidelines by the time of Rahman’s detention. The practice at that time was for interrogators to propose interrogation techniques to CTC for pre-approval. did not take this step prior to the interrogation of Rahman. Further, a CTC legal advisor said Headquarters would not have knowingly approved several of the techniques that employed, including cold showers, cold conditions, hard takedowns, and the short chain restraint.

172. (S//NF) treated Rahman harshly because of Rahman’s alleged stature, his uncompromising reaction to the interrogation and lack of cooperation, the pressure on to "break him," and lack of experience with a committed interrogation resister.

173. (S//NF) On November 2002, ordered or approved the guards placing Rahman in the short chain position whereby he was compelled to sit on the concrete floor of his cell. Rahman was only clothed in a sweatshirt. This act directly led to Rahman’s death by hypothermia. was fully cognizant that the temperature in had fallen sharply in November. Two individuals said that they raised the subject of the cold temperatures with On November, directed that actions be taken to help other detainees ward off the cold. Other officers and contractors present at in November 2002 stated they recognized it was very cold and some detainees were inadequately protected against the cold. They stated they were personally aware of the possibility of hypothermia, but some said they assumed it was the responsibility of someone else to address.
174. (S//NF) [redacted] exhibited reckless indifference to the possibility that his actions might cause injuries or result in Rahman’s death. There is no indication that [redacted] intended that Rahman should be severely harmed or killed.

175. (S//NF) The initial account of guards that Rahman died in the mid-morning of November 2002 is unreliable and self-serving. It is likely that Rahman died during the night and the guards waited until Station officers were present at [redacted] to report his death. Nonetheless, there is no evidence that the guards assaulted or independently mistreated Rahman.

176. (S//NF) Rahman did not receive a physical examination following his rendition from [redacted] or at any time while detained despite [redacted] report to the contrary. Although the physician’s assistant at that time, reported that he examined all the other detainees held at [redacted] he did not examine Rahman. [redacted] allowed Rahman’s statement that all was well to supplant a physical examination.

177. (S//NF) [redacted] who was in [redacted] during the first days of Rahman’s detention, did not attend to Rahman in the same manner and with the same standard of care as the other detainees. [redacted] was aware of the cold conditions; indeed the temperature in [redacted] had reached a low of 31 degrees the day before he departed on November. As a medical care provider, he should have advocated more humane treatment for Rahman that would ensure his health and safety.

178. (S//NF) Station’s reporting of the details of Rahman’s detention and death in Station cables contained false statements and material omissions. Consequently, the Congressional notification drawn from the cable information bore inaccuracies and material omissions. The inaccurate reporting obscured or minimized the circumstances of the death, the involvement of [redacted] in the mistreatment of Rahman, and the absence of adequate supervision by A follow-up report to the Congressional oversight.
committees was prepared on 2 May 2003. That report, drawn from the DO Investigative Report, accurately reported salient circumstances that contributed to Rahman's death that were initially omitted.

179. (S//NF) [redacted] bears direct responsibility for failing to include pertinent facts in his November 2002 official written account of Rahman's death. The cable specifically withheld information known to [redacted] and [redacted] that [redacted] directed the guards to place Rahman in the short chain position while he was naked below the waist, thereby forcing him to sit bare bottomed on the bare concrete floor of his cell in what were known to be very cold temperatures.

180. (S//NF) [redacted] bears responsibility for not providing adequate supervision of [redacted] activities at [redacted] (b)(1) (b)(3) NatSecAct

(b)(1) CIA Act
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
RECOMMENDATIONS

1. (S//NF) The Director of the Central Intelligence Agency should convene an Accountability Board to review the performance in regard to the events that contributed to the death of Gul Rahman.

CONCUR:

John L. Helgerson
Inspector General

4/21/05
Date
REPORT OF INVESTIGATION

(CSHNF) CASH SHORTAGE
(2012-10670-IG)

26 MARCH 2013

David B. Buckley
Inspector General

Assistant Inspector General
for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
Office of Inspector General
Investigations Staff

REPORT OF INVESTIGATION

(S/NF) CASH SHORTAGE

(2012-10670-IG)

26 March 2013

(U) Section A – Subjects

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(3) NatSec Act

Approved for Release: 2016/12/05 C06552509
SECRET

CIA/OIG Loan Copy
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(U) Section B – Predication

3. (S/NF) On 26 March 2012, Base notified JSD official cash was short. In response, a team of subject matter experts was dispatched to assist in researching potential explanations. While was still present at the Base, another went missing from a presumed locked safe on 28 March 2012. This time, led a team of subject matter experts to conduct a full scope inquiry at the Base. The team confirmed the reported total shortage amount but was unable to identify any bookkeeping or accounting error(s) that might explain it.


(U) Section C – Potential Violations

5. (U) Title 18 U.S.C. §641, Embezzlement and Theft of Public money, property or records states in pertinent part:

   Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another ... shall be fined under this title or imprisoned not more than ten years, or both

6. (U//FOO) Agency Handbook (AHB) 30-5, Custody of Funds states in pertinent part:

   3b. Duties and Responsibilities of Custodians

   Custodians are responsible for:

   (b)(3) CIAAct
4e. Emergency Access to Funds

(1) Custodians will...  

7a. Instructions for Accepting Checks

Washington Area

If are used to process personal checks, the following instructions apply:

(2) Checks should not be dated more than five days prior to the date on which presented ...

10b. Verification of Funds – Foreign and Domestic Field Installations

(2) Cash custodians have responsibility for...

7. (U/AT/FOO) Agency Regulation (AR) 30-8, Settlement of Accounts Involving Shortages or Overages of Official Funds states in pertinent part:

8d. Standards for Granting Relief

(1) Any unexplained shortage or overage of official funds automatically creates a presumption of negligence on the part of the individual entrusted with the lost funds.

(2) An accountable officer must exercise “the highest degree of care in the performance of his or her duty.” It is the duty of an accountable officer to become familiar with applicable regulations, and a shortage or overage associated with a
failure to follow such regulations will be deemed negligence.

(4) In the case of an allegation that the loss of funds is due to a burglary or robbery, to qualify for relief, the accountable officer must provide evidence of a theft, no evidence implicating the accountable officer must exist, and there must have been no contributing fault or negligence on the part of the accountable officer.

(5) Some factors that are not considered sufficient to grant relief of an accountable officer’s liability are: heavy workload; shortage of personnel; lack of training; supervision, or experience; age; financial hardship of having to repay; good work record; long period of loyal and dependable service; evidence of good reputation and character.

8e. Responsibilities

(1) The CFO is responsible for

(b)(3) CIA Act

(3) Agency personnel

(b)(3) CIA Act

(4) Unless the shortage or overage is determined to be the result of a bookkeeping or accounting error and is resolved within five (5) calendar days of discovery, the

(b)(3) CIA Act

8. (U//ARO) AR 1-3a, Office of Inspector General states in pertinent part:

(5) Cooperation with OIG

(a) All Agency employees … are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

(e) Failure on the part of any employee or contractor to cooperate with OIG shall be grounds for appropriate administrative actions by the Director, to include loss of employment or termination of an existing contractual relationship.

9. (U) AR 13-1c, Standards of Conduct states in pertinent part:

(1) Employees shall comply with legal requirements established by:

f. Agency regulations

(4) Employees also are expected to perform their duties in a professional and
satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty.

(U) Section D - Investigative Findings

(b)(3) NatSecAct

(U) INITIAL SHORTAGE

10. (U) Initial shortage became primary cash custodian of official funds had conducted a joint cash count in preparation for departure on was at Base conducting periodic audit and said witnessed this turnover count. There was no discrepancy noted. signed and dated the count sheet. did not. departed Base for

(b)(6) (b)(7)(c)

11. (U) Initial shortage conducted a required weekly cash count. According to cash blotter, count sheet, and verbal count to OIG, the cash was still in balance as of that date. OIG reconstruction of recorded cash disbursements and receipts between confirmed the beginning cash balance amount accepted as correct. did not document performing another count until 25 March 2012.

(b)(1) (b)(3) CIA Act (b)(3) NatSec Act (b)(6) (b)(7)(c)

12. (U) On 25 March 2012, asked for a turnover cash count in order to resume responsibility for the cash in 's office while observed. The USD count was conducted several recounts, but arrived at the same result. They found no explanation for the shortage in the financial records. told about the shortage on 25 March 2012.

(b)(3) NatSec Act

(U) CHECKS AND CASH OFFERED

13. (U) resumed their research of Base financial records the following day, but still could find no explanation for a shortage. Both officers recall offering three personal checks totaling in cash to rebalance the official funds account. also told OIG that while never said so, believed the purpose of the three checks and cash was to conceal, rather than refund, the shortage. Although accepted these items, did not provide a receipt or

(b)(1) (b)(3) CIA Act (b)(3) NatSec Act (b)(6) (b)(7)(c)
14. (U/FOOU) told OIG, in an 18 June 2012 interview, that had been complicit in suggesting false check dates and amounts to for two of the checks; however, insisted was resolute with that the shortage still had not been reported to Base management. Per accepted the cash account back from on 26 March 2012 with the shortage noted. As of 26 March 2012, should not have been able to and was no longer responsible for any additional discrepancy.

15. (S/NF) has denied to OIG that intended purpose was to deceive anyone with the personal checks and cash. However, acknowledged the three checks and had agreed the three personal checks, trying to avoid reporting a shortage. also said had agreed and so had broken that total into smaller amounts. said that used t to write the three checks. wrote on the three checks.

16. (U/FOOU) in a 24 October 2012 interview, told OIG that did not have the bank balance before writing the three checks and offering the personal checking account. had doubted, at the time, that could cover the checks, CIAAct and so had broken that total into smaller amounts. said that used the check cashing limit for employees as a guide for the amount written on the three checks.

17. (U/FOOU) In a 24 October 2012 interview, OIG confirmed with that had written and tendered all three personal checks on 26 March 2012 despite the dates of 24 February 2012 and 16 March 2012 written on two of them. also stated that had not taken any cash out of the official funds on either of those days nor did receive any money from on 26 March 2012 (the date of the third check).
20. **(S//NF)** located They returned together to office and recounted all of the USD cash inside it. The result was that was now missing

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(1)(c)
(b)(3) NatSecAct

**(S//NF)** TEAM ARRIVES


(b)(6)
(b)(7)(c)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

22. **(S//NF)** found no evidence of a forced entry. ed to offer personal checks and cash during visit.

(b)(6)
(b)(7)(c)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

23. **(S//NF)** Neither admitted stealing cash. did not find any of the missing money nor did they see any evidence of attempted cash destruction

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

24. **(S//NF)** OIG investigators arrived voluntarily provided their separate written accounts of the two cash shortages following an administrative cautionary warning at their initial OIG interviews. Both were then sworn to their respective statements.
27. (U/FOUO) During interviews with OIG at Base, mentioned knowing the bill composition of the missing and later acted out how someone might see through an envelope by holding it up to an overhead light. was willing to despite not having custodianship of the cash until missing on 28 March 2012.

28. (U/FOUO) OIG conducted consensual searches

OIG also examined None of the missing cash was found.

29. (U/FOUO) In this same interview, recalled for OIG that had said might have left of official funds in office on March 2012. told OIG pointed out to that losing isolation, could not precipitate a shortage a week later. According to kept insisting that was responsible for the shortage as the case.

30. (U/FOUO) In 17 April 2012 interview, related to OIG, in more definite terms, story of possibly leaving out in office on 16 March 2012, but forgetting that had done so. executed a second signed, sworn statement on 18 April 2012.

31. (U/FOUO) In 17 April 2012 interview, related to OIG, in more definite terms, story of possibly leaving out in office on 16 March 2012, but forgetting that had done so. executed a second signed, sworn statement on 18 April 2012.

32. (U/FOUO) told OIG that only knew that the missing on 28 March 2012 was

33. (SHNF) explained to OIG that had become confused while cashing a personal check on 16 March 2012 and removed too much money stated

[U] ADDITIONAL OIG STEPS

32. (U/FOUO) 

33. (SHNF) explained to OIG that had become confused while cashing a personal check on 16 March 2012 and removed too much money stated

Secret/NoFORN

(b)(3) NatSecAct
that had distracted away while was still on the desk. OIG found no witness who said they saw cash left out in unattended at any time.

35. (U//FOUO) voluntarily provided OIG with personal financial information that supported the disclosures made on 2011 Financial Disclosure Form. (b)(3) NatSecAct

(U) NEW ACCOUNT OF 16 MARCH 2012

37. (U//FOUO) On 24 October 2012, OIG conducted a final interview with OIG provided with a Kalkines advisory compelling truthful cooperation. In this interview, said, contrary to previous interviews, had indeed left out unsecured while office was unattended on 16 March 2012. (b)(6) (b)(3) NatSecAct

38. (U//FOUO) then told OIG, for the first time, that when had returned only five to ten minutes later, had the feeling someone had been in office. added that the money was definitely gone. went on to say that had not shared this (b)(6) with Base management, the or OIG previously because was used that the reason for leaving office (and possibly losing the money) had been to (b)(6) (b)(3) NatSecAct

39. (U//FOUO) told OIG that upon returning to office on 16 March 2012, had found a white letter envelope used to hold loose bills still on the counter where had left it, but no (b)(3) NatSecAct calculated the envelope had some amount of money inside it. stated intentionally failed to confirm

SECRET/NOFORN
(b)(3) NatSecAct
since 05 March 2012. continued that then made things worse by trying to fix the problem after the fact.

40. (U//FOUO) maintained did not take any of the missing cash, but still offered to repay the entire shortage. was also willing to be polygraph tested by the Office of Security. The OIG investigation did not establish burglary or robbery as the proximate cause of either cash shortage.

(U) Section E – Department of Justice (DoJ) Declination

41. (U//FOUO) On 19 July 2012, OIG referred this matter to the Department of Justice as a possible violation of 18 U.S.C. §641, but it was declined for criminal prosecution on 24 July 2012.

(U) Section F - Recommendations
REPORT OF INVESTIGATION

(U//FOUO) MISREPRESENTATION OF ACADEMIC CREDENTIALS BY

(2010-10014-IG)

15 February 2013

David B. Buckley
Inspector General

Assistant Inspector General for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
Office of Inspector General
Investigations Staff

REPORT OF INVESTIGATION

(U//FOUO) MISREPRESENTATION OF ACADEMIC CREDENTIALS BY A TECHNICAL INTELLIGENCE OFFICER
(2010-10014-IG)

15 February 2013

Section A – Subject:

1. (b)(1)
   (b)(3) CIA Act
   (b)(3) NatSecAct
   (b)(6)
   (b)(7)(c)

Section B – Predication:

2. (E) Based on a separate 2008 United States Secret Service (USSS) investigation that identified an Agency contractor as possessing a degree from a known unaccredited higher education institution, OIG initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources (HR). One of the individuals identified, claimed bachelor’s and master’s degrees from an unaccredited institution, on her Agency BIO.

   (b)(6)
   (b)(7)(c)

(b)(1)
(b)(3) CIA Act
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(U) **Section C – Potential Violations:**

3. (U) Title 18 U.S.C. § 287 (False, fictitious or fraudulent claims) provides in pertinent part:

> Whoever makes or presents to any person or officer in the civil, military or naval services of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

4. (U) Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

   (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

   (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

   (2) makes any materially false, fictitious, or fraudulent statement or representation; or

   (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both . . .

(U) **Section D – Investigative Results:**

5. (U) (Exhibit A) was an unaccredited higher education institution was one of four institutions highlighted as a “diploma mill” in the 2004 Government Accountability Office (GAO) report, *Diploma Mills: Federal Government Employees Have Obtained Degrees from Diploma Mills and Other Unaccredited Schools, Some at Government Expense.* The GAO report found that federal employees had received unaccredited degrees from and that would "structure" their payment requirements to meet federal reimbursement requirements.
6. (U) (Exhibit A) offered degrees ranging from bachelor's degrees to doctorates in business management. Students were provided with credit for life experience as well as transfer credit, up to two-thirds of the credit hours required for a degree. Students were required to write a single paper for their advanced degrees, with no actual classes required. Students paid a one-time flat fee for tuition.

US law does not recognize any such equivalence. was accredited by any accrediting body recognized by the United States Department of Education.

7. (C) (Exhibit B) An August 2008 review of the Agency BIO system showed that BIO showed an associate's degree conferred in respectively. Additionally, BIO showed an associate's degree conferred in

8. (C) (Exhibit C) A review by OIG of PARs indicate her various supervisors' understanding of her pursuit and receipt of degrees in her accomplishments. signed each of these PARs. The PAR statements are as follows:

4. (U/FOUO) Per 20 U.S.C. § 1099c (Recognition of accrediting agency or association), the Secretary of Education is responsible for recognizing accrediting bodies, which in turn recognize institutions.

5. (U/FOUO) The original review was performed on the backend database for the BIO system. A human readable BIO profile was generated on 21 September 2009 for inclusion in the report.
9. (Exhibit D) A review by OIG of submissions to human resources showed that highlighted her degrees and falsely claimed pursuing and obtaining degrees. Specifically:

(b)(1) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

10. (C) (Exhibit E) A review by OIG of internal job applications showed that falsely reported obtaining and pursuing degrees. Specifically:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
11. *(C) On 20 October 2008, OIG verified through their respective verification services that [redacted] had never enrolled or attended [redacted] for the [redacted]. OIG confirmed that [redacted] attended [redacted] but did not receive a degree.

12. *(C) During a 14 November 2008 interview with OIG, [redacted] stated that she was unaware that [redacted] was a non-accredited institution and that she had learned this for the first time during the interview. According to [redacted], never informed her that it was not accredited or that it was seeking accreditation. [redacted] stated that she was very upset to learn her degrees are not accredited. [redacted] related that she selected [redacted].
13. (E) (Exhibit F) Subsequent to the OIG interview, provided documentation from her personal files related to the documents show that she was admitted to and completed the requirements for a bachelor’s degree on and the requirements for a master of science degree on.

14. (E) During her interview with OIG, stated that the Agency reimbursed her for all classes and that all of her classes were reimbursed. stated that she did not recollect the cost of her degrees. provided documentation that CIAAct master’s degree cost $2,002, but she was not able to locate the cost of her bachelor’s degree. CIAAct unable to determine how much had been reimbursed because vouchers are purged after six years.

15. (E) A review by OIG of SPHS/Form 444E (submitted as part of her background investigation), showed that she did not include her master’s degree. A review by OIG of the report on interview with an OS investigator on 14 August 2000 showed that she reported receiving a master’s degree and reported that the Agency paid for it included her bachelor’s degree listing in her SPH. included her bachelor’s degree listing in her S

16. (E) (Exhibit G) A review by OIG of personnel file showed that, on

17. (E) A review by OIG of the GSE pay scale showed that the scale starts at GSE-07/1 phased out at GSE-13/10. The GSE pay scale provides higher with a mandatory requirement that they hold a BS

9 (E) In her 6 June 2011 comments in response to the Draft Report, stated again that she was unaware of the status of her degree at the time of the interview.

10 (E) In her 6 June 2011 comments in response to the Draft Report, stated, “at no time did I falsely state on official documents or OS background investigator that I had obtained degrees from . OIG reviewed the handwritten notes of the OS background investigator to ensure there were no transcription errors. The notes state that received a master’s degree from in two separate places in the interview.

11 (E) There was no CIAAct security file of a background investigator additional education.
18. (Exhibit G) A review of OIG personnel file showed that

19. (Exhibit H) An OIG review of written panel notes showed that panel raters noted

(U) Section E - Investigative Summary:

20. (Exhibit D) OIG referred the allegations and investigative findings regarding to the attorney's Office, Eastern District of Virginia (EDVA) on 12 March 2009 for possible violation of Titles 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and/or Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally). EDVA declined prosecution on 22 December 2009 in favor of administrative action.

21. (C) OIG's investigation showed that made numerous false statements claiming various academic credentials from the OIG confirmed never enrolled at any of the mentioned institutions. Additionally, claimed a degree from that she did not obtain. made statements in job applications, PAR they directly profited career.

22. (C) OIG's investigation showed that requested and received Agency reimbursement for her degrees inclusion in AR 18-1 (CIA University - General) of the requirement that the degree be from an accredited institution.

12 (Exhibit D) OIG's investigation showed that was converted to the GSE pay schedule, resulting in an increase in her annual salary starting in to which she was not entitled, based in part on her false statement that she was currently enrolled.

13 (U) The evaluation sheet was labeled but the same evaluation sheet was used for both the and positions.

Approved for Release: 2016/12/05 C06552511
(U) **Section F – Recommendations:**

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(5)
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
**Section G – Exhibits:**

A. (U) GAO Report GAO-04-771T. Federal Employees Have Obtained Degrees from Diploma Mills and Other Unaccredited Schools, Some at Government Expense

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United States General Accounting Office

Testimony
Before the Committee on Governmental Affairs, U.S. Senate

DIPLOMA MILLS

Federal Employees Have Obtained Degrees from Diploma Mills and Other Unaccredited Schools, Some at Government Expense

Statement of Robert J. Cramer,
Managing Director Office of Special Investigations

GAO-04-771T
Madam Chairman and Members of the Committee:

I am pleased to be here today to discuss issues related to degrees from “diploma mills” and other unaccredited postsecondary schools. As you requested, we conducted an investigation to determine whether the federal government has paid for degrees from diploma mills and other unaccredited postsecondary schools. Section 4107 of title 5, U. S. Code, only permits the federal government to pay for the cost of academic degree training provided by a college or university that is accredited by a nationally recognized accrediting body. You also asked us to determine whether federal employees who hold senior-level positions have degrees from diploma mills and other unaccredited schools. My testimony today summarizes our investigative findings.

We conducted our investigation from July 2003 through February 2004, in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency. We searched the Internet for nontraditional, unaccredited, postsecondary schools that offer degrees for a relatively low flat fee, promote the award of academic credits based on life experience, and do not require any classroom instruction. We requested that four such schools provide information on the number of current and former students identified in their records as federal employees and payment of fees for such federal employees by the federal government. In addition, posing as a prospective student who is employed by a federal agency, our investigator contacted three unaccredited schools to obtain information on how he might have a federal agency pay for a degree.

Additionally, we requested that eight federal agencies—the Departments of Education (ED), Energy (DOE), Health and Human Services (HHS), Homeland Security (DHS), Transportation (DOT), and Veterans Affairs (VA); the Small Business Administration (SBA), and the Office of Personnel Management (OPM)—provide us with a list of senior employees, level GS-15 (or equivalent) or higher, and the names of any postsecondary institutions from which such employees had reported receiving degrees. We compared the names of the schools on the lists provided by these agencies with those that are accredited by accrediting bodies recognized by the Department of Education. We also requested that the agencies examine their financial records to determine if they had paid for degrees from unaccredited schools, and we interviewed six federal employees who have obtained degrees from unaccredited schools.
Summary

In summary, 3 of the 4 unaccredited schools responded to our requests for information and provided records that identified 463 students employed by the federal government. Two of the four schools provided records that federal agencies paid them $150,387.80 for the fees of federal employee students. In addition, DOE and DOT advised us of separate payments totaling $19,082.94 for expenses associated with degrees from these two schools, for total federal payments of $169,470.74 to them. However, for the reasons explained below, the records provided by the schools and agencies likely understate the extent of federal payments for degrees at diploma mills and other unaccredited schools.

Data provided by 8 agencies indicated that 28 senior-level employees have degrees from diploma mills and other unaccredited schools. In our follow-up interviews with six of these employees and their managers, we were told that experience, rather than educational credentials, was considered in hiring and promotion decisions concerning these employees. Again, however, for reasons set forth below, this number is believed to be an understatement of the actual number of employees at these 8 agencies who have degrees from diploma mills and other unaccredited schools.

Background

The Homeland Security Act amended section 4107 of title 5, U. S. Code, by allowing federal reimbursement for degrees only from accredited institutions. Specifically, section 4107 states that an agency may "pay or reimburse the costs of academic degree training ... if such training ... is accredited and is provided by a college or university that is accredited by a nationally recognized body." (Emphasis supplied). For purposes of this provision, a "nationally recognized body" is a regional, national, or international accrediting organization recognized by the Department of Education. Because the law governs only academic degree training, it does not preclude an agency from paying for the costs of individual training courses offered by unaccredited institutions. Prior to the enactment of the Homeland Security Act, federal agencies were not authorized to pay for employee academic degree training unless the head of the agency determined that it was necessary to assist in recruitment or retention of

5 C.F.R. § 410.308(b).
employees in occupations in which the government had a shortage of qualified personnel.²

Accreditation of degree-granting institutions in the United States is a voluntary process. Unaccredited schools, and the quality of education they offer, vary significantly. At one end of the spectrum are schools that offer standard curricula traditionally found at accredited universities. Other schools, commonly referred to as diploma mills, sell academic degrees based upon life experience or substandard or negligible academic work. Some diploma mills require no academic work at all and merely sell degrees for a fee, such as those we discussed in our November 2002 report.³

Several factors make it extremely difficult, if not impossible, to determine the extent of unauthorized federal payments for degrees issued by unaccredited schools. First, the data we received from both schools and federal agencies understate the extent to which the federal government has made such payments. Additionally, the way in which some agencies maintain records of payments for employee education makes such information inaccessible. For example, HHS responded to our request for records of employee education payments by informing us that it could not produce them because it maintains a large volume of such records in five different accounting systems, has no way to differentiate academic degree training from other training, and does not know whether payments for training made through credit cards are captured in its training payment records.

Moreover, diploma mills and other unaccredited schools modify their billing practices so students can obtain payments for degrees by the federal government. Purporting to be a prospective student, our investigator placed telephone calls to three schools that award academic credits based on life experience and require no classroom instruction: Barrington University (Mobile, Alabama); Lacrosse University (Bay St. Louis, Mississippi); and Pacific Western University (Los Angeles, California). These schools each charge a flat fee for a degree. For example, fees for

²5 U.S.C. 4107(a) and (b).
degrees for domestic students at Pacific Western University are as follows: Bachelor of Science ($2,295); Master's Degree in Business Administration ($2,395); and PhD ($2,595). School representatives emphasized to our undercover investigator that they are not in the business of providing, and do not permit students to enroll for, individual courses or training. Instead, the schools market and require payment for degrees on a flat-fee basis.

However, representatives of each school told our undercover investigator that they would structure their charges in order to facilitate payment by the federal government. Each agreed to divide the degree fee by the number of courses a student was required to take, thereby creating a series of payments as if a per course fee were charged. All of the school representatives stated that students at their respective schools had secured payment for their degrees by the federal government.

Information we obtained from two unaccredited schools confirms that the federal government has paid for degrees at those schools. We asked four such schools that charge a flat fee for degrees to provide records of federal payments for student fees: California Coast University (Santa Ana, California); Hamilton University (Evanston, Wyoming); Pacific Western University (Los Angeles, California); and Kennedy-Western University (Thousand Oaks, California). Hamilton University failed to respond to our request. Pacific Western University reported that it could not locate any records indicating that federal payments were made, although this claim directly contradicts representations made to our undercover investigator by a school representative that federal agencies had paid for degrees obtained by Pacific Western University students.

Pacific Western University, California Coast University, and Kennedy-Western University provided data indicating that 463 of their students were federal employees. California Coast University and Kennedy-Western University provided records indicating that they had received $150,387.80 from federal agencies for 14 California Coast University students and 50 Kennedy-Western University students. The information is summarized in table 1.
<table>
<thead>
<tr>
<th>Department or agency</th>
<th>Number of students identified as federal employees*</th>
<th>Number of federal employees for whom tuition payments were made*</th>
<th>Total tuition payments made by federal agencies*</th>
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<td>3</td>
<td>$13,505.00</td>
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<tr>
<td>Transportation</td>
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<td>Homeland Security</td>
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<td>Health and Human Services</td>
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<td>$12,535.00</td>
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<tr>
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<tr>
<td>Total</td>
<td>463</td>
<td>64</td>
<td>$150,387.80</td>
</tr>
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</table>

Source: GAO analysis of data obtained from Kennedy-Western University, California Coast University, and Pacific Western University.

*These numbers represent information provided by three schools—Kennedy-Western University, California Coast University, and Pacific Western University.
After identifying federal agencies that made payments to Kennedy-Western and California Coast, we requested that DOE, HHS, and DOT provide records of their education-related payments to schools for employees during the last 5 years. As previously discussed, HHS advised us that it could not provide the data. DOE and DOT provided data that identified payments of $19,082.94, which were in addition to those reflected in table 1, for expenses associated with Kennedy-Western. Thus, we found a total of $169,470.74 in federal payments to these two unaccredited schools.

However, a comparison of the data received from the schools with the information provided by DOE and DOT shows that the schools and the agencies have likely understated federal payments. For example, Kennedy-Western reported total payments of $13,505 from DOE for three students, while DOE reported total payments of $14,532 to Kennedy-Western for three different students. Thus, DOE made payments of at least $28,037 to Kennedy-Western. Additionally, DOT reported payments of $4,550 to Kennedy-Western for one student, but Kennedy-Western did not report receiving any money from DOT for that student.4

On the basis of the information we obtained from eight agencies, we determined that some senior-level employees obtained degrees from diploma mills and other unaccredited schools. Specifically, we requested that eight agencies review the personnel folders of GS-15 (or equivalent) and above employees and provide us with the names of the postsecondary institutions from which such employees reported receiving academic degrees. The eight agencies were: ED, DOE, HHS, DHS, DOT, VA, SBA, and OPM. The agencies informed us that their examination of personnel records revealed that 28 employees listed degrees from unaccredited schools; and 1 employee received tuition reimbursement of $1,787.44 in connection with a degree from such a school.

However, we believe that this number understates the number of federal employees at these agencies who have such degrees. The agencies' ability to identify degrees from unaccredited schools is limited by a number of

4 Our investigation was limited to direct federal payments to schools and did not include federal reimbursements of school fees to employees.
factors. First, diploma mills frequently use names similar to those used by accredited schools, which often allows the diploma mills to be mistaken for accredited schools. For example, Hamilton University of Evanston, Wyoming, which is not accredited by an accrediting body recognized by ED, has a name similar to Hamilton College, a fully accredited school in Clinton, New York. Moreover, federal agencies told us that employee records may contain incomplete or misspelled school names without addresses. Thus, an employee’s records may reflect a bachelor’s degree from Hamilton, but the records do not indicate whether the degree is from Hamilton University, the unaccredited school, or Hamilton College, the accredited institution. Further, we learned that there are no uniform verification practices throughout the government whereby agencies can obtain information and conduct effective queries on schools and their accreditation status. Additionally, some agencies provided information about only the most recent degrees that employees reported receiving.

We interviewed several federal employees who had reported receiving degrees from unaccredited schools. These employees included three management-level DOE employees who have emergency operations responsibilities at the National Nuclear Security Administration (NNSA) and security clearances. We also found one employee in the Senior Executive Service at DOT and another at DHS who received degrees from unaccredited schools for negligible work. Additional details of their interviews are provided below.

Employees #1, #2, and #3 are managers in the Office of Emergency Operations at NNSA and have “Q” level security clearances. Employee #1, who was hired at NNSA in 2002, paid $5,000 for a masters degree in 1996 from LaSalle University, an unaccredited school that has been found to have made false claims of accreditation. This individual obtained the degree in 1996 while in the Air Force in order to advance his career. He informed us that while serving as a Lieutenant Colonel in the Air Force, he was told that he would need a master’s degree in order to be considered for promotion to colonel. He contacted LaSalle University and obtained a degree based on life experience, courses he had taken previously in the military, and courses for which he read books and wrote papers. Employee #1 told us that he did not attend classes or take any tests, his master’s

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4Four individuals were convicted in the Eastern District of Louisiana for mail fraud, wire fraud, and money laundering in connection with their operation of LaSalle University.
degree from LaSalle was a "joke," and he received it after paying approximately $5,000.

Employee #2, hired at NNSA in 2000, received a bachelor's degree in 1992 from Chadwick University, an unaccredited school. Employee #2 never attended classes but obtained the degree based on 30 credits for life experience, several college level examination program tests, and nine correspondence courses. The employee reported reading a book, writing a paper, and taking a final exam for each of the nine courses. This is the only postsecondary education this employee has obtained. Although agency personnel records indicate that this individual is a candidate for a master's degree program at an unaccredited foreign school, Employee #2 has never completed any courses for such a degree.

Employee #3, hired at NNSA in 2000, received a PhD in engineering administration in 1985 from Columbia Pacific University, an unaccredited school. He performed coursework required for a PhD at George Washington University, a fully accredited school, but did not complete a dissertation. Employee #3 claims to have completed a dissertation for Columbia Pacific but did not attend classes or complete any coursework at that school. In December 1999, the Marin County Superior Court ordered Columbia Pacific University to cease operations within California. The court determined that Columbia Pacific failed to meet various requirements for issuing PhD degrees, awarded excessive credit based on life experience, and failed to employ duly qualified staff.

Employee #4 is a Senior Executive Service official at DOT. Employee #4 received a Bachelor of Science degree within 6 to 8 months from Kent College, an unaccredited school. Kent waived some credits while Employee #4 completed three research papers and paid $3,500 for the degree. In 1992, Employee #4 listed the degree from Kent College on his application for a master's degree program at an accredited school. Officials at the school to which he applied did not identify Kent as an unaccredited school with a history of awarding degrees based on negligible work. The accredited school accepted Employee #4 into its master's program, and he completed it.

Employee #5 was an employee in the Senior Executive Service at DHS at the time of our interview but has since resigned. This employee received a series of degrees based on negligible work from unaccredited Hamilton University while working at the Department of Labor (DOL) in various senior capacities. Between March and June 2000, this individual received a
bachelor's and a master's degree based on prior training and other life and work experience. Subsequently, in March 2001, Employee #5 received a PhD in computer information systems from Hamilton. This individual left DOL and began working at DHS in a Senior Executive Service position in April 2003. A security clearance update, initiated while the employee was still at DOL but completed after the employee joined DHS, led to the discovery of the degrees from Hamilton.

Concluding Remarks

In conclusion, the records that we obtained from schools and agencies likely understate the extent to which the federal government has paid for degrees from diploma mills and other unaccredited schools. Many agencies have difficulty in providing reliable data because they do not have systems in place to properly verify academic degrees or to detect fees for degrees that are masked as fees for training courses. Additionally, the agency data we obtained likely do not reflect the true extent to which senior-level federal employees have diploma mill degrees. This is because the agencies do not sufficiently verify the degrees that employees claim to have or the schools that issued the degrees, which is necessary to avoid confusion caused by the similarity between the names of accredited schools and the names assumed by diploma mills. Finally, we found that there are no uniform verification practices throughout the government whereby agencies can obtain information and conduct effective queries on schools and their accreditation status.

Madam Chairman, this concludes my prepared statement. I would be happy to respond to any questions that you or Members of the Committee may have.

Contacts and Staff

For further information about this testimony, please contact Robert J. Cramer at (202) 512-7227; Andrew O'Connell at (202) 512-7449; or Paul Desaulniers at (202) 512-7435.
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REPORT OF INVESTIGATION

(U) REPORT OF INVESTIGATION - CONVERSION OF GOVERNMENT PROPERTY
(2012-10148-IG)

13 February 2013

David B. Buckley
Inspector General

Assistant Inspector General for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

CONFIDENTIAL
Office of Inspector General
Investigations Staff

REPORT OF INVESTIGATION

(U) CONVERSION OF U.S. GOVERNMENT PROPERTY
(2011-10148-IG)

13 February 2013

(U) Section A - Subject:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(U) Section B - Predication:

2. (G) On 11 April 2011, the Naval Criminal Investigative Service (NCIS) reported to the Office of Inspector General (OIG) that [REDACTED] may be complicit in an offer to privately sell U.S. Government equipment. The information was developed by NCIS during the conduct of an undercover criminal investigation into the sale of stolen U.S. military property.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(U) **Section C - Potential Violations:**

3. **(U)** Title 18 U.S.C. § 641, *Public money, property or records*, provides in pertinent part:

   Whoever embezzles, steals, purloins, or knowingly converts to his use ... or without authority, sells, conveys or disposes of any ... thing of value of the United States or any department or agency thereof; Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property ... does not exceed the sum of $1,000, he shall be fined under this title or imprisoned not more than one year, or both.

4. **(U)** Agency Regulation (AR) 45-1, *Material Management (Property Management)*, provides in pertinent part:

   All Agency employees, detailees, and contractors must:

   Ensure the proper care and safekeeping of all Government property (whether or not they have signed a receipt) and may be held financially liable for any loss, damage, or destruction.

(2) **Section D - Investigative Findings:**

(2) **Coordination with NCIS:**

5. **(U)** On 11 April 2011, OIG coordinated with NCIS, which disclosed the following information regarding this matter:

   a. **(U)** Suspected was U.S. Government property (Exhibit A). SA based this suspicion on the limited availability of this particular in the general public.

   b. **(U)** Portraying himself on-line as an interested buyer, engaged in e-mail exchanges with the seller.

   c. **(U)**
c. Based upon his e-mail exchanges with the seller, and other open source information, SA believed the seller was likely...

(U) Coordination with the Department of Justice:


(U) Subject Interviews:

7. OIG interviewed _______ on 1 July 2011, 15 February 2012, and 2 July 2012, voluntarily provided OIG with sworn statement during his interview on 15 February 2012. _______

a. In his written statement, _______ admitted that he gave permission to sell his Agency-issued _______ believing he was no longer accountable for the property. Offered, if required to do so, to repay the Agency the money received for the _______ plus any interest and fines.
Other Investigative Activity:

8. (E) On 25 May 2012, OIG coordinated with NatSecAct that there were no records available pertaining to the specific information OIG requested on 10 June 2012, a representative from NatSecAct informed OIG that there were no records available pertaining to the specific.

(U) Section E – Conclusions:

10. (E) The investigation established wrongfully sold to an unidentified person for the property from an unknown buyer, which he subsequently converted to his permanent personal use.

11. (E) The investigation found violated AR 45-1, § 1(d)(1)(a), Material Management (Property Management), when he failed to ensure the proper care and safeguarding of his Agency-assigned equipment thus losing it and receiving money for it which he subsequently converted to personal use.
(U) **Section F – Recommendation:**

1. (U//AFOO) Based on the facts presented in this ROI, it is recommended that management take whatever action, if any, it deems appropriate and notify this office of their decision within thirty days.

   (b)(3) CIA Act
   (b)(6)
   (b)(7)(c)
(U) **Section G – Exhibits:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
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| A. | (b)(1)  
|   | (b)(3) CIAAct  
|   | (b)(3) NatSecAct  
| B. | (b)(6)  
|   | (b)(7)(c)  

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Approved for Release: 2016/12/05 C06552513
Statement (Continuation)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
REPORT OF INVESTIGATION

(POTENTIAL MISSING DATA
(2012-10865-IG)

23 January 2013

David B. Buckley
Inspector General

Assistant Inspector General
for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
REPORT OF INVESTIGATION

(U) Potential Missing Data

(2012-10865-IG)

23 January 2013

(U) Section A – Subject:

1. (U) No Subjects were identified.

(U) Section B – Predication:

2. (U//FOOU) On 3 July 2012, the Office of Inspector General received notification that three hard drives were potentially missing. (See Exhibits A, B).

3. (S//NF) OIG responded on 3 July to where OIG officers as part of a move the old hard drives were decommissioned. During the decommissioning process, independent auditors identified a discrepancy in their logbook, which had entries for drives. During the move, a count of hard drives showed that only drives were present, leaving three unaccounted hard drives.
The auditors contacted and notified them that they believed three drives were missing. An attempt to reconcile the discrepancy was initiated but was halted at the request of pending direction from OIG.

(U) Section C – Potential Violations:

4. (U) Title 18 U.S.C. § 641, Embezzlement and Theft: Public money, property or records, provides in pertinent part:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof ...

Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of $1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(U) Section D – Investigative Results:

6. (b)(3) CIAAct
   (b)(3) NatSecAct
   (b)(6)
   (b)(7)(c)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(5/NE) On 3 July 2012, OIG responded to the individuals were present:

Upon OIG’s arrival at the

2

SECRET/NOFORN
Additionally, there was a [REDACTED] server with four empty drive bays present. Cardboard boxes containing hard drives were present. A search of the room by OIG found that no loose hard drives were present.

7. (S/NF) In a 3 July 2012 interview with OIG, stated that, on 26 June 2012, participated in the decommissioning of the servers. According to the data was transferred confirmed in a 5 July 2012, interview with OIG that the data had been transferred several weeks earlier, and that the systems were being decommissioned.

8. (S/NF) stated he and removed hard drives from each of cabinets and the server. stated that he removed hard drives from each cabinet, hard drives from the server, and found spare hard drives for a total of hard drives. During a 5 July 2012, interview with OIG, confirmed the removal of hard drives from each cabinet, hard drives from the server, and stated that another had entered the vault over the weekend of 1 July to check on the systems, but told that he had not touched the boxes.

9. (S/NF) stated that there were no documented procedures for decommissioning the drives. stated that, during the decommissioning process, placed the hard drives on a table, where read the serial number and wrote it by hand in a bound notebook. During a 5 July 2012, interview with OIG, stated it that she hoped that this was a documentation error. According to he then removed the hard drives from their sleds and placed them back on the table, then placed the drives into boxes, which were taped and sealed by According to they left and did not return until 3 July 2012.

10. (S/NF) According to on the morning of 3 July 2012, he and returned to repackaged the drives in smaller boxes to facilitate transfer to stated and confirmed that they pre-taped several
cardboard boxes, and that later that morning joined them to observe the transfer. stated and confirmed that they unsealed the boxes, counted the hard drives (but did not validate serial numbers), and transferred the drives to the smaller boxes. According to they found several drives missing based on the count, but found a box of drives that had not been to and confirmed that they were drives from the decommissioning. After counting and boxing the remaining drives, drives were identified vice entries in the book. (b)(3) NatSecAct

11. At OIG’s direction, the attempted to reconcile the inventory by conducting another inventory count. had a bound book containing a list of serial numbers for hard drives. stated that the list had been based on a decommissioning of the drives that occurred on 26 June 2012. During the reconciliation, OIG observed remove the drives from boxes and place them on a table. read the serial numbers off the drives and checked them manually against the list of serial numbers in the bound book. A mark was placed next to each serial number in the book, and the drives were then placed in boxes , and the boxes taped and signed by At the end of the reconciliation, one drive was reconciled by the identification of a duplicate entry in the book by and two serial numbers did not have marks next to them. (b)(3) NatSecAct

12. OIG requested a copy of the serial number list from the book, stated that the data belonged to and that she could not provide a copy without their permission. OIG requested to photocopy the list and secure it pending the receipt of permission to provide it to OIG.

13. On 5 July 2012, at the request of OIG, entered the serial numbers from the bound book into a spreadsheet. According to on 5 July 2012 she identified two additional duplicate entries in the log book after entering them into the spreadsheet. Based on duplicate entries, concluded that only hard drives were expected to be present. (b)(3) NatSecAct stated that two of the entries had not been checked off the night of 3 July 2012, and a final reconciliation. further stated that had provided permission for OIG to obtain the list of hard drive serial numbers.
16. (S/NI) During the decommissioning, errors were made. This was evidenced through the identification of three duplicate entries. Once the duplicate entries were removed, all of the serial numbers listed were accounted for and the number of drives present was confirmed. This number was consistent with the numbers identified as being removed from the systems.

17. (S/NI) Based on the reconciliation efforts observed by OIG, there is no evidence that any drives or associated data are missing. Based on the investigative findings, no violation of 18 U.S.C. 641 and that no unauthorized disclosure of data occurred.

(U) Section F – Recommendations:
(U) **Section G – Exhibits:**

A. (U//F窍窍) Background on [Redacted] NatSecAct

B. (U//F窍窍) Background on [Redacted] NatSecAct

C. (U//F窍窍) Listing of Hard Drive Serial Numbers
Exhibit A

(b)(3) NatSecAct
Exhibit B

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(1)
(b)(3) NatSecAct

Approved for Release: 2016/12/05 C06552558
REPORT OF INVESTIGATION

(U//ATD) ALLEGED ASSAULT
(2012-10888-IG)

23 January 2013

David B. Buckley
Inspector General

Assistant Inspector General
for Investigations

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

Approved for Release: 2016/12/05 C06552560
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(3) CIAAct
(b)(6)
(b)(7)(c)
REPORT OF INVESTIGATION

(U//AD) ALLEGED ASSAULT
(2012-10888-IG)

23 January 2013

(U) Section A – Subject:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(U) Section B – Predication:

3. (S/NF) On 12 July 2012, the Office of Security, Special Investigations Branch (OS/SIB) notified the Office of Inspector General (OIG) of a potential assault of a female

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(3) NatSec Act
5. (G) On 17 July 2012, coordinated with (b)(6) Deputy Chief, Human Rights and Special Prosecutions Section, Criminal Division, Department of Justice (DOJ), who opined that the circumstances of the alleged incident reported did not amount to a violation of a federal criminal statute under Title 18 of U.S. Code. OIG deemed the investigation as an administrative matter.

(U) Section C – Potential Violations:

6. (U) Federal criminal law, Title 18 U.S.C. § 113, Assaults within maritime and territorial jurisdiction, provides in pertinent part:

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows...: (5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both.

7. (U) Federal criminal law, Title 18 U.S.C. § 2242(2), Sexual Abuse, provides in pertinent part:

Whoever, in the special maritime and territorial jurisdiction of the United States ... knowingly (2) engages in a sexual act with another person if that other person is (A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in that sexual act ... shall be fined under this title and imprisoned for any term of years or for life.
8. (U) Agency Regulation (AR) 1-3a, Office of Inspector General, paragraph (5), Cooperating with OIG, provides in pertinent part:

(a) All Agency employees ... are required to cooperate fully OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of OIG ... investigations.

9. (U) AR 9-2, Harassment Complaint System, paragraphs (b) and (c) provide in pertinent part:

The Agency has adopted a zero-tolerance policy prohibiting all forms of harassment in the workplace.... Examples of sexual harassment include, but are not limited to, unwelcome demands, propositions, advances, teasing, dirty jokes, remarks, or questions of a sexual nature; offensive gestures and touching....

10. (U) AR 13-1, Standards of Conduct, paragraph (c), Standards, provides in pertinent part:

Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include ... harassing ... conduct.

(U) Section D – Investigative Findings:

11. (U) On 21 June 2012, then Director David H. Petraeus dispatched a Message from the Director to the CIA workforce. In the message, Director Petraeus expressed his concern for the prevalence of sexual harassment throughout the Agency. He further articulated a zero-tolerance policy towards any form of sexual harassment within the organization. This zero-tolerance policy was directly communicated to in a LN, dated 21 June 2012.5

5 (U//AR40) Of note, this message was sent to the field in the form of an Office of Public Affairs (OPA) Notice email on the same day as the events leading to the alleged incident. A subsequent rev. LN account by OIG revealed he received the message several hours before the alleged incident.
Interviews of

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
<table>
<thead>
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Approved for Release: 2016/12/05 C06552560
Other Interviews:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
Other Investigative Activity:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
31. (S/NF) On 13 August 2012, OIG reviewed the LN traffic of both _______ and during the time period of the incident. The review did not disclose any communications of evidentiary value. However, the message from Director Petraeus concern over sexual harassment was discovered in _______ LN account (Exhibit A);

12 OIG obtained the LN message records on 17 July 2012 for _______ and _______ encompassed records covering 1 May 2012 through 13 July 2012. The pertinent emails from this review _______ exhibits A and B.
(b)(1) (b)(3) CIA Act (b)(3) Nat Sec Act

(b)(6)
(b)(7)(c)
(b)(7)(e)

(Exhibit B).

(U) Section E – Summary of Investigative Findings:

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) Nat Sec Act

35. (C) While the Department of Justice declined prosecution in this matter, and the report provided to the OIG by concluded that the facts set forth by did not rise to a violation of federal law, at a minimum, such conduct was in violation of AR 9-2, Harassment Complaint System, and AR 13-1, Standards of Conduct.

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(U) **Section F – Recommendations:**

- (b)(1)
- (b)(3) CIA Act
- (b)(3) NatSec Act
- (b)(5)
- (b)(6)
- (b)(7)(c)
- (b)(3) CIA Act
- (b)(6)
Section F - Exhibits

A. (U) LN to detailing OPA Notice titled Message from the Director: Addressing Sexual Harassment (b)(3) NatSecAct

B. IR by SA detailing her interview of on 16 July 2012. (b)(1)

C. IR by SA detailing his interview of on 4 September 2012. (b)(3) CIA Act

D. IR by SA detailing his interview of on 18 July 2012. (b)(3) NatSecAct

(b)(3) CIA Act
(b)(6)

(b)(3) CIA Act
(b)(6)

(b)(7)(d)
CONFIDENTIAL//NOFORN

OPA Notice
Office of Public Affairs
Sent by: (b)(3) CIA Act
06/21/2012 02:05 PM

(b)(3) CIA Act
(b)(3) NatSec Act

To (b)(3) CIA Act
(b)(3) NatSec Act
cc (b)(6)
(b)(7)(C)

Subject Message from the Director: Addressing Sexual Harassment
(b)(3) NatSec Act

(b)(3) NatSec Act

(U) During more than a decade of selfless, dedicated service CIA officers have made vital, often decisive contributions to national security. I saw that outstanding work as a commander, and I have seen it over the past nine months as Director. Day in and day out, our Agency officers have conducted their important work in the face of significant risk and great personal sacrifice. In light of that superior service amid hardship, I was deeply concerned to learn that our Agency has made little progress since 2009 in combating sexual harassment as shown in the results of a 2011 survey. We can—and must—do better.

(U) The survey (the executive summary can be found here) revealed that sexual harassment is far more often experienced by women. The majority of behaviors cited consisted of remarks or jokes of a sexual nature. Much less prevalent, but still highly troublesome, were reported instances of physical assault, deliberate touching, and pressure for sexual favors or for dates.

(U) In a message to the workforce in January, I emphasized my personal commitment to enforcing a zero-tolerance policy for harassment and discrimination. Those who witness discrimination or harassment must act promptly to stop the behavior and report it. Those who think that they are being harassed or discriminated against should immediately report such behavior and do so without fear of reprisal, and those who are found to have harassed or to have discriminated against a colleague will be held accountable for their actions.

(U) In response to the survey’s findings, I have directed the following actions and have asked our Deputy Director, Michael Morell, to oversee our initiatives in this area.

(b)(3) NatSec Act

- I have sent a message to all managers that spells out how seriously I take our zero-tolerance policy, stating my expectation that they will address and eliminate harassment on their watch. I explained that, as Agency leaders, it is our duty to provide the sort of healthy work environments that our mission demands for every officer of this Agency.

- I have asked Associate Deputy Director Sue Bromley to take a team of senior officers

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Approved for Release: 2016/12/05 C06552560
from Human Resources, the Center for Mission Diversity and Inclusion, in coming months to hold mandatory meetings with managers and employees. They will review concrete examples of harassment and go over the steps that should be taken to address such behavior. The team will ensure that managers have appropriate guidance and resources, an important source of which can be found on the Office of Equal Employment Opportunity (OEO) website.

- OEO has appointed to serve as a single point of contact for harassment

- CIA University will incorporate EEO training and out-briefs conducted across our Agency.

- The Office of Medical Services (OMS) will conduct an annual survey on harassment. OMS will launch this first harassment-focused questionnaire in the fall, and officers are encouraged to respond candidly.

In short, the inappropriate behavior reflected in past surveys is intolerable. Our senior leadership team will devote close attention to this issue in coming months with the expectation of substantial improvement. nor any other consideration mitigate the duty each of us has to live our values and to represent our Agency with honor. Doing so requires us to treat one another with the utmost respect and to act in a way that strengthens our unity of purpose and our work as servants of a great republic.

David H. Petraeus
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CENTRAL INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL
MEMORANDUM TO FILE
(CASE CLOSING MEMORANDUM)

(U//AIFQ) I. ADMINISTRATIVE DATA

Case No: 2011-10145

Case Title: Misrepresentation of Academic Credentials and False Statements

Investigator: [Redacted]
Supervisor: [Redacted]

Date Received: 8/5/2008
Date Opened: 8/5/2008
Date Assigned: 8/5/2008
Case Type: FI

(U//AIFQ) II. SUMMARY OF INVESTIGATIVE ACTIONS

(U//AIFQ) BACKGROUND

1. (U//AIFQ) Based on a separate 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known unaccredited higher education institution, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO formation to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified claimed a bachelor’s degree from [Redacted] an unaccredited institution, on her Agency BIO. [Redacted]
2. (U//ARO) On 9 September 2008, OIG reviewed personnel and security files, conducted open source research on obtained records of reimbursements. OIG interviewed regarding the allegations.

3. (U//ARO) On 12 March 2009, OIG referred the allegations and investigative findings regarding to the U.S. Attorney's Office, Eastern District of Virginia (EDVA) possible violation of Titles 18 U.S.C. § 287 (False, fictitious or fraudulent claims) and/or Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally). EDVA declined prosecution on 22 December 2009 in favor of administrative action.

(U//ARO) III. FINDINGS

4. (U//ARO) [Redacted] is an unaccredited institution [Redacted] web site states that it does not accept federal funding. [Redacted] provides bachelor's, master's, and doctoral degrees through distance learning, and has neither a physical campus nor faculty. [Redacted] is a pay-per-degree program that requires its students to pay approximately $5,000 for a bachelor's degree. [Redacted] students enroll in classes as directed by the school and must purchase a textbook from [Redacted] for each class. [Redacted] formerly claimed accreditation by the World Association of Universities and Colleges, an accreditation mill. [Redacted] no longer claims accreditation, but rather claims a membership in the United States Distance Learning Association, a non-profit organization open to anyone able to pay the required fee.

5. (U//ARO) According to Agency records, [Redacted] was reimbursed by the Agency for her education at [Redacted] on three separate occasions:

   • 9 January 2006 - $512.02
   • 3 February 2006 - $519.32
   • 18 May 2006 - $520
6. (U//URDO) On or about August 2006, presented Human Resources (HR) with a copy of her diploma from to be placed on her Agency BIO. Ramey did not submit a copy of her transcripts to HR, but provided a copy to OIG investigators when requested. The transcript indicates is not regionally accredited and does not accept federal funding.

7. (U//URDO) the date of first reimbursement, indicated "The World Association of Universities and Colleges is a private accrediting body not listed with any government agency or the U.S. Department of Education and is not designed to meet the needs of students intending to use Federal Funds."

8. (U//URDO) During her 9 September 2008 OIG interview, stated that she profited from her degree by moving from position to a position that had more responsibilities, more challenging work, and a higher pay grade. stated that she applied to a master’s program at. According to informed her that she was not eligible to apply because her degree was unaccredited. stated that she did not inform her management when she learned her degree was not credited.

9. (U//URDO) From 12 June 2005 to 29 October 2006, served as which does not require a degree. employee BIO listed her as having a bachelor’s degree in Business Administration from On 29 October 2006, was promoted to the position which requires a degree.

10. (U//URDO) On 12 April 2009, was removed by her component from the position of and returned to the role of which does not require a degree, after OIG briefed the component as to her degree status. component ensured that were entered into by under false pretenses were subsequently ratified.
11. (U//FO) OIG has not developed any evidence to confirm that in fact knew that was an unaccredited institution at the time she submitted her reimbursement claims or when she provided her diploma to HR for inclusion in her Agency BIO information.

12. (U//FO) Between 9 January and 18 May 2006, received reimbursement from the Agency for academic degree training from an unaccredited institution in the amount of $1,551.34. The Agency approved her funding in violation of AR 18-1 (CIA University – General), which is dated 21 April 2004 and was therefore in effect at the time the Agency reimbursed AR 18-1 requires that any academic training that is reimbursed by the Agency must meet certain criteria, including be accredited and provided by a nationally recognized accrediting body, as identified by the Department of Education. As such, was improperly reimbursed for the costs of academic degree training that did not satisfy the necessary requirement under AR 18-1.

13. (U//FO) OIG has prepared a separate memorandum recommending the Director for Support establish a debt for in the amount of $1,551.34. Because disciplinary action has already been taken by component by removing her from a position, this matter is being closed.

(U//FO) IV. REVIEW AND APPROVAL

Case Investigator (b)(6) Sign and Date (b)(3) CIAAct

Approved by Supervisor (b)(7)(c) 3/13/2008

UNCLASSIFIED//FO
### Case Closing Memorandum

#### I. Administrative Data

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<td>6 June 2011</td>
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<td>Full Investigation:</td>
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#### II. Summary of Investigative Actions

1. **(U) On 2 June 2011**, (b)(7)(c) Special Agent (SA) contacted Supervisory Special Agent (SSA) to report allegations of contract mischarging on two different contracts; SSA asked SA to be the intake officer, since she previously had handled what appeared to be a related matter. Stated that Office of Inspector General (OIG) received complaints that contractors, working for and providing facility support for (b)(3) NatSecAct, were not working the hours they claimed.

2. **(U) On 15 November 2011**, SA (b)(7)(d) and SA (b)(7)(c) met with the Source to discuss the allegations. During this interview, the Source introduced new allegations. Below is a full list of allegations:

   - b. Using subcontract employees from the fixed price portion of the lease to fulfill requirements of ad hoc services, and billing additional rates under cost reimbursement portion of lease
   - c. Product substitution on two accounts:
     - i. Purchasing used parts but charging the government the cost of new parts
     - ii. Using subcontract employees who are not appropriately certified or qualified

3. **(U) Based on the direction of the Financial Division**, the investigative activity focused on allegations b and c listed above, and that allegations a, d, and e would not be pursued.

4. **(U) On 01 February 2012**, OIG subpoenas were issued to (b)(3) CIAAct (b)(7)(c) and requesting documentation such as time and attendance records, payroll records, resumes, qualification certifications.

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Case Closing Memorandum

(b)(3) CIA Act contract documents, invoices and related work orders. Financial Audit Services (FAS) was brought on board to assist with the review of the subpoena documents related to billing inconsistencies.

5. (U) On 13 February 2013, SA hosted a meeting to discuss the contract. Participants included: The purpose of this meeting was to review the Agency Contract, the subcontract, and FAS' finding of their review of the billing inconsistencies.

6. (U) On 24 April 2013, SA and SA interviewed for the purpose of investigating the allegations of product substitution. The questions presented to included inquiries to the processes surrounding purchasing and receiving tools and materials, the processes regarding storage and installation, and inquiries including any suspicious or unethical behavior of employees, employees, and government employees.

III. Findings

1. (U) During the 13 February 2013 meeting, described the nature of the Agency contract, indicating that as a “triple-net-lease” is responsible for all operating aspects of the facility. further stated that the contract is firm fixed price; therefore, any costs are not passed on to the Agency. This counters the claim of the Source. Any additional cost are not submitted to and not the Agency. SA determined that no evidence has been found to support the allegations of using subcontract employees from the fixed price portion of the lease to fulfill requirements of ad hoc services, and billing additional rates under cost reimbursement portion of lease.

2. (U) Additionally, during this meeting, detailed several oddities that the audit team found with regards to invoices. However, was concerns with justifications. For example, multiple products were delivered to raising a red flag for theft or product substitution, according to for locations such as The OIG investigation did not find evidence to support the allegations of product substitution. The FAS audit continues and they are reviewing information on a potential issue related to unusual purchases of tools and materials.

3. (U) The review of the subpoena documents, to include resumes and training certificates, revealed that the employees are appropriately certified and qualified for the respective positions. SA did not find any evidence to support the allegations of product substitution by using subcontract employees who are not appropriately certified and qualified.

4. (U) described effective and efficient processes and procedures for the purchasing of materials and tools, and the installation of equipment. walked the agents through the entire purchasing process. Additionally, explained the storage process and identified who has access to the locked storage spaces. SA did not find any evidence to support the allegations of product substitution by purchasing used parts but charging the government the cost of new parts.
Case Closing Memorandum

5. Overall, SA did not find any evidence to support the allegations of b) using subcontract employees from the fixed price portion of the lease to fulfill requirements of ad hoc services, and billing additional rates under cost reimbursement portion of lease, and c) product substitution on two accounts: purchasing used parts but charging the government the cost of new parts and using subcontract employees who are not appropriately certified or qualified. This matter is being closed. Should additional information develop, INV may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

5/23/2013

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

5/23/2013

(Sign / Date)
UNCLASSIFIED//FOUO

Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

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II. Summary of Investigative Actions

1. (U//FOUO) On 7 February 2013, US Air Force/Office of Special Investigations (OSI) notified OIG that OSI was interested in interviewing a CIA (b)(3) CIAAct to determine whether may have received wittingly or unwittingly three stolen All-Terrain Vehicles (ATVs) from the Air Force. OSI believes that does not know the ATVs were stolen.

   (b)(3) CIAAct
   (b)(6)
   (b)(7)(c)

III. Findings

3. (U//FOUO) The allegation that stolen ATVs were transferred to the CIA was found to be unsubstantiated. Specifically, was merely a witness in the multi-agency investigation of based on the fact that OSI has no knowledge that the three ATVs were ever transferred to CIA and said that he never received any ATVs in an official or personal capacity. Additionally, a review of AIN e-mails did not indicate that any ATVs were transferred to in any capacity.

   (b)(3) CIAAct
   (b)(6)
   (b)(7)(c)

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Case Closing Memorandum

4. (U//FOUO) This investigation matter is considered closed by OIG.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(Sign / Date) 5/10/13

Case Closing Memo approved by Supervisor:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(Sign / Date) 5/28/13
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 2012-11016
Investigator: SA
Date Received: 2 October 2012
Case Title: Allegation of Contract Manipulation and Wrongful Use of Government Equipment
Supervisor: SA
Date Assigned: 23 October 2012

II. Summary of Investigative Actions

1. (C/NI) On 03 October 2012, forwarded to CIA Office of Inspector General (OIG) information alleging sub-contractor had brought an unauthorized personal laptop into CIA spaces, as well as charged labor hours on government which were not actually performed in furtherance of the contact.

2. (C/NI) The OIG interviewed Contracting Officer's Technical Representatives (COTR) and Business Management on 05 November 2012 and received supporting documentation, Lotus Notes, and findings from COTR. The contract was reviewed by case agent. The CIA was consulted and conducted a review of the laptop. The consent for review was requested by investigators and provided to by Finally, the case agent facilitated a classification review of information identified by on the laptop.

3. (C/NI) The COTR, in conjunction with conducted an internal investigation in regard to falsely claimed labor hours. The internal investigation resulted in the termination of the government to reimburse the falsely charged labor hours. The conducted a consent search of the unauthorized personal laptop owned by On 10 December 2012, found no information to indicate any connection had been made or attempted with CIA networks or systems. The identified information stored in the laptop's hard drive, marked as UNCLASSIFIED.

III. Findings

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Case Closing Memorandum

On 15 January 2013, the was consulted and provided with copies of the information found on laptop, which was verified on 29 January 2013 to be UNCLASSIFIED. No classified information was otherwise stored in laptop.

4. Due to a lack of evidence or information to support mishandling of classified information or connection to CIA networks/systems, as well as the termination of the contractor employee and the negotiation for reimbursement of the government by for mischarged labor hours, this matter is being closed. Should additional information be developed, INV may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 2011-10149 Case Title: Improper Certifications by Field
(b)(3) CIAAct Finance Officer (b)(6)
(b)(7)(c)

Investigator: Supervisor: (b)(3) CIAAct

Date Received: 12 April 2011 Date Opened: 12 April 2011
(b)(6) (b)(7)(c)

Date Assigned: 3 May 2013 Case Type: Full Investigation

II. Summary of Investigative Actions

1. (S//NF) According to the complaint, Finance Officer assigned overseas certified 45 vouchers totaling for the benefit of her Agency employee husband. The Finance Officer self-reported her actions as an apparent conflict of interest (COI) following a presentation by Agency ethics attorneys. All 45 vouchers were subsequently reviewed by Finance Policy's Quality Assurance Program (QAP) team and determined to be, except for two minor errors, otherwise properly certified.


III. Findings

3. (S//NF) OIG referred this case to the Department of Justice (DoJ) on 4 February 2013 as a possible violation of 18 U.S.C. § 208. OGE was also notified. On 13 February 2013, DoJ issued their prosecutorial declination to OIG via email. An Action Request Notification Memo (ARNM) has been issued to the Chief of Finance Policy.

4. (S//NF) Employee received consult/guidance Finance/Policy at the time this matter was brought to his attention. Since the initial reporting, no additional issues have arisen in

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Case Closing Memorandum

regards to the individual’s certification actions, therefore, we consider this case closed and no further action(s) necessary."

5. On 19 June 2013, OIG reported the Agency’s Finance Officer’s actions to OGE and OGC. The appropriate annotations have been made to OIG’s case management systems. Hence, no further investigative actions are contemplated by OIG concerning this matter and the case is being closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:  
(b)(3) CIAAct  
(b)(6)  
(b)(7)(c)  
6-19-13

Case Closing Memo approved by Supervisor:  
(b)(3) CIAAct  
(b)(6)  
(b)(7)(c)  
6-28-13
I. Administrative Data

Case No.: 2013-11352

Investigator: SA

Date Received: 13 May 2013

Case Title: OS Crime Report: Child Pornography

Supervisor: SAC

Date Opened: 13 May 2013

Case Assign: 28 May 2013

Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (S) On 13 May 2013, the CIA Office of Security informed the Office of Inspector General – Investigations Staff (OIG INV) that during 22 February 2013 and 27 February 2013 interviews, a contractor currently working at made admissions of viewing potential child pornography on US government computer systems some time between 2004 and 2006, and again some time between 2009 and 2011.

2. (S) Self admitted to viewing adult pornography on US government computer systems while employed at indicated he may have accidentally viewed potential child pornography during that time while on government computer systems and/or on personal computer systems.

3. (U) The CIA Office of Security made referrals of the allegations to the on or about 03 April 2013, as well as to the US Department of Justice on or about 04 April 2013. According to the Office of Security, will be initiating an investigation into the allegations of viewing of potential child pornography with regard to

III. Findings

4. (S) According to the Office of Security, was in the process for upgrading to an Industrial Security Staff Approval/Top Secret (ISSA/TS) clearance. As part of this process, underwent interviews on 22 February and 27 February 2013, when he made the admissions of viewing adult pornography on US government systems while employed at in the summers of 2004 and 2005. During that time frame admitted to accidentally viewing potential

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Case Closing Memorandum

5. (5) On 17 July 2013, a CIA systems audit was completed and it was determined that [redacted] has never had access to CIA classified or unclassified systems [for the time frame 01 January 2004 to present]. [redacted] is currently employed by [redacted] supporting an unclassified contract, but does not have access to CIA computer systems or networks.

6. (5) According to the Office of Security, contact with [redacted] on 09 July 2013 has indicated they will be initiating an investigation into potential viewing of child pornography by [redacted]. The Office of Security also related that [redacted] is still in process of adjudication and determination of suitability for an ISSA/TSC clearance as of 17 July 2013.

7. (5) Due to a lack of evidence to indicate access to CIA computer systems or attempts to access CIA computer systems, and initiation of an investigation into the allegations, the OIG is closing this matter. Should additional information be developed, OIG INV may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

[Signature/Date]

Case Closing Memo approved by Supervisor:

[Signature/Date]
Office of Inspector General
Investigations Staff
Case Closing Memorandum

I. Administrative Data

Case No.: 2013-11518
Case Title: (U) Attempted Impersonation of a CIA Officer
Investigator: SA
Supervisor: SAC
Date Received: 27 August 2013
Date Opened: 28 August 2013
Date Assigned: 28 August 2013
Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (U//FOOU) On 27 August 2013, the Office of General Counsel (OGC), Litigation Division (LD), notified the Office of Inspector General (OIG), via Lotus Note, that SSN: Date of Birth: attempted to gain access to Marine Corps Base (MCB) Quantico, Virginia by stating he was an undercover CIA agent who needed to board a plane to Afghanistan. OGC advised OIG that would be charged by the Eastern District of Virginia (EDVA), US Attorney’s Office, with a weapons-related violation and making a false statement. According to OGC, EDVA is aware that is not affiliated with the CIA. The Agency notified EDVA in 2010 that had attempted to enter the CIA compound and was turned away. OGC advised that EDVA has requested a CIA point of contact who could 1) confirm that is not affiliated with the CIA and 2) potentially serve as a witness for the government to state that fact at trial. According to OGC, the name of the Naval Criminal Investigative Service case agent is Special Agent

2. (U//FOOU) On 28 and 29 August 2013, OIG contacted SA who advised that is incarcerated at a psychiatric facility and said appeared at EDVA approximately two weeks ago after attempted to enter MCB Quantico, said was bearing weapons and tactical gear including three pistols, three rifles, night vision goggles, wearing Level IV body armor, and thousands of rounds of ammunition, among other items. said the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) found a short-barrel/short length rifle for which did not have the requisite ATF paperwork/permit. was charged with lying to the police and possession of the illegal rifle, according to EDVA directed that be sent to the psychiatric facility for 30 days for evaluation, according to said will complete the evaluation in approximately two weeks and then be brought back to EDVA to attend a plea hearing. said case was presented to the Grand

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Case Closing Memorandum

Jury at EDVA on 28 August 2013 said the Grand Jury may deliver a true bill for indictment by Thursday, 5 September 2013. Said EDVA has requested that the CIA provide a written statement asserting that is not and has never been a CIA employee. Said, should plead not guilty and the case goes to trial, it might be necessary for someone from CIA to testify that has had no affiliation with CIA.

4. (U//FOUO) On 13 September 2013, OIG Investigative Counsel, advised that OGC/LD will respond to EDVA by providing written confirmation regarding employment with the CIA, as well as providing someone to testify proceeding pertaining to has not been a CIA employee.

III. Findings

5. (U//FOUO) OGC/LD will provide EDVA with confirmation, and/or someone to provide sworn testimony, that was not a CIA employee.

6. (U//FOUO) An Action Request or Notification Memorandum (ARNM) will be forwarded to the Director of Security, with a copy to the for informational purposes.

7. (U//FOUO) This case is considered closed by OIG.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor: 9/16/13

Case Closing Memo approved by Supervisor: 16 Sep 2013
Office of Inspector General Investigations Staff

Case Closing Memorandum

I. Administrative Data

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<th>2013-11402</th>
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<td>ASAC</td>
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<td>18 June 2013</td>
<td>Case Type:</td>
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II. Summary of Investigative Actions

1. (S) On 17 June 2013, the General Services Administration (GSA) Office of Inspector General (OIG) notified the CIA OIG that a GSA employee, was under investigation for embezzlement, loan fraud related to his TSP account, and false statements associated with his disclosure forms. Represented himself to federal and military investigators on more than one occasion as a CIA employee and was reportedly found to have a photograph of a CIA "No Escort Required" access badge on his cell phone.

2. (U//FOUO) On 18 June 2013, CIA OIG initiated an investigation into the matter. OIG conducted a preliminary CIA database check and determined had never been employed by the CIA, GSA OIG interviewed in June 2013, and again on 17 July 2013 which was conducted jointly with CIA OIG. had previously refused to talk with investigators as he felt they did not have the appropriate level of clearance.

3. (U//FOUO) In August 2013, the FBI and GSA OIG conducted an additional interview with in relation to their respective investigations. During the interview, consented to a search of his residence and personal computers. The subsequent searches did not yield anything of investigative value.

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Case Closing Memorandum

III. Findings

5. (U//FOOU) On 5 November 2013, the FBI notified OIG that the US Attorney's Office declined prosecution on all matters related to the GSA OIG. According to the FBI, the GSA OIG

(b)(5) (b)(6) (b)(7)(c) Additionally, GSA OIG

6. (U//ARO) An Action Request or Notification Memorandum (ARNM) will be forwarded to the Director of Security and to the Director of the Counterintelligence Center for informational purposes.

7. (U//FOOU) This matter is considered closed by OIG.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

(b)(3) CIA Act (b)(6) (b)(7)(c) (Sign/Date) 14 Nov 13

Case Closing Memo approved by Supervisor:

(b)(3) CIA Act (b)(6) (b)(7)(c) 14 Nov 2013
I. Administrative Data

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<th>Case Title: Alleged violation of Endangered Species Act</th>
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<tr>
<td>Date Assigned: 22 November 2013</td>
<td>Date Assigned: 22 November 2013</td>
</tr>
</tbody>
</table>

I. Summary of Investigative Actions

1. (U//FOUO) On 7 November 2013, Office of General Counsel (OGC), notified OIG of a telephonic report OGC received from a concerned employee regarding the sale of illegal items. According to OGC, a "Genuine Elephant's foot with Zebra pelt top stool" was posted for sale by Agency employee and may be in violation of the Endangered Species Act.

2. (U//FOUO) On 12 November 2013, the OIG initiated an investigation into the matter. On 5 December 2013, OIG interviewed the employee. According to her, she received the "Elephant's foot with Zebra pelt top stool" as a gift. She denied having knowledge of the item’s authenticity or the endangered species laws governing its possession. She denied placing any other similar items for sale on any other venue. On 6 December 2013, OIG met with the employee and collected as evidence the elephant’s foot stool in her possession.

3. (U//FOUO) On 19 December 2013, OIG coordinated with the US Fish and Wildlife Service and confirmed the elephant foot was genuine and likely originated from Africa. On 19 December 2013, OIG permanently released possession of the elephant's foot to the US Fish and Wildlife Service for final disposition.

Case Closing Memorandum

II. Findings

5. (U//FOOU) The investigation by OIG established that [redacted] was in possession of a genuine elephant’s foot from Africa, an item controlled under the Endangered Species Act. However, the investigation determined that [redacted] was not aware of the item’s authenticity, nor was she aware of the item’s protected status under the Endangered Species Act. OIG reviewed postings [redacted] and found no other similar items for sale by [redacted]. The elephant’s foot was released to the US Fish and Wildlife Service for permanent disposition.

6. (U//FOOU) This matter is considered closed by OIG.

III. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

[Signature / Date: 5 Mar 2014]

Case Closing Memo approved by Supervisor:

[Signature / Date: 5 Mar 2014]
Case Closing Memorandum

I. Administrative Data

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Case No.: 2012-11114

(b)(1) NatSec Act
(b)(7)(c)

Case Title: Motor Pool Alleged Theft

Investigator: 

Supervisor: ASAC

Date Received: 27 November 2012

Date Opened: 5 December 2012

Date Assigned: 7 November 2013

Case Type: Full Investigation

II. Summary of Investigative Actions

1. (S/NF) On 27 November 2012, the Office of Security (OS), Legal Staff (LS) notified the Office of Inspector General (OIG) that a contract employee admitted to embezzlement and theft. Specifically, LS reported that the contract employee admitted to using US Government (USG) facilities and equipment to conduct maintenance of privately-owned vehicles (POVs) and also reportedly admitted to removing automotive parts from USG vehicles and converting those parts for personal use on POVs, and converting those parts for personal use on POVs. OIG conducted this activity during his routine work hours at the Motor Pool. Contract employment is with contract employee assigned to the Motor Pool.

(b)(1) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

2. (U) On 5 December 2012, OIG initiated an investigation into the matter.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) NatSec Act
(b)(3) CIA Act
(b)(3) NatSec Act

3. (S/NF) On 15 February 2013, OIG interviewed regarding his alleged illegal activity at the motor pool. told OIG that he and other motor pool mechanics performed automotive work on their own POVs, and also performed compensated “side work” on POVs owned by other employees. According to this work on POVs was rarely conducted in motor pool facilities, but that USG-owned tools were always used. stated that work on POVs was conducted during operational lulls in Motor Pool activity in order to “look busy.”

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(3) NatSec Act

4. (S/NF) On 11 June 2013, OIG re-interviewed who stated he, along with other contract and staff motor pool employees, occasionally performed maintenance work on POVs in facilities during routine work hours. According to the work consisted of maintenance and work of such things as transmissions, engines, and oil changes, etc. said he also exchanged inoperable parts from POVs with operable parts from USG-

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

SECRET/NOFORN

(b)(3) NatSec Act

Approved for Release: 2016/12/05 C06552613
owned (b)(3) NatSecAct abandoned USG vehicles identified for disposal. told OIG both he and other motor pool employees used USG-owned tools and performed this work on POVs in USG facilities, and he and others were occasionally paid for this work. Additionally, said that he and other motor pool employees have also removed tools from property to use for personal use.

5. (S/NF) On 11 December 2013, OIG met with (b)(3) NatSecAct regarding this matter. OIG provided details of the allegations involving the Motor Pool. told OIG he was “disturbed” to hear of the allegations and requested the opportunity for management to review this matter themselves, take corrective action, and advise OIG of their findings.

6. (U) On 18 February 2014, OIG referred this matter to the Eastern District of Virginia, U.S. Attorney’s Office, Department of Justice (DOJ). DOJ declined prosecution in lieu of administrative action by the Agency.

III. Findings

7. (S/NF) The OIG investigation determined that (b)(3) NatSecAct admitted to the wrongful use and conversion of government property while he was employed at the Motor Pool. OIG conducted two subsequent interviews with who further detailed his participation in and knowledge of US Government facilities and property being used for personal purpose and benefit at the Motor Pool. further admitted to OIG this activity was conducted during routine and official work hours, and staff and contract employees also were involved in similar activity.

8. (S/NF) OIG will refer this matter to management for review and corrective action. An Action Request or Notification Memorandum (ARNM) will be submitted to the Director of Support and the with a response of action taken required.

IV. Review and Approval

Case Closing Memo approved by Supervisor: 5 March 2014
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

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<td>Date Received: 12 August 2009</td>
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<tr>
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II. Summary of Investigative Actions

1. (U//AFO) On 12 August 2009, the OIG received a referral from the Office of Inspector General concerning a False Claims Act Qui Tam suit filed by an employee of the Agency regarding potential false claims on Agency contracts. The suit alleged that several companies worked together to overcharge for products on an Agency contract and that Agency employees and contractors involved with that ongoing contract received illegal gratuities. In part, the suit alleged:

   "[F]rom some time prior to September 2007 until the present, defendants, together and separately, in a pervasive fraudulent sales culture, have provided illegal gratuities to government employees and agents in a successful scheme to win lucrative government contracts or to obtain favorable specifications in government contracts, and to exclude competitors from eligibility for those contracts or specifications...in a concerted and coordinate fraudulent sales culture, specifications and bidding for the cabling and wiring of CIA facilities, including CIA employee and his colleague and subordinates, with repeated unlawful gifts."

2. (U//AFO) The OIG initiated an investigation on 17 August 2009 to determine: 1) if the Agency was overcharged for products as claimed, 2) if the alleged gifts and gratuities involved violations of Title 18 U.S.C. 201 Bribery of Public Officials, and 3) if other criminal statutes and/or Agency Regulations had been violated as a result of the alleged events.

3. (U//AFO) Over the course of the investigation, the OIG reviewed thousands of internal records. The OIG also obtained and reviewed records that were included in the Qui Tam complaint, including e-mails, personnel files, and training and ethics records. Additionally, the OIG issued eight IG subpoenas and interviewed over 37 individuals.

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INV-201
Page 1 of 3

Approved for Release: 2016/12/05 C06552614
Case Closing Memorandum

4. (U//FOUO) The OIG investigation determined that from 2007 to 2010 the team which included Agency staff officers, identified below, Agency contract employees; and an Independent Contractor, engaged in an improper practice of accepting, requesting, and receiving approximately $32,000 in meals, professional sporting event tickets, and entertainment from prime contractor and its teaming partners. The investigation determined:

5. (U//FOUO) acknowledged during OIG interviews that treated them and other team members to meals and entertainment. While continued to deny that he accepted anything of value from the OIG’s investigation found evidence that received two meals paid for by The OIG’s investigation also found evidence indicating that engaged in personal conflicts of interest in that he successfully solicited to hire false statements in that he certified expense vouchers and financial documents that he did not receive meals or gifts; and matters involving potential Procurement Integrity Act violations in that he provided with confidential Agency cost information relating to Agency contracts that provided them with a distinct competitive advantage.

6. (U//FOUO) and certifications were

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

was reassigned due to alleged comments he made to the contract employees coming to OIG to be interviewed for this investigation. According to witnesses, told the witnesses to remember who they worked for and that the OIG was not their friend.
Case Closing Memorandum

III. Findings

1. (U/AUO) The prime contractor, as well as having, without admitting False Claims Act liability, agreed to a settlement agreement with the Department of Justice, wherein they have agreed to pay the United States $3,000,000. The Agency concurred in this settlement agreement. As set forth above, the Agency entered into a separate 13 February 2013 settlement agreement with these companies. In this settlement agreement, each of the companies admitted to a pattern of providing improper meals and entertainment to Agency employees. In addition to admitting this improper course of conduct, the settlement agreement reflects the fact that the companies too appropriate corrective action to establish their present responsibility.

2. (U/AUO) A Personnel Evaluation Board (PEB) was held on 27 March 2013 for . The PEB recommended that receive a one-year Letter of Reprimand with no caveats; that receive a two-year Letter of Reprimand with full caveats, precluding awards, promotions and TDY and PCS travel, as well as a 10-day suspension without pay. The PEB unanimously recommended be separated from the Agency and his clearance and access approvals be revoked. The CIA Office of Security cleared on 2013. was notified of the PEB recommendation on 2013. elected to resign in lieu of termination effective 2013.

3. (U) On a former employee, pleaded guilty to an Information charging him with a misdemeanor violation of Title 18, USC, Section 209; Supplementing the Salary of a Government Official.

4. (U) On the OIG was notified by the US Attorney’s Office for the Eastern District of Virginia (EDVA) that continuation of the criminal case against was declined. Further, the government filed a motion having informed counsel that a “fair and just reason” for withdrawing plea and dismissing the charges. On the US District Judge issued an order to withdraw guilty plea and dismiss the charges.

5. (U) As a result of the settlement of civil charges against the contracting companies involved, the administrative actions taken against Agency employees, and EDVA’s declination to pursue criminal charges, this matter is now closed. The results of this investigation have been briefed to the Executive Director of the CIA. An OIG report summarizing this investigation will be provided to the Procurement Executive, the Director of Security, and the Executive Director of the CIA.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor: ;

Case Closing Memo approved by Supervisor: ;

UNCLASSIFIED//AUGO

Page 3 of 3
REPORT OF INVESTIGATION

(§) POSSIBLE VIOLATION OF USERRA
(2012-10625-IG)

31 October 2013

David B. Buckley
Inspector General

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Assistant Inspector General
for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

(b)(3) CIAAct
(b)(3) NatSecAct
Central Intelligence Agency
Office of Inspector General
Investigations Staff

REPORT OF INVESTIGATION

Possible Violation of USERRA
Case No. 2012-10625-IG

October 31, 2013

This report is the property of the Office of Inspector General and is for OFFICIAL USE ONLY. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need-to-know. Any copies of the report should be uniquely numbered and should be appropriately controlled and maintained. Public disclosure is determined by the Freedom of Information Act, Title 5, U.S.C. 552, and the Privacy Act, Title 5, U.S.C. 552a. The report may not be disclosed outside the CIA without prior written approval of the Office of Inspector General, including distribution to contractors.

(b)(3) CIAAct
(b)(3) NatSecAct

Upon removal of attachment(s), this document is UNCLASSIFIED//FOUO

SECRET

Approved for Release: 2016/12/05 C06552639
I. ALLEGATION(S)  

1. (U//FOUO) Office of Inspector General (OIG) that his rights under the Uniformed Service Employment and Reemployment Rights Act (USERRA) were violated. Specifically alleged the rater and reviewer of his Performance Appraisal Report (PAR) discriminated against him for his active duty service in the US Armed Forces. He alleged this discrimination occurred in the narratives of two separate PARs for the rating periods ending In addition, alleged similar discrimination occurred during a annual evaluation panel which resulted in his non-selection for promotion.

2. (U//FOUO) On 5 March 2012, CIA OIG assumed investigative responsibility for this allegation given that, pursuant to AR 3-18, alleged USERRA violations impacting Agency staff employees fall under the investigative purview of this Office. The focus of the OIG investigation centered on two separate issues raised by

   • (U//FOUO) Did PARs contain discriminatory language pertaining to his military service?

   • (U//FOUO) Did a annual evaluation panel discriminate against in his consideration for promotion due to his military service?

II. POTENTIAL STATUTORY OR REGULATORY VIOLATION(S)  


4. (U//FOUO) Agency Regulation (AR) 3-18, Employment and Reemployment of Members in The Uniformed Services

5. (U//FOUO) AR 3-52, Performance Planning and Appraisals

III. BACKGROUND  

6. (U//FOUO) has concurrently served in the US Army Reserve since he entered on to duty with the CIA. Alleged that while serving in this position, he received a PAR for the rating period of (Exhibit A), which contained negative language alluding to his military service. During this rating period,
7. ***UFOO*** Upon receiving his draft PAR in __________ verbally challenged the overall rating of "Successful" with both individuals sought to change the rating, initiated a PAR rebuttal. ___ was selected to adjudicate the PAR. In his rebuttal ___ was primarily concerned about the overall rating of Successful and two comments in the narrative which he found objectionable ___.

8. ***UFOO*** On __________ reported to OIG that his rating officials at __________ discriminated against him due to his military service obligation specifically cited his PAR, and the evaluation panel results. later added to his complaint to OIG his PAR covering the rating period of ___ (Exhibit P) claiming it also contained discriminatory comments towards his military service.

9. ***UFOO*** At the time of this report, ___ was serving in an active-duty military status.

---

**IV. INVESTIGATIVE FINDINGS**

10. ***UFOO*** The OIG investigation determined that comments in disputed PARs discriminate against his military service and are violations of...

11. ***UFOO*** The following statements taken from PAR were identified:

---

OIG Case No. 2012-10625

---
12. (U/FOUO) The following statements taken from PAR were also identified:

- (b)(3) CIA Act
- (b)(6)
- (b)(7)(c)
- (b)(3) CIA Act
- (b)(6)
- (b)(7)(c)

13. (U/FOUO) The OIG investigation determined the annual evaluation panel did not contain discriminatory language associated with military service. OIG was unable, however, to determine if was formally considered for promotion at the same panel. This is primarily due to an inconsistency among interviewed panel members.

14. (U/FOUO) Lastly, OIG determined that HR policy was not followed in the processing and adjudication of both PAR and his PAR. Specifically, the adjudication process pertaining to PAR was not closed two days after the adjudicator’s comments, even though there was a requirement to do so pursuant to AR 3-52(v)(9)(b). Additionally, the adjudication process pertaining to PAR was not completed within 15 calendar days despite the requirement to do so pursuant to AR 3-52(v)(9)(b). At the time this report was prepared, both of PARs, which were cited herein, remained in an open status.

V. INVESTIGATIVE ACTIVITY

Interview of (Complainant):

- (b)(3) CIA Act
- (b)(6)
- (b)(7)(c)
- (b)(3) CIA Act
- (b)(6)
- (b)(7)(c)
- (b)(7)(d)
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

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(b)(7)(d)
Other Investigative Activity

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)

VI. DOJ DECLINATION

41. (U//FOUO) The findings of this investigation were not referred to the Department of Justice as no violations of criminal code were identified.

VII. RECOMMENDATION

42. (U//FOUO) Based on the facts presented in this ROI, it is recommended that management take whatever action it deems appropriate and notify OIG of their decision within 30 days.

VIII. PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

43. (U//FOUO) This report is the property of the Office of Inspector General and is for OFFICIAL USE ONLY. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need-to-know. Any copies of the report should be uniquely numbered and should be appropriately controlled and maintained. Public disclosure is determined by the Freedom of Information Act, Title 5, U.S.C. 552, and the Privacy Act, Title 5, U.S.C. 552a. The report may not be disclosed outside the CIA without prior written approval of the Office of Inspector General, including distribution to contractors.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
### IX. EXHIBITS OR ATTACHMENTS

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9 August 2010

DISPOSITION MEMORANDUM

SUBJECT: Allegations of Operational Plans

CASE: 2009-09500-1G

INTRODUCTION:

1. On 23 November 2009, the Office of Inspector General (OIG) received, via the CIA's internal mail system, an envelope containing two anonymous typewritten letters. Whether both letters were the work of the same person was not clear. One letter was dated 13 October 2009, while the other was undated; neither letter was signed. The letters contained similar allegations that characterized as tactless, demeaning, dismissive of subordinates' opinions, insufficiently informed regarding technical matters, and harmful morale within the Agency.

BACKGROUND

2. On 23 November 2009, OIG received, via the CIA's internal mail system, an envelope containing two anonymous typewritten letters.
Both letters included negative characterizations of personal and professional comportment. Neither letter identified any individual by name, with both referring to only as The 13 October letter further identified two positions by descriptions that enabled identification by OIG of the officers currently assigned.

3. On 8 December 2009, the Assistant Inspector General for Investigations sent a memorandum to D/NCS synopsizing the contents of two letters, and the allegations contained therein, and referring the matter to D/NCS for preliminary review. On 9 December 2009, D/NCS responded to OIG, proposing that NCS inquire into the allegations regarding personal and professional conduct, to be carried out via a joint effort. The NCS response further proposed that OIG investigate the allegations of proposed OIG concurred, closing the matter of personal and professional conduct as a management referral, and initiated an investigation into the allegation of proposed operational planning.

PROCEDURES AND RESOURCES

4. OIG reviewed the two anonymous letters to identify the specific elements of the allegations and the persons involved. Only the 13 October 2009 letter contained an allegation of operational proposals involving as having been present at a meeting during which the proposals were allegedly discussed, and OIG interviewed both officers. Those interviews led to the identification of the probable meeting date and of four additional officers who were at the meeting or otherwise had direct knowledge of operations. OIG then interviewed those four officers.
FINDINGS

5. (€) OIG found that the text of the complaint letter alleged that ___________ were discussed during the meeting as proposed CIAAct or suggested operational methods. The letter did not allege that ___________ personnel initiated any action to implement operations involving those methods.

6. (€) In their OIG interviews, ___________ officers consistently recalled that there was discussion at two ___________ meetings in late September and early October 2009 of operational methods and risks that included ___________, but they said no action was taken to implement those

7. (€) OIG determined that a staff discussion of ___________ as an operational method, absent any act intended to implement or execute such methods without proper authorization, does not constitute a criminal or regulatory violation.
CONCLUSIONS

8. (G) OIG concludes that the allegations regarding discussion of as operational proposals during one or more meetings are founded.

9. (G) OIG concludes that these proposals did not progress beyond discussion and that no action was taken to implement the proposals as actual operations.

10. (G) OIG concludes that no crime or regulatory violation was committed by the discussion of these actions as operational proposals.

11. (U) There is no further OIG action to be taken on this matter and this case has been closed.
10 December 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Unauthorized Removal of Furniture from

CASE: 2009-09501-IG

INTRODUCTION:

1. (S//NF) On 27 November 2009, the Office of Inspector General (OIG) investigation included interviewing and who was a

The OIG also spoke with 

2. (S//NF) The Office of Inspector General (OIG) investigation included interviewing and who was a

who was 

who was 

SECRET/NOFORN

Approved for Release: 2017/04/27 C06659213
3. (S//NF) The investigation found that there was not an official US Government (USG) policy regarding what items were to be left in after completion of the move. The investigation also found that Agency officials were concerned that any items left in after the Agency moved would be looted. The only items that identified as having been removed from were some These were of nominal value. The investigation found that there were official discussions regarding moving the to the quarters of the Chief of Station (COS).

4. (S//NF) After reviewing the evidence, OIG could not identify any violation of United States law and therefore did not present its findings to the United States Attorney's Office. Because there were official discussions regarding moving the to the COS quarters and that there was no official USG policy regarding the removal of furniture from OIG is not referring the matter to the National Clandestine Service for administrative action.

PROCEDURES AND RESOURCES:

5. (S//NF) The investigation included the following:

- An interview of
- Telephone interviews with the and
- An interview of
- A review of two photographs of (b)(7)(c) and one photograph of a (b)(7)(d)

FINDINGS:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS: (b)(1) (b)(3) NatSecAct

9. (S//NF) There was no official USG policy regarding what items should remain in [Blank]. The [Blank] that were removed were of nominal value. The decision to move the [Blank] to the COS quarters was made for the benefit of the Agency and not for the personal benefit of the COS or any other Agency employee. There is no evidence that any individual

(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
Agency employee personally benefitted from the removal of the from There is no evidence that other items which should have remained in removed from

10. (U//FIPFO) After reviewing the evidence, OIG could not identify any violation of United States law and therefore did not present its findings to the United States Attorney’s Office.

RECOMMENDATION:

11. (U) It is recommended that this case be closed with no further action.

Special Agent

Division Chief
9 November 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Contract Improprieties

CASE: 2009-09502-IG

INTRODUCTION

1. (S) On 27 November 2009, the Office of Inspector General (OIG) received from a former Agency staff employee allegations of improper use of contractors by the CIA. The individual claimed the CIA has maintained a multi-million dollar contract for the last five years with the (b) employee implied the contract was a sole source vehicle and that its renewals were influenced by personal relationships versus competitive evaluation. The employee believed these operations fall outside the legal use of a civilian company by the Agency and emphasized that are inherently a government staff function as validated in Furthermore, the employee contended that use of contractors in this capacity is a waste of government funds because the Agency has highly trained Officers that can perform these clandestine functions.

(b)(3) CIAAct
(b)(3) NatSecAct
2. (S) A review of Agency records revealed that competitively awarded the contract to The scope of effort for the contract encompassed

3. (U//FOUO) OIG attempted to determine whether management had influenced the award of the contract in violation of Title 18 U.S.C. § 1031 (Major Fraud against the United States). Additionally, OIG attempted to determine whether management had violated Federal Acquisition Regulations in violation of Subpart 7.5 — Inherently Governmental Functions. The Office of Federal Procurement Policy recommends all agencies use only the definition of inherently governmental as defined in the Federal Activities Inventory Reform (FAIR) Act, and create a test to determine whether other jobs should be done only by federal employees. "FAIR defines an activity as inherently governmental when it is so intimately related to the public interest as to mandate performance by federal employees."

PROCEDURES AND RESOURCES

4. (U//FOUO) OIG reviewed contract records between as well as relevant federal and Agency regulations. OIG completed key interviews with the current Contracting Officer (CO), the Contracting Officer's Technical Representative (COTR), and OIG also reviewed relevant database records, the contract, subsequent modifications to the contract, the Statement of Work

(SOW), the Agency Acquisition Review Board (AARB) documents, Monthly Project Management Reports, Award Fee Period performance documents, staff cables, and employee biographic data.

**Findings**

5. (S) The former Agency staff employee, who alleged and its subcontractors were conducting and performing inherently governmental functions initially admitted that this was only his impression and that the contractors' actions had been blessed by Agency management and that the contractors had not read the SOW.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
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(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSION

20. (U//FOUO) OIG did not substantiate the claims that influenced the award of the contract to in violation of Title 18 U.S.C. §1031, or that it had engaged in fraudulent or improper activity in contracts held with the Agency in violation of Title 18 U.S.C. §208 (Acts "detracting a personal financial interest"). It is within the Agency's prerogative to hire contractors to augment Staff personnel in order to address temporary surge and requirements. The contractors have provided the expertise and flexibility necessary to ensure operational success and have worked side-by-side with Staff officers; using them is not wasteful. OIG did not substantiate the claims that inherently governmental functions were being performed by contractors in violation of the Federal Acquisition Regulation. This matter is closed.
20 January 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Alleged Conflict of Interest and Gratuities

CASE: 2009-09525-IG

INTRODUCTION:

1. (U//AT//O) In December 2009, the Office of Inspector General (OIG) received allegations from former Agency employee, who is involved in the form of golf outings, vacations to and meals.

2. (U//AT//O) On 4 February 2010 and 9 April 2010, OIG interviewed who related that received its first Agency contract, through a contract sale and novation from the original awardee and competitor for
sold and novated the Agency contract to

As a result, then Program Manager and Program Manager and his contract staff also went to work for

confirmed that had no sub-contractor or contract relationship

with the CIA until that point

identified as the COTR on the contract.

alleged that was involved with the novation

approval based on statement to her that he could not

sell the contract unless approved of the company. said

that no other contractor was considered for the contract.

explained that the sale of the Agency contract from to is the "novation."

3. (U//Navy) During this inquiry, OIG learned that

provided the source selection plan and

acquisition plan documents to Program Manager via Lotus Notes (e-mail) on 17 February 2009. In this e-mail, copied Source Selection Evaluation Board (SSEB) member As a result, OIG examined whether Agency employees and may have engaged in a misuse of position by providing non-public source selection information to a competitor.

1 (U) According to the Federal Acquisition Regulation (FAR) Subpart 42.12, Novation and Change-of-Name Agreements, a Novation Agreement means a legal instrument executed by the Contractor (transferor), Successor in interest (transferee), and Government, and by which, among other things, the transferor guarantees performance of the contract, the transferee assumes all obligations under the contract, and the Government recognizes the transfer of the contract and related assets.
PROCEDURES AND RESOURCES:

4. (U//A//O) OIG reviewed relevant e-mails, contract files and novation documents, and conducted Internet research on OIG reviewed the contract sale documents with respect to involvement with the contract novation and the contract, and travel and outings associated with employees. OIG examined Agency correspondence with the Office of General Counsel, Administrative Law Division (OGC/ALD) concerning the contracts, and their ethics training history. OIG examined appropriate Official Personnel Folders, security files, financial disclosure reporting, and travel voucher records. OIG subpoenaed expense account records, and examined contract purchase records, contract proposal records, and records of agreements between and concerning Agency contracts. OIG examined applicable regulations and statutes related to COI, gratuities, and impartiality of a federal employee.

5. (U//A//O) OIG interviewed subjects and employees and one current employee and two former employees; two former managers involved with the contract sale; and one current manager. OIG interviewed two witnesses who travelled with and on golf trips, and seven Agency officers. OIG interviewed a competitor to for Agency acquisition support contracts.
6. **Documents.** Based on records, was the COTR on the contract from 1 February 2005 to 18 June 2007, while was the COTR from 18 June 2007 to present. Based on a review of the contract files, OIG determined that had continued involvement in the contract in the following four areas:

- signed as COTR supervisor on Sole Source Justifications (SSJs) on 31 October 2007, 5 August 2008, and 24 August 2009.\(^4\)


- was the main contact used by the Contracting Officer and COTR concerning the contract, and was copied on relevant e-mails on 14 July 2008, 20 August 2008, 2 September 2008, 14 May 2009, 11 June 2009, and 19 June 2009.

- e-mailed requesting amend the contract to add hours for and that the Contracting Officer request under this contract on 19 August 2008.

\(^4\) is the Agency's record system for contracts.
7. (U//FOUO) OIG Interviews. In his 9 August 2010 interview with OIG, said he was the original COTR on the contract before being replaced by as soon as arrived at initially said he had no role in the contract after the contract was sold to saying everything went through COTR explained that his signature is listed on contract SSJs for contract extensions because he is supervisor. said, in hindsight, he should have had then Deputy Chief sign for him.

9. (U//FOUO) On 3 August 2010, identified as the original Program Manager and former COTR. said once had been assigned as the contract's COTR, remained the Program Manager. said that and not was the COTR at the time of the contract sale. commented that the fact he and were coworkers [on the contract] a year before was part of the reason left his role as COTR on said the friendship between and himself and
was well established prior to the contract. said their friendship caused no impact on the contract. said role was to approve any funding requirements on the contract and collaborate with Involvement in the Contract Sale to 10. (U//A2O) OIG Interviews. On 4 August 2010, told OIG that "came to us" stating that "we" have a company, with no [Agency contract] affiliation. said he "hit the roof because I had a personal relationship with people." He confirmed that he knew and prior to this contract sale. According to he said to "I'm not working with you. Go through Chief Contracts," and worked with Chief Contracts and COTR said and handled the sale to said he does not know details of the contract sale, including the timeframe. He said he did not think considered any other companies besides He said he did not observe or receive any pressure because of his friendship with and

11. (U//A2O) His only involvement was making the recommendation to use since he new knew their work, and confirmed that he had been instrumental in introducing to selecting and affirmed that there was no CIA involvement in selecting and had no role in the contract sale process.
Gratuities


13. (U//ATTACH) On 29 June 2010, in response to an OIG subpoena, the [redacted] reported that there were no expense account records or documents for gifts or gratuities to US Government employees.

The [redacted] reported the following three group meals as business dinners in 2008 and 2009 that also included the regular golf group attendees:

- [redacted] CIA
  - (b)(3) CIA
  - (b)(6)
  - (b)(7)(c)

- [redacted] CIA
  - (b)(3) CIA
  - (b)(6)
  - (b)(7)(c)

- [redacted] CIA
  - (b)(3) CIA
  - (b)(6)
  - (b)(7)(c)
14. **(U//AD[CC]) OIG Interviews.** On 6 August 2010, [redacted] told OIG that he and [redacted] have participated in a weekend golf group and golf tournaments. [redacted] said that he has known [redacted] since 2002. With respect to the golf outings, [redacted] said that different participants paid the dinner tab, including himself. [redacted] avowed that he does not attend corporate functions and he never attended a meal where business was discussed. [redacted] said that [redacted] and [redacted] have never offered him employment and he has never asked for employment. He said the tournament participants were mostly [redacted] and no one thought of the group as a group; they thought of it as a golf group. [redacted] said he does not know how [redacted] expensed the meals, and whose credit card was used.

15. **(U//AD[CC])** told OIG that he conceded to allow [redacted] to charge a lunch meeting at [redacted] with [redacted]'s credit card in March 2010. [redacted] said he met with [redacted] to relay his frustrations about personnel performance issues. [redacted] said he initially offered money to pay, which [redacted] refused. [redacted] said that he does not know whether [redacted] charged it with his personal or corporate credit card.

16. **(U//AD[CC])** said the [redacted] residence is located. [redacted] confirmed that he stayed at the [redacted] residence, referred to as "family property," for four nights and five days in July 2007 and three or
Four days in July 2008, said he stayed at the hotel for four days in July 2009. said he was the only person who stayed at a hotel instead of the residence. He said that nobody paid for lodging at the hotel. He confirmed that he took no trip in 2010. said he stayed at the hotel in 2009 because he worked at CIA, and he may have to provide performance feedback and constructive criticism.

said he did not want any appearance of favoring due to a relationship with or staying at a family residence. said he did not stay in a hotel in 2008 because at that time he thought they were keeping the friendship separate from business, and he did not think there was an issue. told OIG that there was one time that and tried to talk business with him; it was about the desire to have talk to the COTR. He explained that the group all paid about $6 or $7 to pay for the hired chef that came to the home to cook breakfast and lunch. recalled the 2007 dinners to be a cookout at the neighbors one night, a cookout, and a couple of home cooked meals. said he paid for dinner when he won the golf tournament, which he said he often did.

confirmed that he was present for both the dinner on 31 July 2008 and dinner on 9 July 2009 in Agency staff and current Agency contractor, offered to pay this dinner for the group. He recalled that took up a cash collection for the group dinner. said he does not know how could have expensed this dinner to a credit card and does not know whether gave the cash to someone else. confirmed that he did not pay for his dinner through a separate check. recalled that was paying and paid for everyone's 29 July 2009 dinner. said he is frustrated to think that someone took his money, and may have paid with his business credit card.
18. (U//FOUO) explained that he formerly coordinated the trips through a travel agency. He said he e-mailed the group with the trip information and everyone telephoned and provided their credit card payment to the travel agency directly. said that the tournament winner bought the group drinks or dinner. said everyone has sent him a check and he, in turn, sent the money to who locally schedules items for the group. reiterated that everyone paid his or her own way and separately. He said that he did not observe paying for all meals that he went to, and different people went to different meals. said there were two large group dinners that occurred pre-golf tournament and post-golf tournament (which were paid for by the winners). confirmed that he was in He said he does not recall the hotel restaurant or Restaurant. noted that did not attend the trip, though was present.

19. (U//FOUO) On 15 June 2010, told OIG he does not know anything about receiving gifts from an employee and said he finds that hard to believe. He said has always paid for himself, said may have received a golf trophy because he is a good golfer. He added, "I have never given a gift at all." said is not the only Government person who travels with the group; there are also several. He said he has no idea why anybody would make these allegations. affirmed that it is possible that may have bought lunch, but he has never observed that. said he signs every expense account, and knows that does not use his Corporate American Express credit card. He said he has not seen at golf tournaments in two years because has not participated in them.
20. (U//FOO) With respect to the 2008 trip, explained he has hosted a golf tournament there on a yearly basis. explained that came for the 2008 tournament, after had acquired noted that stayed in a hotel paid for his green fees, and paid his own meals. said that around the same time on this trip the Agency hired so asked for advice from his Ethics Officer. said was the only active Government employee at this tournament of about 40 men, including

21. (U//FOO) told OIG that, and have been going for trips. explained that had to stay at a local hotel instead of at vacation home since "we checked OGC." said he is not aware of any meals received by He said everyone knew people paid their own way. explained that they used various golf organizers to set up the trips. He said that the only time anyone may have received money was at the end of the golf tournament when someone won. said each man put in 50 bucks for the golf tournament, and the tournament winner was expected to take the group out for a round of drinks to share in the celebration. stated that everyone always paid his own way.

22. (U//FOO) Documents. On 19 February 2009 at 0819 hours, e-mailed and requesting their help reviewing the documentation for the AARB. Attached to e-mail were the Acquisition Plan and the Source Selection Plan. On
19 February 2009 at 0916 hours, [redacted] responded to [redacted] that [redacted] is a prime candidate for the Program Management function of [redacted] and as a result, he "does not want to OCI himself from submitting a proposal on the PM task." On 20 February 2009, [redacted] e-mailed the [redacted] Contracting Officers to request access to the [redacted] Request For Proposal documents. OIG found no evidence that [redacted] viewed or saved either [redacted]. OIG determined that [redacted] did submit a proposal for the [redacted] PMO effort on 3 February 2010.

23. (U//AFE6) On 29 June 2010, [redacted] told OIG that [redacted] was notified that on 25 June 2010 it was not awarded the [redacted] contract. [redacted] reported that he found no evidence of any Source Selection Plan or Acquisition Plan files or sensitive materials on [redacted] in Office.

24. (U//AFE6) OIG Interviews.
26. (U//FO) [ ] explained to OIG that he went to as the Representative to the AARB and told him something like "this is the one we did not want to open and review." [ ] avowed that he never opened the e-mail and that [ ] did know that [ ] wanted to submit a proposal for the [ ] contract when he received this e-mail. [ ] said that this e-mail had been sent way before submission. [ ] said that he told [ ] he deleted this e-mail from his system. [ ] explained that it was a normal part of [ ] business to review documents, as his explanation for why he received this e-mail.

27. (U//FO) [ ] noted to OIG that the 19 February 2009 e-mail was sent much earlier than [ ] proposal submission. He estimated that [ ] had already been preparing to bid on [ ] by the time of this e-mail, but he is not certain. [ ] said he did not confront on this e-mail, and does not know whether [ ] notified [ ] does not recall responding to this e-mail or noting that he received the [ ] documents. [ ] said that he told "it was unacceptable" when talked about bidding on the work. He said it was "not for [ ] to develop more [Agency] business." After learning of interest in [ ] explained, he had to take away a lot of work [ ] was doing for him.

Knowledge of Applicable Legal Guidelines


[ ] this article explains the COI issues for contract personnel. OIG noted that this is the same day in which [ ] and [ ] reached a sales agreement for the purchase of the contract. On 19 June 2007, [ ] publicly announced its acqu...
29. (U//FOUO) OIG could not find any evidence that prepared a formal written recusal for OGC/ALD, or consulted via e-mail or

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(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(6)
31. (U//ARSO) OIG Interviews. [Redacted] told OIG he understood ethics rules allow an employee to receive items of up to $25 per contractor source, and up to $50 in a given year from the same contractor source. [Redacted] said he did not think about this procurement rule with the lodging and meals, since this was not a business related event. [Redacted] emphasized these were not business related trips, but social golf trips, and there were trips prior to contract. [Redacted] said that hindsight is 20/20 and he probably should have nixed the friendship with and once took over the contract from [Redacted]. [Redacted] said that when began working at CIA, he knew he had to "nix" his relationship with Because of [Redacted] Agency employment and [Redacted] interest in told OIG that he has backed off from both and [Redacted] He said he makes this a business-only relationship.

32. (U//ARSO) With respect to OGC guidance, [Redacted] told OIG he discussed with OGC/ALD that an Agency contract was being sold to and he had a personal relationship with employees. [Redacted] said he did not seek OGC guidance on the golf trips. [Redacted] said his consultation with OGC/ALD occurred as a side question during a meeting on another topic, and that he told the attorney he was not handling the contract sale and had no COTR role in this contract. [Redacted] said the attorney advised him he will always have an appearance issue and told him to keep his business and personal life separate. [Redacted] said nothing seemed different in the personal relationship between himself and since had the contract. [Redacted] said, in hindsight, he now recognizes there is an appearance issue; he said he "didn't do it [recuse himself] since he didn't see it as an issue."

33. (U) Title 18 U.S.C. Section 201 (b)(2) (Bribery of public officials and witnesses) generally prohibits employees of the US Government from
receiving and accepting anything of value in return for an official act. The statute states that a violation occurs when a federal employee:

Corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for: (A) being influenced in the performance of any official act; (C) being induced to do or omit to do any act in violation of the official duty of such official or person [Emphasis added]

34. (U) Title 18 U.S.C. Section 208 (Acts affecting a personal financial interest) generally prohibits employees of the US Government from participating in official acts that affect a personal financial interest. It provides for criminal penalties for exploiting official positions for self-enrichment or enrichment of family members and associates.

35. (U) The US Office of Government Ethics (OGE) publishes, Standards of Ethical Conduct for Employees of the Executive Branch, which are codified in Title 5 Code of Federal Regulations (C.F.R.) Part 2635 as amended. Title 5 C.F.R. Section 2635 Subpart B: Gifts from Outside Sources, indicates that "an employee shall not, directly or indirectly, solicit or accept a gift: (1) From a prohibited source, or (2) Given because of the employee's official position. Under 5 C.F.R. 2635.203(d) a "prohibited source" is any person who (1) seeks official action by the employee's agency, (2) does business or seeks to do business with the employee's agency ..." A gift is solicited or accepted because of the employee's official position if it is received from a person other than the employee and would not have been offered, or given had the employee not held the status, authority or duties associated with the Federal position.

36. (U) Another provision of the C.F.R., as promulgated by OGE, in Subpart E – Impartiality in Performing Official Duties, Title 5 C.F.R. Section 2635.502 (Personal and Business Relationships) specifies that:

(a) Consideration of appearances by the employee:
Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of an employee...and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency.

37. (U//AT//O) Agency Regulation (AR) 13-2 (2) Soliciting or accepting gifts from outside CIA, states that:

No employee shall...solicit or accept a gift from a prohibited source or a gift given because of the employee's official position. A prohibited source is a person who is seeking official action by the Agency, does business or seeks to do business with the Agency, or has an interest that may be substantially affected by the performance or nonperformance of the employee's official duties.

AR 13-2 (2)(b) The two related exceptions to the restrictions on acceptance of gifts are:

(1)(U) Gifts Less Than $20. Agency employees may accept non-monetary gifts from nonfederal sources up to $20 per occasion with a maximum of $50 per year per donor.

(2)(U) Gifts Based on Personal Relationships. Agency employees may accept gifts given under circumstances, which make it clear that the gift is motivated, by a family relationship or personal friendship rather than the position of the employee.

AR 13-2 (j)(1), Misuse of Position states that:

An employee shall not use his office for private gain, for the endorsement of any product, service, or enterprise, or the private gain of friends, relatives, or persons with whom the employee is affiliated.
In cases where there is not criminal conflict of interest, employees are still expected to maintain the appearance of impartiality. AR 13-2 (d)(1) specifies that:

Agency employees are expected to act impartially in the performance of their duties and not give preferential treatment to any private organization or individual. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or knows that a person with whom the employee has a covered relationship is or represents a party to such matter, and where the employees determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, the employee should not participate in the matter unless the employee has informed the DAEO [Designated Agency Ethics Officer] or Assistant DAEO and received authorization to participate in the matter. This restriction applies even when there is no actually conflict of interest in the employee's participating in the particular matter.

38. (U//A10) OIG determined that Title 18 U.S.C. Section 208 (Acts affecting a personal financial interest) does not prohibit a federal employee from participating in official acts that enrich a friend. However, in cases where there is no criminal conflict of interest, AR requires employees to maintain the appearance of impartiality (AR 12-2 (d)(1)), not "solicit or accept a gift from a prohibited source or a gift given because of the employee's official position" (AR 13-2 (j)(1)), and misuse their position (AR 13-2 (2)).

The rest of this page left blank intentionally.
CONCLUSIONS AND DISPOSITION:

39. (U//FIP) The OIG investigation did not substantiate the allegation that [redacted] were involved in the [redacted] contract sale and approving the [redacted] contract novation. OIG concluded that then [redacted] employee [redacted] was the instrumental party in the contract sale to [redacted] by suggesting [redacted] as a contractor who could take over the [redacted] contract.

40. (U//FIP) The OIG investigation substantiated that [redacted] had continued and substantial involvement in the [redacted] contract after it was sold to [redacted]. As an example of direct and recent involvement in contract matters, [redacted] stated that he met with [redacted] for lunch in March 2010 to relay his frustrations about personnel performance issues. Although [redacted] distanced himself from direct involvement in the contract by having [redacted] work through [redacted] and [redacted] still had oversight of the contract by virtue of supervising [redacted] approved a number of actions related to the [redacted] contract, which created an appearance of impropriety. The situation could have been avoided by having [redacted] supervisor, then [redacted] oversee the contract.

The OIG investigation concluded that [redacted] failed to maintain the appearance of impartiality as required by AR 12-2 (d)(1), which was observed by former [redacted] contract employees working under [redacted] and [redacted]. The OIG investigation also concluded that [redacted] failed to inform the DAEO and receive authorization to participate in the [redacted] contract, as specified in AR 13-2 (d)(1).

41. (U//FIP) The OIG investigation did not substantiate the allegation that [redacted] employees treated [redacted] to meals, travel fees, and golf fees. [redacted] attendance at golf trips and dinners involving [redacted] and [redacted] arose from a friendship that pre-existed the Novation of the [redacted] contract. According to [redacted] and [redacted]...
Interviewed, the costs associated with the golf trips and the dinners were paid by each attendee, except for dinners customarily paid by the winner of the golf tournaments. OIG determined that [redacted] did derive a financial benefit in the form of free lodging at a vacation home in July 2007 and July 2008. However, stay at a residence owned by [redacted] was part of the pre-existing relationship wherein all of the participants of the golf trip stayed at the house. [redacted] stayed at a hotel in 2009, the year [redacted] was hired at CIA, because [redacted] thought he might have to provide feedback at work.

42. (U//FOUO) The OIG investigation found no evidence that [redacted] misused the Source Selection Plan and Acquisition Plan file information. Although the investigation determined that [redacted] sent this e-mail to [redacted] before he realized that [redacted] was bidding on [redacted] bears some responsibility for a serious breach of protocol by e-mailing source selection sensitive files. OIG found no evidence to support that [redacted] proposal appeared uniquely competitive and referenced contract sensitive data.

43. (U//FOUO) By memorandum, OIG will recommend that [redacted] and [redacted] receive refresher training to make them more sensitive to situations and circumstances that raise potential conflicts of interest, and the appropriate courses of action. This case is closed.
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**REMARKS:**

**FROM:** NAME, ADDRESS, AND PHONE NO.  

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(b)(3) NatSecAct

Access to this document is restricted to those approved for the following specific compartments / sub compartments:

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NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

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SECRET//NOFORN

Approved for Release: 2017/04/27 C06659216
20 September 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Misuse of Agency Computer Systems and Counterintelligence Issues

CASE: 2010-09537-IG

ISSUES UNDER INVESTIGATION:

1. (C/NF) On 6 January 2010 the Office of Inspector General Investigations Staff (OIG/INV) received a referral from the Office of Security (OS) on the misuse of Agency computer systems by,

2. (C/NF) The specific issue under investigation was whether used Agency computer systems and transmitted classified information in violation of Title 18 U.S.C. § 1030 (Fraud and Related Activity in Connection with Computers). During the course of the investigation, OIG
uncovered evidence of outside activities and income that were not reported in violation of Agency Regulation (AR) 10-15, Outside Activities and AR 10-30, Financial Disclosure Program.

INVESTIGATIVE EFFORTS:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(e)
RESULTS:

Misuse of Agency Computer Systems

(b)(1) CIAAct
(b)(3) NatSecAct

13. (S/N) admitted to misusing Agency computer systems in violation of Title 18 U.S.C. § 1030 on several occasions.

(b)(6) NatSecAct

(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
Outside Activities

14. (S//NF) admitted to having outside activity, which he did not report.

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
Disclosure of Classified Information

16. **(S//NF)** When interviewed by OIG, [redacted] initially indicated that he had not shared any classified information outside the Agency. When asked if he had shared any information with his wife, [redacted] stated that he had not. When further questioned, [redacted] provided an example of his interaction with his wife and what he does at work.

**DISPOSITION:**

17. **(S//NF)** [redacted] searches were a direct violation of Agency regulations.
Additionally, searches violated Title 18 U.S.C. § 1030 in that they exceeded his authorized access to US Government systems. Made false statements to investigators.

18. (C) AR 10-15, *Outside Activities*, specifies in part:

Additionally, AR 10-32, *Financial Disclosure Program*, which requires, in part:

If a covered person fails to comply with the requirements of the Agency’s Financial Disclosure Program, the individual will be subject to administrative action... Refusal to submit a complete and accurate FDF will normally result in the revocation or denial of the individual’s access to classified information and the termination of the individual’s Agency affiliation in accordance with applicable Agency procedures.

19. (C/NF) Failed to report under the Financial Disclosure Program as required by AR 10-32. Additionally, violated AR 10-15 by failing to report and receive approval for...

20. (C/NF) On 11 June 2010, the United States Attorney’s Office declined prosecution of...
21. (U//FOUO) On 20 September 2010, OIG referred to Special Agent Division Chief
DISPOSITION MEMORANDUM

SUBJECT: (U) Contract Time and Attendance/Labor Mischarging

CASE: 2010-09595-1G

INTRODUCTION:

1. (Ε) On 26 January 2010, the Office of Inspector General (OIG) received a Lotus Notes e-mail from alleging that industrial contractor, an employee of had falsely billed approximately 90 hours to the in the fall of 2009.

2. (Ε) was assigned from 2007 to 2010. When the allegation was received, was in the process of converting from contractor to staff officer. During an applicant background investigation interview in January 2010, admitted having falsely claimed hours that he did not work.

CONFIDENTIAL
3. (☞) OIG initiated an investigation and confirmed that billed 91.5 hours that he did not work between September 2009 and December 2009. terminated employment on 27 April 2010 and credited the Agency for 91.5 labor hours at bill rate.

PROCEDURES AND RESOURCES:

4. (☞) OIG reviewed security file, personal timekeeping records, timesheets, time and attendance policies, the Statement of Work, and the related invoices. OIG interviewed and regarding the disputed hours.

FINDINGS:
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
CONCLUSIONS:

11. The allegation that [redacted] billed the Agency for time not worked was substantiated through documentary evidence and own admissions. [redacted] terminated employment on 27 April 2010. A copy of the Form 4311 revoking access is in the investigative file. In the March 2010 invoice, [redacted] credited the Agency [redacted] hours at the current bill rate of [redacted]. A copy of the invoice is in the file. [redacted] Contract Officer [redacted] stated that he considers [redacted] financial obligation satisfied in regards to this matter.
12. (U//FOUO) The results of this investigation have been provided to the Office of Security, Personnel Security Group, Clearance Division and Industrial Security Support Division. This matter is closed.

Confidential

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent
4 October 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Potential Conflict of Interest Violation

CASE: 2010-09652-IG

INTRODUCTION:

1. (U//FOUO) On 20 April 2010, referred to the Office of Inspector General (OIG) a potential conflict of interest issue involving part-time employee, sent to OIG Counsel in a Lotus Notes (LN) message a copy of an Outside Activity Approval Request (Form 879) received from reported that he had been serving as a consultant to on a research program indicated that, since January 2010, he had been serving with on the contract for office, working approximately one day per month and speaking with by telephone. According to he had been reading the protocol or protocol specifics of projects is funding and providing advice

SECRET//NOFORN
On 21 April 2010, Deputy Assistant Inspector General for Investigations contacted and indicated that he passed to the Investigations Staff (INV) a hardcopy of a message concerning the potential conflict of interest violation involving the potential conflict of interest violation involving INV’s Integrity Division would investigate the matter.

While OIG was pursuing its investigation, Integrity Division Chief informed that she planned to resign as early as that day. According to she received the information about the resignation from her supervisor at the time. Reportedly, did not know that the OIG was investigating him for possible conflict of interest violations when he chose to resign. His resignation was reportedly a result of a decision within the to curtail flexibility to work from his residence.

ISSUES UNDER INVESTIGATION:

The primary issue for OIG was whether work with constituted a violation of Title 18 U.S.C. § 205 (Activities of officers and employees in claims against and other matters affecting the Government). This criminal statute in part prohibits an employee, whether or not for compensation, from acting as an agent for anyone before any department or agency in connection with any covered matter in which the United States is a party or has a direct and substantial interest. If prosecuted, such a criminal violation carries a maximum penalty of imprisonment for up to a year.

In addition to a possible statutory violation, OIG investigated whether conduct violated federal and Agency regulations. These include Executive Order 12674, (Principles of Ethical Conduct for Government Officers and Employees), which specifies in part that:

The Outside Activity Approval Request forwarded to OIG shows that on 20 April 2010 indicated "Concur" in the Reviewer Comments section of the form.

(U) According to Title 18 U.S.C. § 205, "covered matter" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.
(g) Employees shall not use public office for private gain.

(n) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

6. (U) Also relevant is the US Office of Government Ethics (Standards of Ethical Conduct for Employees of the Executive Branch), which are codified in 5 C.F.R. Part 2635 as amended. Section 2635.801-809 (Outside Activities) specifies in part that:

An employee shall not engage in outside employment or any other outside activity that conflicts with his official duties.

An employee shall not serve, other than on behalf of the United States, as an expert witness, with or without compensation, in any proceeding before a court or agency of the United States in which the United States is a party or has a direct and substantial interest.

An employee shall not receive compensation from any source other than the Government for teaching, speaking or writing that relates to the employee's official duties.

7. (U//ARIS) Similarly, Agency Regulation (AR) 13-2(3), Prohibition On Representing Private Interest, indicates in part that:

The law prohibits an employee from undertaking any negotiations or representational activities on behalf of a private party before any agency, court, or department of the United States where the U.S. is a party to the matter or has a direct and substantial interest. This restriction applies regardless of whether the employee is compensated.

8. (U//ATJO) AR 13-2(i)(1), Acceptance of Honoraria, Honoraria Ban, indicates in part that, "Federal employees may not accept honoraria for teaching, speaking, or writing that is related to their duties."^4

^4 (U) According to AR 13-2, "honoraria" are any compensation, including fees, royalties, or the payment of transportation, lodgings, or meals, given for or in connection with a Federal employee's teaching, speaking, or writing.
INVESTIGATIVE EFFORTS:

9. (U//ATTENTION) OIG obtained biographical information, Financial Disclosure Forms (FDF), and 879 Outside Activity Forms. OIG also performed unclassified Internet searches to obtain biographical information, reviewed his security file, and examined applicable federal and Agency regulations and policies related to ethical conduct and conflicts of interest.

10. (U//ATTENTION) worked for the Agency as a part-time employee. He entered on duty in 2003 as an officer, serving first in the . In 2004, he transferred to the . In 2006, moved to and was in the when he resigned.

11. (U//ATTENTION) part-time status with the Agency enabled him to pursue many outside activities.

The FDF did not specify how much earned from his work with

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Background

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
RESULTS:

15. (U//绝密) OIG’s preliminary research indicated that actions in regard to violated Title 18 U.S.C. § 205 (Activities of officers and employees in claims against and other matters affecting the Government). While employed as a CIA and VA employee, was acting as an agent for matters in which the US Government was a party and had a direct interest. Also violated Federal statute, Principles of Ethical Conduct; OGE, Ethics Standards;

(U//绝密) OIG did not determine whether was aware of any statute or regulation prohibiting him from representing Conflict of interest statutes such as Title 18 U.S.C. § 205 are general intent crimes and do not require that the actor intends the precise result, only that the actor meant to do the act that caused the result.
particularly § 2635.801-809, Outside Activities; and AR 13-2(3), Prohibition On Representing Private Interest. OIG’s preliminary investigation revealed that, in addition to a conflict of interest resulting from his work with related to other outside activities he engaged in while working for the Agency. In particular, his acceptance of employment with

§ 205, prohibitions against representing a private interest and AR 13-2(i)(1), Acceptance of Honoraria, Honoraria Ban restrictions on acceptance of honoraria.

16. (U//A#56) OIG notified the Director, CIA, on 11 May 2010 that it planned to refer a violation of Title 18 U.S.C. § 205(a) to the Department of Justice, Eastern District of Virginia (DOJ/EDVA), for possible prosecution. On 20 May 2010, OIG sent the notification to DOJ. On 29 June 2010, Assistant US Attorney (b)(6) EDVA told Special Agent (b)(7) during a telephone conversation that DOJ had decided to decline prosecution of in favor of administrative action based on a lack of prosecutorial merit. OIG sent a letter to DOJ/EDVA on 12 July 2010 confirming the declination.

DISPOSITION:

17. (U//A#0) Because DOJ declined prosecution and resigned from the CIA, OIG plans to take no further action concerning OIG informed the US Office of Government Ethics (OGE) of the investigation via OGE Form 202.
DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Conflict of Interest

CASE: 2010-09719-1G

INTRODUCTION:

1. (S) On 7 June 2010, the Office of Inspector General Investigations Staff (OIG/INV) received a referral from the OIG Audit Staff (AS) that CIA staff employee while serving as National Clandestine Service (NCS) engaged in an apparent conflict of interest violation. OIG/AS conducted an audit of NCS sole-source contracts and learned through interviews that while in this position, "pushed" for sole-source contracts for that should have been competed.


PROCEDURES AND RESOURCES:

3. (S) The investigation included the following:
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(e)
FINDINGS:

Interviews

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
10. [REDacted] related that he is currently the [REDACTED]. He said he has been in this position for about two years and eight months. Prior to this position, [REDACTED] stated he retired from the Agency as a staff employee and worked for the company. He said he was only retired for about six months. Prior to his retirement, [REDACTED] related that he was the [REDACTED] for one year and before that he was the [REDACTED]. [REDACTED] stated that when he was in this position he was very involved in the [REDACTED].

11. [REDacted] related that he is currently the [REDACTED]. He said he has been in this position for about two years and eight months. Prior to this position, [REDACTED] stated he retired from the Agency as a staff employee and worked for the company. He said he was only retired for about six months. Prior to his retirement, [REDACTED] related that he was the [REDACTED] for one year and before that he was the [REDACTED]. [REDACTED] stated that when he was in this position he was very involved in the [REDACTED].

11. [REDacted] related that he is currently the [REDACTED]. He said he has been in this position for about two years and eight months. Prior to this position, [REDACTED] stated he retired from the Agency as a staff employee and worked for the company. He said he was only retired for about six months. Prior to his retirement, [REDACTED] related that he was the [REDACTED] for one year and before that he was the [REDACTED]. [REDACTED] stated that when he was in this position he was very involved in the [REDACTED].

According to [REDACTED], he received a phone call from [REDACTED] after a temporary duty assignment in [REDACTED]. [REDACTED] stated that he did not know how [REDACTED] obtained his phone number at Headquarters, but said that it was conceivable that they asked someone at the Agency since [REDACTED] was created by former [REDACTED]. According to [REDACTED], the founders of [REDACTED] were [REDACTED] officers in [REDACTED] however, [REDACTED] stated that he did not meet [REDACTED] when he was in [REDACTED]. [REDACTED] related that [REDACTED] told him that [REDACTED] wanted to provide him a demonstration. According to [REDACTED] he attended a demonstration at [REDACTED]. [REDACTED] related that [REDACTED] built the concept of [REDACTED] from the ground up. [REDACTED] added that [REDACTED] was a [REDACTED] and had a vested interest in this concept.
12. (S) stated that developed the concept on their own, but the Agency gave them the idea for the two thoughts meshed. According to related that gave money. He said that was the "only game in town" for Contracts completed a sole-source justification, executed the contract. said that another company was interested in this idea; however, the company would have taken too much time and had a sense of urgency.

related that the Agency still conducts business with but only for contracts.

13. (S) said that he was not a CO or COTR on any contract with. He said his role was as In addition, said he was never a signatory authority on any contract. According to he was not an advocate of (b)(1) he was an advocate of (b)(3) NatSecAct (b)(6) (b)(7)(c)

14. (S) stated that he never received any gifts, meals, cash, or stock options from related that he never benefitted financially from. He said he never received any kickbacks or payments. said that he paid for his meals if he ever went out with anyone from specifically he recalled "throwing down" $10 at a meal. He said that he went to a funeral and gave some flowers, but that was the extent of his relationship with anyone from related that he got a lot of attention for his work with According to he was known as the "Godfather" and expert of (b)(3) CIA Act (b)(6) (b)(7)(c)
15. (§) signed a Customer Authorization to Release Financial Records for his records at O© stated that he was retiring from the Agency on 2010 and had a few employment opportunities, but none involved companies. said that he had no plans to work for and the thought never entered his mind.

Coordination with OIG/AS

16. (§) OIG/INV coordinated with OIG/AS on the status of the audits on NCS Sole-Source Contracts and the Agency’s Program. OIG/AS advised that the reports for these audits would be finalized in December 2010. According to OIG/AS, their audit identified waste in the OIG/AS advised that there were issues In addition, OIG/AS related that the NCS contract file review of concluded that the contract had inadequate written justification for other than full and open competition.

Record Reviews

17. (§) OIG’s review of documents and records did not reveal or identify any information related to a conflict of interest with In addition, the review of security files and a cable search of and revealed no information relating to this matter.

RESULTS:

18. (€) Interviews of persons having access to or knowledgeable of activities related to the allegation revealed no conflict of interest involving and said he never received any kickbacks, payments, gifts, meals, cash or stock options. OIG did not find that benefitted financially from Moreover, was not directly involved in the contract process as a signatory authority. OIG/AS identified waste in the and inadequacies in the sole-source justification for the Agency contract with These matters are addressed in audit reports prepared by OIG/AS.
DISPOSITION:

19. (U) OIG did not substantiate that engaged in a conflict of interest in violation of Title 18 U.S.C. § 208, (Acts affecting a personal financial interest) or AR 13-2, Conflicts Of Interest, Lack Of Impartiality, Gifts, Honoraria, Misuse Of Position, Post-Employment Restrictions, and Political Activities. This matter is closed.
DISPOSITION MEMORANDUM

4 November 2010

SUBJECT: (U) Abuse of Military Leave

CASE: 2010-09824-IG

INTRODUCTION:

1. (U/AHF) In July 2010, an anonymous source alleged that time and attendance (T&A) is running rampant in [REDACTED]. Allegedly, the majority of military reservists are using military leave to attend weekend drills. Agency policy (Agency Handbook (AHB) 20-1, Leave and Other Absences) states that military leave may not be used in connection with monthly weekend drills.

2. (U/AHF) On 19 August 2010, the Office of Inspector General (OIG) referred the allegations to the Director of Security (D/OS) for review and whatever action he deemed appropriate. OIG requested that D/OS advise OIG of his findings within 60 days.

PROCEDURES AND RESOURCES:

3. (U/AHF) The investigation included a review of Agency policy AHB 20-1, Leave and Other Absences.
4. (U//RED) On 17 September 2010, advised OIG by e-mail that a review of available records indicated that for the period of 2009 to September 2010, only two officers used military leave. One officer used 40 hours in connection with his active duty deployment. The other officer used eight hours in March 2010.

CONCLUSIONS:

5. (U//RED) No administrative or criminal violations by officers have been determined to date.

RECOMMENDATION:

6. (U//RED) It is recommended that this case be closed with no further action.

Special Agent

Division Chief
20 December 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Misuse of Government Computer Systems

CASE: 2010-10003-IG

ISSUES UNDER INVESTIGATION:

1. (U//FOEFO) On 10 December 2010, the CIA Office of Inspector General (OIG) received notification from [redacted] of allegations that [redacted] was misusing government systems. The allegations were received as a request to investigate on behalf of [redacted] received allegations from [redacted] that [redacted] was using CIA's [redacted]

2. (U//FOEFO) OIG reviewed the claims of [redacted] specific to the use of federal government systems and the commission of crimes using Agency equipment. The alleged computer intrusion was investigated pursuant to Title 18 U.S.C. § 1030 (Fraud and related activity in connection

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(3) CIAAct
(b)(3) NatSecAct
with computers). The telephone monitoring was investigated as an alleged violation of Title 18 U.S.C. § 1029 ( Fraud and related activity in connection with access devices).

INVESTIGATIVE EFFORTS:

4. (U//FOHO) OIG obtained and reviewed biographical information and work history.

5. (U//FOHO) OIG obtained and reviewed records of duty assignment locations.

6. (U//FOHO) OIG obtained and reviewed records of Internet usage, as well as his Agency Internet Network (AIN) U:\ drive.

7. (U//FOHO) OIG on 20 December 2010, regarding his Internet usage to Agency equipment.

8. (U//FOHO) OIG contacted NatSecAct

9. (U//FOHO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

10. (U//FOHO) OIG determined that entered on duty with the Agency on 21 May 2006 as a and then a within the is currently a

11. (U//FOHO) A detailed review of work history showed that was not part of any teams that had access to technology, which would allow for the monitoring of any telephones, cellular or landline.
12. (U//FOUO) A detailed review of [ ] education showed no indication of technical training consistent with building cellular or landline phone monitoring equipment.

13. (S//NF) [ ] employment locations were all in the Washington, D.C. area and [ ] was never assigned to [ ] Station.

14. (U//FOUO) [ ] Internet history using the AIN was analyzed. The available history showed Internet activity between 2 June 2006 and 9 December 2010. None of the Internet activity showed accessing the [ ] AOL account. There was no indication in [ ] Internet activity or his U: drive of the account name, and no indication that [ ] ever visited any AOL Web-mail sites for any purpose.

16. (U//FOUO) [ ] stated that he did not have any access to any telephone or Internet monitoring equipment, and that he was not "technologically savvy." According to [ ] he never accessed [ ] AOL account from his Agency systems or from any other systems.
18. (U//FOUO) A call to [redacted] turned up no additional information.

DISPOSITION: [redacted]

19. (S//NF) [redacted] had no access to the skills or technology required to actively monitor [redacted] phones.

Finally, a review of [redacted] Internet activities does not indicate that he ever accessed any AOL e-mail from his Agency systems. A follow-up letter summarizing the above was sent to [redacted].

20. (U//FOUO) There is no evidence of criminal or regulatory violation on the part of [redacted]. Based on the currently available information, no disciplinary action or further investigation is recommended.

Special Agent

Acting Supervisory Special Agent
WARNING AND ASSURANCE TO EMPLOYEE REQUESTED TO PROVIDE INFORMATION ON A VOLUNTARY BASIS

Your cooperation is being solicited in an Inspector General inquiry into allegations of misconduct or improper performance of official duties. The authority to conduct this interview is contained in Section 17 of the CIA Act of 1949, as amended.

The matter under investigation could also constitute a violation of law that could result in criminal prosecution of responsible individuals.

This inquiry concerns ____________

(State the general nature of the matter)

This interview is voluntary on your part. You have the right to remain silent if your answers may tend to incriminate you. You may stop the interview at any time. You may also consult with a lawyer at your expense if you wish.

Although you would normally be expected to answer questions regarding your official duties, in this instance you are not required to do so. Your refusal to answer on the ground that the answers may tend to incriminate you will not subject you to disciplinary action by the CIA or Director, Central Intelligence Agency.

Any statement you do furnish may be used as evidence against you in any future criminal proceeding or Agency disciplinary proceeding, or both.

WAIVER

I understand the warnings and assurances stated above and I wish to answer questions or make a statement concerning this matter.

Signature of CIA Official Conducting Inquiry

Witness

Date

INV-1 (1/96)
Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(b)(1) NatSecAct
(b)(3) NatSecAct
(b)(3) NatSecAct

(S/NF) STATION CASH SHORTAGE
(2008-9022-1G)

4 February 2011

David B. Buckley
Inspector General

Assistant Inspector General
for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c) Special Agent

(b)(3) CIAAct
(b)(3) NatSecAct

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

STATION CASH SHORTAGE
(2008-9022-IG)

4 February 2011

INTRODUCTION

1. (S//NF) In August 2008, the Office of Inspector General (OIG) learned that Station had reported a cash shortage. Station management conceded the possibility of employee theft. This Report of Investigation reviews the actions of specific Agency personnel as they pertained to the reported cash shortage.

SUMMARY

2. (S//NF) On 26 August 2008, Station notified OIG that Station had reported a shortage in its cash holding of US dollars (USD).

3. (S//NF) On 24 July 2008, the Station's Finance Section personnel performed a full cash count and search of the vault, and discovered that was missing.
4. (S/NI) As part of the Station's initial inquiry, all automated accounting system and manual cash blotter entries were verified for accuracy.

5. (S/NI) OIG investigators and auditors arrived at Station in September 2008. An OIG joint cash count validated the shortage. While at Station, investigators interviewed key personnel, collected relevant records, took digital photographs, and

6. (S/NI) OIG subsequently determined that of the shortage was fully attributable to an overage incurred at Station in October 2007. This discrepancy was caused by a unique combination of custodian bookkeeping and cash handling errors. It was unrelated to the disappearance of of the original shortage.
7. (S//NF) During OIG's investigation and in consultation with the Department of Justice (DOJ),

During his 2010

8. (U//FOUO) Following consultation with OIG, [Station's.va]

placed on administrative leave (with pay) by the

on 2010, pending a Personnel Evaluation Board (PEB)

He returned of the stolen funds by personal check on

2010. On 2010, the PEB unanimously recommended

9. (U//FOUO) On 20 April 2010, DOJ declined prosecution of

for his apparent violation of Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money, property or records).

BACKGROUND

11. (S//NF) Much of the Agency staff, contract, and other US

Government civilian personnel assigned

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places additional responsibility upon those few officers entrusted with the safeguarding of official funds. It is their responsibility to observe Agency financial regulations, policies, and procedures that are designed to impose an acceptable level of internal control over cash.

**PROCEDURES AND RESOURCES**

14. (U//FOUO) OIG examined Official Personnel Folders, electronic communications, including e-mails and cable traffic, relevant memoranda, and financial records. Physical evidence was collected at the scene and returned to Headquarters for technical analyses. OIG also drew upon regulations, policies, and procedures in effect at the time these events unfolded. Six different OIG memoranda to various Agency managers.
were generated during the conduct of this investigation. (See Appendix for a complete listing.) The use of these memoranda resulted in more timely notification of significant contributing issues to relevant decision makers so that corrective or preventative action was expedited.

15. (S//NF) OIG interviewed 16 Agency staff officers who were either former Station primary cash custodians, supervisors or previous Agency coworkers with knowledge of pertinent events; seven officers were interviewed more than once.

OIG reviewed applicable federal criminal statutes, and federal and Agency regulations and policies.

16. (U//FOUO) Consistent with OIG's standard policy, individuals who provided information for this report reviewed their interview reports for factual accuracy and completeness. OIG evaluated the comments and made changes, as appropriate. Likewise, the Subjects had the opportunity to review and comment on the draft report, and their comments were considered in the preparation of this final report. The Director for Support and the Chief of Finance reviewed the draft report, and their comments were incorporated into the final report.

QUESTIONS PRESENTED

17. (S) This Report of Investigation addresses the following questions:

- Was a theft of cash committed at Station? (b)(1) NatSecAct
- Who could have stolen the money? (b)(3) NatSecAct

(b)(7)(e)
Whodidstealthemoney,why,andwhereisanow?

How wasthe theft accomplished?

What can be done to prevent a recurrence?

What federal criminal laws and CIAregulations may have been violated?

FINDINGS

18. (S//NF) While the possibility of an accounting error was considered, several indicators pointedOIG in the direction of a theft investigation.

19. (S//NF) Creation of a Shortage. On 6 October 2007, accidentally disbursed nearly much to

\[(b)(1)\] (b)(3) NatSecAct

\[(b)(1)\] (b)(3) NatSecAct

\[(b)(3)\] CIAAct

\[(b)(3)\] NatSecAct

\[(b)(6)\]

\[(b)(7)(c)\]

\[(b)(1)\] (b)(3) NatSecAct

\[(b)(1)\] (b)(3) NatSecAct

\[(b)(1)\] (b)(3) NatSecAct

\[(b)(3)\] CIAAct

\[(b)(3)\] NatSecAct

\[(b)(6)\]

\[(b)(7)(c)\]
20. (S//NF) After departure, realized something was wrong and contacted his cell phone. He would return any excess cash. When returned later that day and made his refund, did not provide him with a receipt as required by Agency regulation (AR) 30-5, Custody of Funds. Also did not record the transaction as he actually conducted it on October 2007. Instead, attempted to document his own actions in the cash blotter, as they should have occurred. In the absence of a receipt or blotter entry, it was unclear to reviewing the record how much money was returned on October 2007. Was never able to explain to investigators how he made the erroneous disbursement for voucher (b)(3) CIA Act (b)(3) CIA Act (b)(3) NatSec Act (b)(7)(c) (b)(6) (b)(7)(c)

21. (S//NF) On October 2007, did not open and count the cash before disbursing it to correct vouchered amount, turned over He then opened a second , for his part, made a payment of to To pay dollars over to placed it back in vault without noticing.

22. (S//NF) When returned the excess cash to the latter properly secured the remaining in his working safe, but never recorded its receipt in his cash blotter. Not only did this violate AR 30-5, but it created a cash overage in the safe. Then (b)(3) CIA Act (b)(3) NatSec Act (b)(7)(c) (b)(6) (b)(7)(c)

Finally, in the process of trying to document the entire October 2007
transaction "correctly," made a unique combination of bookkeeping errors that produced a cash overage. First recognized his out of balance condition on 10 October 2007 and reported it to then.

23. (S//NF) The cash overage remained on the Station books until 4 May 2008 when Finance cleared it as excess funds returned to the US Treasury. After a formal inquiry, determined that was negligent in creating the overage. Despite multiple cash counts by several individuals after October 2007, no one found — until 24 July 2008.

24. (S//NF) When the first short was discovered by said she immediately assumed it was associated with earlier overage. However, inferentially placed it after the discovery of overage on 10 October 2007. When were located later on 24 July 2008, it became less likely the overage was the complete explanation. Station then notified Headquarters of the Station then notified Headquarters of the

Who could have stolen the money?
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(e)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(e)
WHO DID STEAL THE MONEY, WHY, AND WHERE IS IT NOW?

36. (S//NF) Confesses.

(b)(1) NatSecAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)

37. (S//NF) went on to explain that he had panicked and hid vault stock rather than inform anyone. He said he did this because he assumed the Agency would make him repay the missing money due to negligence. However, he insisted that he did not currently have the missing nor had he returned it.

38. (S//NF) OIG investigators interviewed immediately after the 26 February 2010 elaborated that shortly after he returned from TDY to he found an initial inside the vault, then looked for more and found three others. He said all had written on them with a dark-colored permanent marker. He also continued to proclaim his innocence of the theft. He did admit standing by silently as failed to notice the missing money April 2008. This revelation served to exonerate both that individual and of theft. It also squarely

(b)(1) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
implicated — if true. Investigators had concerns about a new account because inferentially the was present in the vault at that time.

39. (C) During a meeting with OIG investigators on 23 March 2010, asserted that the were already present in the vault from on 9 January 2008.

40. (S//NF) During his 26 March 2010 concerning the theft of cash from Station's vault, admitted that he was solely responsible for stealing in cash.

41. (S//NF) When OIG investigators spoke with He explained that the 21 October 2008 OIG interview had frightened
him into removing the cash from his apartment and hiding it in

\(\text{told OIG he was willing to repay all of the stolen money if given}\)

the opportunity.  

\(\text{(b)(3) NatSecAct}\)

42. (S//NF) OIG investigators interviewed \(\text{for the last time}\)

\(\text{on 30 March 2010. When challenged about the disparity between the known amount stolen of} \)

\(\text{and the lesser amount he admitted spending,}\)

\(\text{(b)(3) NatSecAct}\)

On 3 April 2010,

\(\text{retrieved the remaining stolen cash} \)

\(\text{deposited it, and wrote a refund check to the Agency in the amount of} \)

\(\text{(b)(3) NatSecAct}\)

\(\text{(U) HOW WAS THE THEFT ACCOMPLISHED?}\)

\(\text{(b)(1)}\)
\(\text{(b)(3) CIAAct}\)
\(\text{(b)(3) NatSecAct}\)
\(\text{(b)(6)}\)
\(\text{(b)(7)(c)}\)

\(\text{(b)(3) CIAAct}\)
\(\text{(b)(6)}\)
\(\text{(b)(7)(c)}\)

9 (۞) OIG learned later that

\(\text{had leaked investigative information to} \)

\(\text{in advance of his initial interview.}\)

\(\text{(b)(1)}\)
\(\text{(b)(3) CIAAct(U//FOST)}\)
\(\text{(b)(3) NatSecAct}\)
\(\text{(b)(6)}\)
\(\text{(b)(7)(c)}\)
45. (S//NF) told OIG on 26 March 2010 that once he made his mind to steal money from the vault, his intent was twofold: (1) conceal the theft so well that it might never be found; and (2) if having failed at that, create the impression that a mistake had occurred.

He told OIG he would never have attempted to steal money at Headquarters.

46. (S//NF) Amount of in his 2010 (b)(6) interview, said he settled on the amount of money to steal based on what was concealable in the pockets of his cargo pants. He told OIG that taking felt (to him) like "too much" money to take and he found that exactly were unnoticeable in his pockets. stated that removing individual bills was "too much trouble." He still insisted that he never found the and consequently gained no inspiration of method from it.

47. (S//NF) Targeted. In the 26 March 2010 OIG interview, said he felt that all should bear the in order to enhance his intended illusion of an honest mistake. told OIG that while he bore no specific grudge, he was unwilling to short marked with his own (so as to avoid later suspicion). This, he believed, would add one more confusing element to any resulting investigation.
48. (S//NF) Theft and Transport. In the 26 March 2010 interview, told OIG that he went inside the vault early on the morning of the theft, then unwrapped the packing tape from while wearing military-style glove liners he had brought with him from the US, which he thought would prevent him from leaving fingerprints on the packaging. Not trusting the glove liners alone, he also clipped off the tape ends with scissors before seeing them down. then relocated in order to reduce the likelihood that a successor custodian would happen upon them.

49. (S//NF) After walking out of the vault with the stolen money in the pockets of his cargo pants, returned to his living quarters. He had no roommate assigned at that time was able to conceal the cash among his personal luggage. When he departed on April 2008 for his return to the put the stolen money back into the pockets of his cargo pants. He did not disclose importation of on the Treasury Form 105 he submitted to ICE agents.  

50. (C) Concealment. Once home in recalled that he put the cash inside an old gym bag and placed it in a closet. told OIG that he was not certain, but estimated the date of his theft between 19 March and
(U) WHAT CAN BE DONE TO PREVENT A RECURRENCE?

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
(U) **WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?**

60. (U) Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money, property or records) provides in part:

> Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or Agency thereof ... Shall be fined under this title or imprisoned not more than ten years, or both.

61. (U) AR 13-1, Standards of Conduct, states in part:

c.(1)(b)(f) Employees shall comply with legal requirements established by: Federal Statutes and Congressional Resolutions ... and Agency regulations.

c.(1)(e) Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

d. Managers ultimately are responsible for the actions or inactions of their subordinates and should institute reasonable measures to ensure compliance with Agency standards of conduct.

62. (U) AR 30-5 e., Custody of Funds, Penalties states in part:

If fraud is discovered, the individual will be required to refund the amount involved, will be subjected to disciplinary action including suspension or termination, and may be prosecuted under law.

63. (C) AHB 30-5 3b, Custody of Funds, Duties and Responsibilities of Custodians states in part:

(b)(3) CIA Act
65. (6) AR 30-8 h(1), Reporting Shortages or Overages of Official Funds, states in part:

(b)(3) CIAAct
66. (U//FORO) AR 1-3a (5)(a), Office of Inspector General, Cooperation With OIG states in part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming response to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

CONCLUSIONS

67. (S//NF) in cash was stolen from the Finance vault by in March 2008. acted alone. 15

68. (E) failed in his responsibility to cooperate with OIG in interviews conducted on 21 October 2008, 2 November 2009, and 23 March 2010 and following his 26 February when he having taken the missing money. He did not provide accurate, candid, complete, and forthcoming responses as required by AR 1-3a.

15 (E) resigned on 18 August 2010 and his security clearances were revoked. He has exhausted all of his administrative appeal rights.
70. (S//NF) The remaining ___ of the reported ___ cash shortage was tied to a ___ cash overage reported on 21 October 2007. ___ precipitated both discrepancies through a combination of cash handling and bookkeeping errors on the same transaction.

71. (S//NF) ___ failed in his responsibility to cooperate with interviews conducted on 8 October 2008 and 20 May 2009 by denying that he had allowed unauthorized personnel into the ___ Station cash vault. He did not provide accurate, candid, complete, and forthcoming responses as required by AR 1-3a. Only when confronted ___ did he admit to allowing two (later three) unauthorized visitors into the vault.

72. (S//NF) Internal controls over cash at ___ Station were active. The responsibility for ensuring proper observance of Agency financial regulations, policies, and procedures specifically designed ___ protect cash rested with ___ internally. ___ failed to re-deposit 5 November 2007 ___ cash overage by ___ as required by AR 30-8. ___ was aware that ___ had incurred a separate overage three weeks prior.
RECOMMENDATIONS

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)

CONCUR:

(b)(6)

David B. Buckley
Inspector General

4/18/2011
Date
APPENDIX

OIG Referral Memoranda Generated As a Result of This Investigation

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
REPORT OF INVESTIGATION

(U) LACK OF IMPARTIALITY BY A DIRECTORATE OF INTELLIGENCE OFFICER
(2010-09598-1G) (b)(6) (b)(7)(c)

10 February 2011

David B. Buckley
Inspector General

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Assistant Inspector General
for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) LACK OF IMPARTIALITY BY A DIRECTORATE OF INTELLIGENCE OFFICER
2010-09598-IG

10 February 2011

INTRODUCTION

1. (C) In January 2010, the Office of Inspector General (OIG) received a referral from the Office of Security (OS). It reported that an analyst in the Directorate of Intelligence (DI), made admissions regarding an intimate relationship with his immediate supervisor, based on a review of records and electronic messages passed between. Based on a review of records and

SUMMARY

2. (C) The admission was supported by electronic messages passed between and. Based on a review of records and

1 (b)(7)(e)
interviews of [Redacted] and [Redacted] OIG determined that [Redacted] and [Redacted] engaged in a personal relationship while [Redacted] was involved in decisions affecting [Redacted] financial status. When interviewed, [Redacted] admitted to a relationship with [Redacted] while serving as his supervisor.

[Redacted] denied exercising any acts of favoritism toward [Redacted] but acknowledged that it was inappropriate and unprofessional for a supervisor to have a personal relationship with a subordinate.

3. (S) The investigation revealed that, during the time [Redacted] maintained a personal relationship between [Redacted] and [Redacted] served as the rater for one of [Redacted] Appraisal Reports (PARs), supported him for promotion, and nominated him for an Exceptional Performance Position also supported for the newly-created position.

4. (C) [Redacted] actions violated provisions of Agency Regulation (AR) 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post Employment Restrictions, and Political Activities, and Title 5 Part 2635. According to AR 13-2 (d)(1), Agency employees are expected to act impartially in the performance of their duties and not give preferential treatment to any private organization or individual. Additionally, Title 5 C.F.R. Part 2635.502 and 2635.702 state in part that an employee should avoid an appearance of giving preferential treatment by not participating in matters that affect the financial interests of a friend. Due to the nature of their relationship, [Redacted] should have recused herself from decisions affecting the financial interests of [Redacted] in order to remain impartial and avoid allegations of preferential treatment.
SECRET

5. (U//FOUO) OIG recommends that the determine what administrative action should be taken with respect to conduct.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

BACKGROUND

6. (U//FOUO) is a full-time Agency Staff officer

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

PROcedures AND RESOURCES

8. (C) OIG reviewed and e-mail messages from which included the time period of the personal relationship. OIG also reviewed applicable federal and Agency regulations, and Official Personnel Folders, security files, and PARs for OIG conducted a search of the Human Resources (HR) database for EPAs awarded to and reviewed HR panel notes for for the period.

(b)(3) CIA Act
(b)(1)
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(1)
(b)(6)
(b)(7)(c)

(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Approved for Release: 2017/04/27 C06659226
9. (U//FPOO) Consistent with OIG's standard policy, individuals who provided information for this report were presented with an opportunity to review their Interview Reports for factual accuracy and completeness. OIG evaluated the comments and made changes, as appropriate. On 8 December 2010, had the opportunity to review and comment on the draft Report of Investigation (ROI), and her comments were considered in the preparation of this final report. was also afforded an opportunity to comment on the draft ROI.

QUESTIONS PRESENTED

10. (E) This Report addresses the following questions:

♦ What was the nature of the relationship between and her subordinate, ?

♦ What promotions, awards, and other benefits did receive during the period of the personal relationship? What was involvement in these benefits?

♦ What federal and CIA regulations may have been violated?

FINDINGS

(E) WHAT WAS THE NATURE OF THE RELATIONSHIP BETWEEN AND HER SUBORDINATE, ?
12. (E) Interview. was interviewed on 21 April 2010 and 18 May 2010.

13. (E) stated that the personal relationship with began and ended after an office off-site occasion after the off-site stated that she met on one other

14. (E) Interview. During an interview on 4 May 2010,
15. (E) Documentary Evidence. A review of e-mail messages confirms a close, personal relationship between [Redacted] and [Redacted] from [Redacted]. E-mail messages indicated that [Redacted] began sending complimentary e-mails beginning in [Redacted] and continued to exchange personal e-mail messages through [Redacted].

16. (E) Promotions. During the personal relationship, [Redacted] served as the rater for PAR, which covered the period of [Redacted]. [Redacted] served as the reviewer for the PAR from [Redacted]. [Redacted] was promoted to [Redacted] in [Redacted] approximately [Redacted] months after [Redacted] left and was no longer supervisor. On [Redacted], [Redacted] sent an e-mail to [Redacted] managers requesting [Redacted]'s input on promotions. [Redacted] forwarded a list of candidates from [Redacted] ranked as a "yes, maybe, or no." [Redacted] was listed in the "yes" category, which signified there was 100 percent agreement among the Career Service Subpanel members. On [Redacted], [Redacted] provided [Redacted]'s rankings of members for promotion. [Redacted] was ranked highest on [Redacted]'s list of candidates. The promotion [Redacted] nomination recommendations were forwarded to the Career Service Panel (CSP). The [Redacted] CSP promoted [Redacted] employees in total, including [Redacted].

17. (E) On 18 May 2010, [Redacted] stated that subpanels were held at the Group level for promotions from GS-10 to 11, GS-11 to 12 and GS-12 to 13. She explained that the Chief (C) and DCs/ [Redacted] and the [Redacted] met and ranked the candidates for promotion. [Redacted] confirmed that she was present at all of the CSP subpanels as the first-line supervisor. The subpanel discussions informed [Redacted] who was a [Redacted] in CSP.
18. (E) On 12 May 2010, [redacted] stated that he served as reviewing official for PARs in [redacted]. He verified that he reviewed PARs for [redacted], assessed PARs as positive and recalled that he always agreed with comments. He added that PARs were consistent with others performing at his level. He related that [redacted] was an excellent analyst and demonstrated a lot of initiative.

19. (E) Awards. Agency records indicate that [redacted] nominated for one EPA during the time of the personal relationship. On [redacted], she sent an email message to management that contained EPA nominations, one of which was for [redacted]. A review of Agency records revealed that [redacted] approved the EPA for [redacted] that received on [redacted].

20. (E) Recollection of Awards. [redacted] said she could not recall exactly how many times she nominated for an EPA during the three years she supervised him. She estimated that she nominated for [redacted] EPAs. She explained that EPAs were awarded quarterly and usually about three were awarded per quarter to her team. During this period, her team consisted of approximately [redacted] analysts. She said that the analysts were rewarded based on a project and/or based on who had not received an award in a while. [redacted] explained that a list of names and justifications were provided to the group-level management team for review. [redacted] reported that she was part of the management team that decided on awards, but it was ultimately the group's decision. She added that no one questioned her about the nominations for [redacted]. She related that she never asked her for an award or indicated that she deserved one. She observed that she evaluated
comparably with her other subordinate analysts. She said she felt that she remained objective towards him and did not help to develop or promote him any more than the other analysts.

21. (C) During an interview on 12 May 2010, stated that the would normally nominate one of their officers quarterly for an EPA. He said that group level management generally did not nominate officers. explained that awards were granted on a quarterly basis. He said that would discuss awards as a group and vote on the nomination. would submit a note to HR with the EPA approvals.

22. (C) Creation of the position, sent an e-mail encouraging him to pursue the position that was recommending be created. thanked her for her support. In response, indicated that was also supportive of the position. wrote to that he would make the most "sense" for the position. On sent a draft proposal for the position based on the work he performed in reviewed and revised the draft and forwarded it to and for review and comment. On submitted the proposal to for review and comment. On requested a permanent assignment of analyst.
24. (S) The Director of Intelligence (DI) informed the author that the DI would be establishing a new position. On the newly created DI position was officially posted on the Agency vacancy database. On the DI sent his qualification statement for the position. On the DI provided e-mail comments to regarding his qualification statement, and she discussed preparing him for an interview. The position closed on.

25. (S) According to the position was needed to manage the increased workload. She recalled that supported the creation of the position, although he was uncertain of the extent of her involvement. She explained that supported the position and prepared a proposal. On she sent an e-mail to which reported that appreciated the various officers. However, indicated that was the person.

26. (S) The selection for the position. wrote an e-mail that said, "... this is why I got you the job in..." She opined that was overstating or exaggerating her
role. He said that anyone would have approved that position as it was greatly needed. added that other people encouraged him to pursue position. After reviewing the e-mail, said that was not accurate. verified that she did support for the position, but he got the job on his own merit. On was informed by of his selection for the assignment. verified that did not participate in the selection panel for the position.

27. On related that the panel consisted of a representative from the
related that the panel chair drafted a selection memorandum for and sent it to for concurrence. verified that did not participate in the selection panel for the position.

28. (C) Recognition of Supervisory Responsibilities. told OIG that she recognized that it is inappropriate and unprofessional for a supervisor to have a personal relationship with a subordinate. She said that she understood that the relationship was wrong because it could have influenced her treatment of E-mail messages from to confirmed that recognized that being supervisor during this relationship was problematic.

(U) WHAT FEDERAL AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

29. (U) The Office of Government Ethics publishes, Standards of Ethical Conduct for Employees of the Executive Branch, which are codified in Title 5 C.F.R. Part 2635 as amended. Section 2635.502, Use of public office for private gain, specifies in part:

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated.

[SECRET]
in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has seeks employment or business relations.

Section 2635.702(d), *Performance of official duties affecting a private interest*, provides:

To ensure that the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated in a nongovernmental capacity shall comply with any applicable requirements of 5 CFR Part 2635.502.

Section 2635.502(a), *Personal and business relationships*, specifies in part:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such a matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem . . . .

30. (U//FOUO) AR 13-2, *Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post Employment Restrictions, and Political Activities*, cites federal law and policy on federal ethics regulations, including conflict of interest, lack of impartiality, acceptance of gifts and honoraria, post employment restrictions, and political activities.

AR 13-2(c)(6), *Standards of Official Conduct*, specifies that all Agency employees must adhere to the Standards of Ethical Conduct for Employees of the Executive Branch which, in part, govern impartiality in performing official duties and misuse of position. AR 13-2(d)(1) states that, "Agency employees are expected to act impartially in the performance of their
duties and not to give preferential treatment to any private organization or individual." In addition, AR 13-2 (j)(1), Misuse of Position, specifies that an employee shall not use his office for, "...the private gain of friends, relatives, or persons with whom the employee is affiliated." AR 13-2 states that violation of non-criminal provisions of the Standards of Ethical Conduct can lead to administrative disciplinary actions, including loss of employment.

CONCLUSIONS

31. (F) This investigation substantiated that [Redacted] and [Redacted] engaged in a personal relationship between [Redacted] and [Redacted]. During the period of the personal relationship, [Redacted] was [Redacted]. A review of e-mail records indicated that [Redacted] began sending complimentary e-mails in [Redacted]. The personal e-mails continued through [Redacted]. [Redacted] acknowledged that she was aware that her relationship with [Redacted] was inappropriate, unprofessional, and could have influenced her treatment of [Redacted].


[b](1)
(b)(3) CIAAct
(b)(6)
(b)(7)(c)

[b](1)
(b)(3) CIAAct
(b)(6)
(b)(7)(c)

[b](3) CIAAct
(b)(6)
(b)(7)(c)

[b](3) NatSecAct
(b)(6)
(b)(7)(c)

[b](6)
(b)(7)(c)

[b](6)
(b)(7)(c)
33. The information considered in this investigation revealed that [redacted] took action that benefited [redacted] financial interests while participating in a personal relationship. Although there was no evidence to suggest that [redacted] demonstrated undue favoritism toward [redacted] she should have recused herself from decisions affecting the financial interests of [redacted] in order to remain impartial and avoid allegations of preferential treatment. [redacted] failed to take the appropriate actions to remove herself or consult with a designated ethics official when she was aware that her actions would give rise to the appearance of a lack of impartiality. As a result, [redacted] violated the ethical conduct standards outlined in AR 13-2, and set forth in Title 5 C.F.R. Part 2635.
RECOMMENDATION

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

The [REDACTED] should determine what administrative action should be taken with respect to [REDACTED] conduct in violation of Agency Regulation 13-2.

CONCUR:

(b)(6)

David B. Buckley
Inspector General

10/28/11
Date
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(U) INTENTIONAL MISUSE OF AGENCY COMPUTER SYSTEMS BY A DIRECTORATE OF INTELLIGENCE LEADERSHIP ANALYST
(2010-09666-IG) (b)(3) CIAAct
(b)(6) (b)(7)(c) 28 June 2011

David B. Buckley
Inspector General

(b)(3) CIAAct
(b)(6) (b)(7)(c)

Assistant Inspector General for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

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REPORT OF INVESTIGATION

(U) INTENTIONAL MISUSE OF AGENCY COMPUTER SYSTEMS BY A DIRECTORATE OF INTELLIGENCE LEADERSHIP ANALYST
(2010-09666-IG)

28 June 2011

INTRODUCTION

1. (E) On 10 May 2010, the Office of Security (OS) notified the Office Inspector General (OIG) that, during routine security processing, admitted to the use of a government computer to search for records related to herself, as well as foreign national friends and acquaintances on sensitive database systems. searches were in apparent violation of two federal statutes and a Headquarters Regulation.

SUMMARY

2. (E) The OIG investigation focused on database search activity for the period of  served as a Leadership Analyst in the Directorate of Intelligence,

(b)(1) (b)(3) CIA Act (b)(3) Nat Sec Act (b)(6) (b)(7)(c)
3. (C) The OIG investigation revealed that, between 15 September 2010, conducted questionable searches using agency computer systems. These searches were unauthorized and included own name, the names of various foreign nationals with whom was associated, as well as US persons, in apparent violation of Title 18 U.S.C. § 1030 (Fraud and related activity in connection with computers), and Title 5 U.S.C. § 552a (Records maintained on individuals). In addition, Headquarters Regulation (HR) 7-1, (Selected statutory provisions affecting the conduct of intelligence activities), and HR 7-1, ANNEX B — Guidance for CIA activities within the United States) specify that US persons information collected and retained by the Agency is to be used for official purposes only. Prosecution of was declined by the Department of Justice (DOJ) in favor of administrative action.

4. (C) When interviewed by OIG on 15 September 2010, admitted that, without authorization, she conducted computer searches on herself and on multiple foreign nationals, including personal acquaintances, friends, and relatives. She stated that she conducted those unauthorized searches because she was curious to see what information she might find in computer records that could be associated to the names that she searched.

5. (C) OIG recommends that the a full-time Agency Staff Officer, who entered on duty (EOD) in

6. (S) a full-time Agency Staff Officer, who entered on duty (EOD) in

BACKGROUND

6. (S) a full-time Agency Staff Officer, who entered on duty (EOD) in
PROCEDURES AND RESOURCES

7. (C) OIG obtained and analyzed computer records from These records contained questionable searches that conducted in OIG also reviewed Official Personnel Folder, security file, and foreign national contact reporting. OIG reviewed applicable federal criminal statutes and Agency regulations and policies.

8. (C) OIG interviewed regarding her reported misuse of agency computer systems. Provided additional information about her searches in

9. (C) Consistent with OIG's standard policy, had the opportunity to review her interview report for factual accuracy and completeness. OIG evaluated her comments and made changes, as appropriate. Additionally, had the opportunity to review and comment on the draft Report of Investigation (ROI) and her comments were considered in the preparation of this final report. The also reviewed the draft report and had no comments.
QUESTIONS PRESENTED

10. (C) This Report addresses the following questions:

- Did [redacted] conduct unauthorized searches on the Agency computer systems between [redacted]?
- What federal criminal laws and CIA regulations may have been violated?

FINDINGS

11. (C) Analysis of Computer Records. OIG analyzed all searches conducted on the Agency computer systems. OIG focused on names of relatives, foreign national contacts that were reported, and any other names that were not part of official responsibilities. This analysis, as well as [redacted] own admission, revealed that, between [redacted], [redacted] conducted unauthorized searches in [redacted] These searches pertained to herself and [redacted] non-Agency-related individuals, whom she apparently searched multiple times using spelling variations. (See attached Exhibit.)

12. (C) [redacted] Explanation to OIG Regarding her Search Practices. [redacted] verbally admitted to OIG on 15 September 2010 that she conducted unauthorized searches on herself, friends, relatives, and other personal acquaintances. [redacted] contended that she conducted those searches out of curiosity because she wanted to know what information appeared in CIA databases on each of the individuals that she searched and herself.
13. (C) said that as part of her responsibility as an analyst, she routinely accessed

14. (C) Training. verified that she received appropriate Agency training which enabled her to access She stated that she was aware, from her training and Agency instructions, that these two databases could only be used for official work-related purposes.4

15. (S//NF) training officials explained to OIG that when a user initially logs into he/she must agree to abide by the terms and conditions within The user is thereafter reminded every 120 days and must, each time, agree to the terms and conditions. The following excerpts appear upon user's logon:

4 On 3 November 2010, when reviewed her interview report, she wrote: "... after the 15 September 2010 interview, I made efforts to understand what types of searches are inappropriate to ensure that I comply with Agency regulations in the future. The guidance I received was conflicting (e.g., from a CI [counterintelligence] perspective that Agency employees were encouraged to conduct searches of themselves - presumably to see what information on them was 'out there,' i.e., available to foreign intelligence services; I was also told that searching FN [foreign national] acquaintances and friends was 'due diligence.' Despite the lack of clarity regarding which searches are permissible, I continue (and will do so in the future) to refrain from any unauthorized searches not related to my duties and responsibilities." provided no further information that would aid in the identification of persons or directives that gave her conflicting guidance.
This serves as a reminder that you have agreed to follow all terms and conditions when searching, reviewing, and disseminating unauthorized searching of self, relatives, acquaintances, and prominent personalities [are] in violation of HQ regs... personnel must not attempt to obtain information or material they do not need to know to perform in their official duties. If you have questions, please refer to the Terms of Use and Data Handling Instructions, the Frequently Asked Questions (FAQ), or contact your Information Management Officer (IMO).

16. (S//NF) training officials explained to OIG that users are required to receive training prior to receiving access to Additionally, it can only be accessed via the Agency Common Workgroup environment (CWE); each time a user logs onto CWE, the message "for authorized purposes only" appears. According to training officials, new users or students are neither instructed nor encouraged to conduct searches on self, friends, relatives and acquaintances for any reason.

17. (E) Agency records reflect that on completed the Introduction to and Course, provided by Agency Information Technology University.

18. (S//NF) Searches. stated that she used her Agency computer to conduct unauthorized searches on the following relatives, friends, and acquaintances:

| (b)(1) | (b)(3) CIA Act |
| (b)(6) | (b)(7)(c) |
| (b)(1) | (b)(3) Nat Sec Act |
| (b)(6) | (b)(7)(c) |
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
20. (S//NF) stated that she had no ulterior motive to search for her own name, as well as her relatives, friends, and acquaintances on the Agency computer systems, other than she was curious to verify if there was any information associated with the names that she searched. She explained that no one asked her to conduct any of those searches and that she did not provide any information to the individuals that she searched in further stating that she understood the seriousness of her Agency computer misuse. stated that she would refrain from conducting future unauthorized searches.

9 (U) The Agency Internet Network is an unclassified, stand-alone system, and is not related to

13 Upon reviewing the draft ROI on 2 May 2011, commented that she was unable to recall whether her actions were in violation of what she learned in training. She added that she had not knowingly violated regulations.
21. (S//NF) OIG's review of OS records on 26 October 2010 revealed during a security reinvestigation, OS interviewed _____ on three occasions between March and June 2010. _____ reportedly admitted to OS that she conducted unauthorized searches out of curiosity on her friends and relatives, using the Agency computer systems. _____ reportedly denied to OS that she communicated to anyone any information that she obtained during her unauthorized searches.

(U) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

23. (U) Title 18 U.S.C. § 1030 (Fraud and related activity in connection with computers) provides in pertinent part:

(a) Whoever — ... (2) intentionally accesses a computer without authorization or exceeds authorized access, and thereby obtains —

(B) information from any department or agency of the United States. ... [shall receive] a fine under this title or imprisonment for not more than one year, or both. ...
24. (U) Title 5 U.S.C. § 552a (Records maintained on individuals) provides in pertinent part:

(i) (1) ... Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(i) (3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

25. (U) HR 7-1, c (Selected statutory provisions affecting the conduct of intelligence activities) (4) (Privacy Act of 1974), specifies in pertinent part:

(U) The Privacy Act of 1974 prohibits the disclosure outside the Agency of records pertaining to an individual without that individual's consent unless the disclosure is authorized by one or more specific exceptions, including a disclosure that constitutes a routine use for those records (5 U.S.C. § 552a). ... Additionally, the Privacy Act requires that a record be kept of disclosures of information concerning a U.S. person outside the Agency, whether the disclosures are written or oral.

26. (U) HR 7-1, ANNEX B -- (Guidance for CIA activities within the United States), § VI (Processing of U.S. person information), a, 2 (Dissemination), specifies in pertinent part:

(U) Information about a U.S. person may [only] be disseminated within CIA to employees who need to know the information in the course of their official duties and to each appropriate agency within the Intelligence Community for purposes of allowing the agency to determine whether the information is relevant to its responsibilities ....

27. (C) On 18 October 2010, OIG referred this matter to the DOJ pursuant to 50 U.S.C. § 403q (b)(5) to report information concerning
apparent violation of federal criminal law. On 2 November 2010, DOJ
declined prosecution of for apparent violation of Title 18 U.S.C.
§ 1030 (Fraud and related activity in connection with computers) in fa-
f Agency administrative action.

CONCLUSION

From , while serving in the position of Directorate of Intelligence Leadership Analyst, conducted searches on herself, relatives, friends, and acquaintances, using two Agency databases, on CIA computer systems. admitted that she conducted these searches and that they were not authorized. conduct constitutes the apparent violations of Title 18 U.S.C. § 1030 (Fraud and related activity in connection with computers), as well as Title 5 U.S.C. § 552a (i) (3) (Records maintained on individuals). In addition, her access to the databases was inconsistent with CIA HR 7-1, in particular, Annex B, a, 2.
RECOMMENDATION

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)

CONCUR:

(b)(6) 21 Jan 201

David B. Buckley Date
Inspector General
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL

CENTRAL INTELLIGENCE AGENCY

(U) CONTRACTOR EMPLOYEE PARTICIPATION IN CIA-SPONSORED SOCIAL EVENTS (2010-09714-IG)

21 March 2011

David B. Buckley
Inspector General

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Assistant Inspector General for Investigations

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
INTRODUCTION

1. (U//FOUO) On 7 October 2008, the Government Accountability Office referred to the CIA Office of Inspector General (OIG), Investigations Staff an allegation from an anonymous source, who stated that the sponsored on 2008, and invited contractor employees to participate for three hours of paid contract time. The allegation specifically cited participation of contractor employees from and

2. (U//FOUO) The allegation stated that and respectively, were the CIA staff responsible for . In addition, the allegation reflected that has been held many times over the past several years, with an estimated total cost between $60,000 to $100,000 for each event.
3. (U//FOUO) During the investigation, OIG identified a potential appearance of a conflict of interest in government-contractor relationships during the recompete of the (b)(3) CIAAC (b)(6) contracts, which was not part of the original allegation. (b)(7)(c)

SUMMARY

4. (U//FOUO) The OIG investigation focused on determining whether or not engaged in wasteful practices and/or mismanaged its contractor employees when it sponsored an event, which was held on 2008, and allowed contractors up to three hours of paid contract time to participate. In addition, the investigation concentrated on identifying the individual(s) responsible for approving the event and authorizing paid contract time for contractors to participate. (b)(3) CIAAC (b)(6) (b)(7)(c)

5. (U//FOUO) Based on a review of contract data, information obtained through interviews and Lotus Note messages (e-mails), the OIG estimated that paid nearly for contractor employees to organize and/or attend the 2008 event, which the OIG deemed to be a social activity. Most of the contractor employees who were present at the event charged—and were paid—up to three hours to attend. In addition, a few contractor employees charged—and were paid for—contract time spent organizing the event on behalf. began its practice of sponsoring this event annually in 2002. (b)(3) CIAAC (b)(6) (b)(7)(c)

6. (U//FOUO) The OIG determined—based on a review of the (b)(3) CIAAC (b)(6) Management Plan, evaluation of interviewee statements, and examination of e-mail messages—that was responsible for approving the 2008 event and the team building exercise conducted during (b)(7)(c)

2 (U//FOUO) There was no indication that the event included any business-related activities or discussions. Rather, interviewees portrayed the event as a team building activity while others described it as The event schedule—which was sent to staff and contractor employees—outlined an event that included and a team building exercise. Team building activities are not necessary for the performance of a contract. Further, team building activities do not qualify as CIA-unique training. (b)(3) CIAAC (b)(6) (b)(7)(c)
the event. In addition, policy allowing contractor employees up to three hours of paid contract time to attend the event. The Contracting Officer's Technical Representative (COTR) for the and contracts, authorized payment for contractor employee participation in the event. The investigation found no evidence that was directly responsible for approving the event, or the payment of contractor employees.

7. (U//F&O) The OIG concluded that the management and contracting practices promulgated by and resulted in a waste of CIA funds and mismanagement of CIA contractor personnel. Over a period of several years, and utilized—and paid—contractor employees to perform activities that were not in furtherance of either the or contracts, accordingly were out of scope, and were neither specifically authorized by law nor necessary.

8. (U//F&O) In addition, the OIG concluded that and entered into unauthorized commitments when they asked contractor employees to work outside the scope of their contract. Because the social event was not authorized under either the or contracts, time charged to the contracts to participate in the event resulted in an over billing for the out of scope costs incurred.

9. (U//F&O) The OIG determined that neither nor exercised sufficient precautionary measures to avoid the appearance of a conflict of interest in government-contractor relationships during the contract. At the 2008 event, staff mingled with personnel employed by contractors bidding on the new contract. Further, a few contractor employees—including one senior manager—told the OIG that

5 (U//F&O) Consultation with the OIG legal counsel on 23 June 2010 established there was no actual conflict of interest.
contractor employees were pressured to participate in the event. Two of these contractor employees cited the year of contract recompete as one reason they were compelled to attend. While the pressure to attend the event was implied, contractor employees understood they were expected to attend.

BACKGROUND

12. (U//FOUO) The practice of sponsoring an annual event—for CIA staff and contractor employees—began in 2002 under the leadership of
This practice continued annually—with leadership—under
the exception of 2009—until

PROcedures AND RESOURCES

13. (U//FOO) To ascertain the date, duration, and nature of the event, the OIG reviewed multiple e-mails and other documentation, including the Management Plan. The OIG obtained a list of contractor employees who were present at the 2008 event and their respective contract charge rates, and utilized this data to estimate the dollar amount paid for contractor employee participation in the event. The OIG examined applicable statutes and regulations.

14. (U//FOO) The OIG interviewed the Chief and Deputy Chief of as well as the CO and COTR responsible for administering the and contracts. In addition, the OIG interviewed the following contractor employees: the Program Manager, Program Manager, Deputy Program Manager, subcontractor, employee, and subcontractor.

15. (U//FOO) Consistent with the OIG standard policy, reviewed the report on 13 October 2010 in draft for factual accuracy and completeness. She had no comments on the draft report. Likewise, managers of relevant Agency components had the opportunity to review and comment on the draft report. The component managers had no comments on the draft report.

6 (U//FOO) On 19 June 2009, told OIG that had not planned or sponsored a team building event in 2009 because of the ongoing OIG inquiry.
QUESTIONS PRESENTED

16. (U/FOUO) The investigation addresses the following questions:

- Did contractor employees participate in organizing sponsored social events and/or attend such events?
- Who authorized contractor employees to participate in sponsored social events and who paid for their participation?
- Did take appropriate actions to avoid the appearance of a conflict in government-contractor relationships?
- What federal laws and CIA regulations may have been violated?

FINDINGS

(U/FOUO) DID CONTRACTOR EMPLOYEES PARTICIPATE IN ORGANIZING SPONSORED SOCIAL EVENTS AND/OR ATTEND SUCH EVENTS?

17. (U/FOUO) Sponsored Social Events. The Management Plan, Appendix B: Communications Plan, Team Building Events, dated 1 April 2008, provides in pertinent part:

The Chief may sponsor an annual team building offsite in the summer/fall to promote morale & build stronger teams within Each May, the Chief will appoint the appropriate Management Team lead (i.e., Chief )
18. (U//FOUO) The allegation, as did some interviewees, described the team building offsite held on 2008 as [8] Many interviewees portrayed it as a team building event. [9][10] All interviewees who attended the event indicated that it included lunch, games, and a team building exercise. There was no indication from either the Management Plan or any interviewee that the event included any business-related activities or discussions. Interviewees stated that the vault where office is located was open during the event. [11] As such, contractor employees who chose not to attend the event continued working on-site.

19. (U//FOUO) [ ] invited staff and contractor employees to attend the event, which was conducted during normal working hours. On [ ] 2008, [ ] subcontractor employee sent an e-mail to [ ] staff and contractor employees stating [sic] You're invited!!! [sic] 2008 Team Building Event.” This e-mail provided the date, time, and location of the event—Thursday, [ ] 2008, from [ ] 1130 to 1500 [ ].

7 (U//FOUO) In addition to the annual team building offsite, sponsored other social activities that were held in-house. Examples include an annual holiday party (another social event addressed in the Management Plan), indicated that [ ] did not allow paid contract time to attend these in-house activities. [ ] employee), and [ ] employee) conveyed a similar understanding—contractor employees were not authorized to charge contract time to attend in-house events. [ ] believed that [ ] not allowed 30 minutes to an hour of administrative time, which is not charged to the contract, to attend in-house events.

8 (U//FOUO) and referred to event as

9 (U//FOUO) For consistency purposes, this report will use the term "event" to identify the annual team building offsite.

10 (U//FOUO) referred to event as a team building exercise.

11 (U//FOUO) [ ] stated that the vault was open.
In addition, the e-mail listed the event's planned activities—a team building exercise, and a...
23. **(U//FOUO)** Statements to the OIG. On 2 April 2010, indicated that her role in the 2008 event was to plan and coordinate what she described as 

said that she did not charge any of the time she spent either or attending the event to the contract.

24. **(U//FOUO)** Statements to the OIG. On 27 August 2009, provided names of four employees who arrived about a half hour to an hour before the event to setting up and/or cleaning up after the event was minimal. In opinion, time spent

mised employees and subcontractors either worked a longer day to make up this time, or included it in the three hours of paid contract time allowed by

25. **(U//FOUO)** Contractor Employee Attendance. Information provided by on 3 December 2008 showed that contractor employees attended the 2008 event. Of the contractor employees, worked for and worked for . The remaining contractor employees were

13 **(U//FOUO)** faxed employee and subcontractor rate information to the OIG on 11 and 18 May 2009. Additional rate information was obtained from telephonically (4, 12, and 18 May 2009) and in person (14 May 2010).
WHO AUTHORIZED CONTRACTOR EMPLOYEES TO PARTICIPATE IN SPONSORED SOCIAL EVENTS AND WHO PAID FOR THEIR PARTICIPATION?

26. (U//FOUO) The Management Plan. The Management Plan, which is dated 1 April 2008, indicates that sponsoring "an annual event to promote morale and build stronger teams within" was the decision to make. Interviewees' perceptions of their role in the event are consistent with the role conveyed in the Management Plan.

27. (U//FOUO) Statements to the OIG. On 19 June 2009, stated that Leadership Team had already established the standard practice of sponsoring an annual event. In the opinion, staff and contractor employee participation in the follow-on activities should have been done on their own time.

28. (U//FOUO) affirmed that working policy permitted paid contract time to participate in the event. stated that she was not aware of the actual number of hours allowed—which was up to three hours—until after the OIG inquiry began.

Leadership Team consisted of individuals and included members previously listed served on the team prior to 2004.
30. (U//FOUO) [b)(3) CIA Act] Statements to the OIG. According to [b)(3) CIA Act] who was interviewed on 21 August 2009, approved the event and team building exercise. [b)(6) indicated and/or [b)(7)(c) would have decided upon the number of hours that could be charged to the contract. [b)(3) CIA Act] said he assumed contractor employees were allowed paid contract time to participate in the team building exercise; however, he did not recall making any statements to this effect.

31. (U//FOUO) [b)(3) CIA Act] Statements to the OIG.

32. (U//FOUO) On 6 August 2009, [b)(3) CIA Act] stated that approved the event and its related activities. [b)(6) said she assumed approved working policy, which allowed contractor employees up to three hours of paid contract time to participate in the event. [b)(7)(c) however, could not recall personally talking to about whether this policy was permissible.

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36. (U//FOUO) __________ Statements to the OIG. On 3 June 2009, stated that approved the event and authorized contractor employees up to three paid contract hours to participate. indicated that did not authorize or approve any aspects of the event.

37. (U//FOUO) __________ stated that authorization was communicated verbally in 2008 because planning for this event was rushed. recalled speaking with in 2008 and inquiring whether working policy—the typical non-billable half-hour for lunch and three hours of paid contract time—was acceptable. In opinion, working policy was clear.
39. (U//F|O|O|O) Statements to the OIG. On 27 August 2009, stated that approved the event and the team building exercise. He indicated that either or approved the three hours of paid contract time to participate. In opinion, policy was clear.

40. (U//F|O|O|O) According to corporate policy provides that employees should only charge the government contract for hours worked. In opinion, team building normally would not be included in the definition of work. Therefore, contractor employee participation in a team building event should not be charged to the contract
41. (U//FOUO) ______________________ Statements to the OIG. On 23 September 2009, ______ stated that ______ approved the event, the event activities, the policy to allow three hours of paid contract time to participate.

42. (U//FOUO) ______________________ indicated that ______ corporate policy states that ______ personnel should only bill the government contract for efforts incorporated in the SOW, or efforts directed by the COTR. In ______ opinion, if a COTR instructs contractor employees to charge the contract to attend a team building event, they will follow those instructions. ______ stated that while ______—was aware of ______ working policy, no ______ corporate management was.

43. (U//FOUO) ______________________ Statements to the OIG. On 1 June 2009, ______ stated that ______ approved the event and authorized contractor employees three hours of paid contract time to participate. In ______ working policy was well known.

44. (U//FOUO) Payment for Contract Participation. ______ paid for contractor employee participation at the ______________ event.16 Information provided by ______ showed that ______ of the ______ contractor employees who were present at the event recorded this time—up to three hours—to their respective ______.
government contracts.\(^{17}\) In addition, at least _____ contractor employees
argued—and were paid for—time spent organizing the event, which was
more than the three hours permitted by _____.

(U//FOUO) \(\text{DID} \) TAKE APPROPRIATE ACTIONS TO AVOID THE APPEARANCE
A CONFLICT IN GOVERNMENT-CONTRACTOR RELATIONSHIPS?

45. (U//FOUO) On 20 August 2009, ____ stated

Based on her
understanding of the event, _____ said that she was not concerned about
the appearance of _____ and _____ contractor employees socializing with
government personnel at the event during the year of recompete

46. (U//FOUO) On 23 September 2009, ____ stated that ____
corporate management emphasized the need for _____ employees to "play

(U//FOUO) On 3 December 2008, ____ provided the OIG with a list of contractor employees who
attended the event. On 6 August 2009, ____ stated that the actual number of hours charged to the
and _____ contracts for the 2008 event cannot be determined. Because a separate charge code was not
established for the event, contractor employees recorded these hours to an existing project code. On
12 May 2009, ____ stated that it was reasonable to assign three hours of paid contract time for _____
employees and subcontractors—with the exception of five employees—because it is likely they stayed at
the event for the full three hours. On 4 May 2009, ____ indicated that _____ employees and
subcontractors would have charged closer to three hours to the contract to attend the event. While it was
possible _____ employees could have come late and/or left early, that is not what _____ said he
observed. As noted earlier in the report, ____ stated, on 2 April 2010, that she did not charge any
contract time to either organize or attend the event. In an e-mail dated 5 May 2009, ____ stated that the
contractor employee recorded two hours to attend the event. Based on this information, the OIG
adjusted its estimates accordingly.

(U//FOUO) As mentioned earlier in the report, ____ charged contract time
to plan and organize the event.

(U//FOUO) ____ indicated that she became aware of the event after the OIG inquiry began. Prior to the inquiry, neither ____ nor anyone else from _____ had discussed the event with her.
well" with and government counterparts, especially in a year of
contract recompete. indicated that employees knew they should
attend the event because was preparing for the recompete. said that he could understand how someone might be concerned about the
appearances of contractor employees socializing with government personnel in the year of a contract recompete.

47. (U//FOUO) On 26 May 2009, indicated that pressure
from— to participate in sponsored social activities and to be "one happy family"
frustrated her. In opinion, this pressure was not appropriate.

48. (U//FOUO) According to who was interviewed on
1 June 2009, was receiving pressure from to "play nice." In
opinion, officials were pressuring to participate in
organizing the event because the contract was being recompeted.

49. (U//FOUO) On 27 August 2009, encouraged
employees and subcontractors to attend the event. According to
wanted a high turnout. however, did not believe

(U//FOUO) WHAT FEDERAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

50. (U//FOUO) The Federal Acquisition Regulation (FAR) provides
in pertinent part that:

Subpart 3.101-1 Government business shall be conducted in a manner
above reproach and, except as authorized by statute or regulation, with
complete impartiality and with preferential treatment for none.
Transactions relating to the expenditure of public funds require the
highest degree of public trust and an impeccable standard of conduct. The
general rule is to avoid strictly any conflict of interest or even the
appearance of a conflict of interest in Government-contractor relationships.
Subpart 31.205-13 (c) [Contractor] costs of recreation are unallowable, except for the costs of employees' participation in company sponsored sports teams or employee organizations designed to improve company loyalty, teamwork, or physical fitness.

Subpart 31.205-14 [Contractor] costs of amusement, diversions, social activities...are unallowable.

51. (U//FOUO) Agency Regulation 40-4, Acquisition of Materiel and Nonpersonal Services, provides in pertinent part that:

4.i. (1) Unauthorized commitments are non-binding agreements solely because the government representative who made it lacked the authority to enter into such an agreement on behalf of the Agency. Any employees involved in unauthorized procurement activities, including negotiations or commitments, may be subject to personal liability and disciplinary action. An authorized contracting official may ratify an unauthorized commitment only if certain conditions are met.21

52. (U//FOUO) The CIA Contracting Manual provides in pertinent part that:

Subpart 131.205-4470 (a)... Agency-unique training and education means any specialized classroom, Agency on-line, or Agency on-the-job program of instruction designed to develop skills applicable exclusively to the support of Agency systems or missions (i.e., training tailored to the Agency requirements and not available except through the Agency) when such training is essential to contract performance.22

Subpart 131.205-7000 (a) When Federal employees are excused from work due to a holiday or a special event...on-site contractors will continue working established work hours or take leave in accordance

21 (U//FOUO) Both the CIA Contracting Manual (CCM), Subpart 101.602-3, Ratification of unauthorized commitments, and Employee Bulletin, CFO EB Number: 0010-04, Ratification of Unauthorized Commitments, provide similar guidance. The Employee Bulletin, which was dated 28 July 2004, states that the CIA is under no obligation to fulfill an unauthorized commitment and has the discretion whether or not to ratify it.

22 (U//FOUO) This CCM subpart was reiterated on 3 April 2008, when the CIA issued Employee Bulletin, CFO EB Number: 0002-08, When is Agency Training Appropriate for Contractors?
with parent company policy. Those contractors who take leave shall not directly charge the non-working hours to an Agency contract.

Subpart 142.7001 (c) COTRs . . . are not authorized to make any commitments or changes (either formal or informal) that affect price, scope, quantity, quality, delivery schedule, terms and conditions, or other legal aspects of a contract. Such actions are the contracting officer's responsibility and COTRs . . . must refer them to the contracting officer.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

CONCLUSIONS

53. (U//FOUO) The OIG estimated that paid nearly for contractor employee participation in organizing and/or attending the 2008 event, which the OIG deemed to be a social activity. The OIG did not calculate the estimated cumulative cost.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

54. (U//FOUO) The management and contracting practices promulgated by resulted in a waste of CIA funds and mismanagement of CIA contract personnel. Over a period of several years, utilized—and paid—contractor employees to perform activities that were not in furtherance of either the or contracts, accordingly, were out of scope, and were neither specifically authorized by nor necessary.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

23 (U) The OIG calculated the estimated cost of the 2008 event by multiplying each contractor employee's charge rate by the number of hours he was believed to have participated, which included time spent organizing and/or attending the event. Of the contractor employees who were present at the event, the CIA attended (2 hours each, 2.5 hours each, and 2 hours each). Because of the resources and time needed to conduct interviews, reconstruct the list of contractor employees who participated, number of hours charged, individual charge rates, etc., the OIG did not estimate the cumulative cost (i.e., from 2002 to 2008) for contractor employee participation in prior events.

24 (U//FOUO) Although the practice of sponsoring an annual event began in 2002—two years prior to the events that have been held since 2002——was responsible for continuing this practice and approving most of the events that have been held since 2002.
55. (U//FOUO) ____ and ____ entered into unauthorized commitments—thereby violating Agency regulations and the CCM—when they asked contractor employees to work outside the scope of their contract. Because the event was not authorized under either the ____ or ____ contracts, time charged to the contracts to participate in the event resulted in an over billing.

56. (U//FOUO) Neither ____ (b)(7)(c) ____ nor ____ exercised sufficient precautionary measures to avoid the appearance of a conflict in government-contractor relationships during the recompete of the ____ and ____ contracts. At the ____ 2008 event, ____ staff mingled with personnel employed by ____ and ____—two of the four contractors who bid on the new contract. While technically not a violation of the Office of Government Ethics Standards of Conduct, some contractor employees interviewed during the course of the investigation viewed participation in the social event as an activity that could have impacted the outcome of the then ongoing recompete of the ____ and ____ contracts.

57. (U//FOUO) The investigation found no evidence that ____ was directly responsible for approving the event, team building exercise, or payment of contractor employees.
RECOMMENDATIONS

(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)

CONCUR:

David B. Buckley
Inspector General

17 Mar 11

Date
10 March 2011

DISPOSITION MEMORANDUM

SUBJECT: (U//FOUO) Senior Officer's Failure to Recuse

CASE: 2008-8912-IG

INTRODUCTION:

1. (U//FOUO) On 10 April 2008, during a review of Lotus Notes (LN) messages on an unrelated Office of Inspector General (OIG) investigation, a series of LN messages were discovered between (b)(3) CIA officer and (b)(3) CIA officer who occupied a subordinate position several echelons below (b)(3) CIA position. These LN messages suggested there existed a personal relationship between and who had an active role in drafting and selecting the monetary amount of an Exceptional Performance Award (EPA) for (b)(6) from the CIA (b)(7)(c)

Furthermore, the LN messages indicated that subsequently personally advocated for a raise in (b)(3) CIA grade and overall compensation (b)(6) (b)(7)(c)

2. (U//FOUO) OIG initiated its preliminary administrative investigation on 16 April 2008 regarding potential misuse of his position by failing to recuse himself from personnel matters that financially benefited (b)(3) CIA. (b)(6) (b)(7)(c)
PROCEDURES AND RESOURCES:

4. (U//FIS) On 23 May 2008, John H. Helgerson, then CIA Inspector General (IG), was briefed on the aforementioned facts. IG Helgerson directed that no additional investigative action be taken until further advised. Helgerson left his position on 31 May 2009.

5. (U//FIS) On 2 November 2010, newly appointed IG David B. Buckley was briefed on the preliminary investigation involving [redacted]. He directed that [redacted] be interviewed and that the Congressional oversight committees be notified.

6. (U//FIS) As required by Title 50 U.S.C. 403q(d)(3), the Chairman and Vice Chairman of the Senate Select Committee on Intelligence (SSCI) and the Chairman and Ranking Minority Leader of the House Permanent Select Committee on Intelligence (HPSCI) were notified by letter on [redacted] who allegedly misused his position by failing to recuse himself from personnel matters that benefited a subordinate with whom he had a personal friendship. On 17 February 2011, the same Committee members were informed that the investigation concluded that a sufficient basis existed to indicate that the official had a personal friendship with the subordinate and failed to recuse himself from personnel matters that financially benefited the subordinate.

7. (U//FIS) OIG obtained and reviewed the following records pertaining to [redacted] and [redacted] personnel and security files, Office of Security Special Activities Staff records, LN messages, contract records, badge records, and cell phone records.
FINDINGS:

8. (U//FOUO) OIG's review of LNs between ______ and ______ and between ______ and other subordinates regarding ______ disclosed a series of exchanges as selectively cited below.

9. (U//FOUO) ______ wrote to ______ who was ______ advised her that he could recommend her for a job with ______.

In short, if he gets the job, he is someone I could call up and if I recommended you, I am sure that he would be interested.

12. (U//FOUO) ______ sent a LN to several ______ instructed that appropriate paperwork be prepared to present with an EPA ______ provided the text for the justification and added that he would subsequently determine the amount of the award: ______.

In absence, could one of you do the forms so that we can give ______ an EPA ______ (actually, if at all possible it would be great to have it ready by Wed. morning ______ is putting together for her).

Justification is as follows: ______

2 (U//FOUO) In the acquisition of LNs during this investigation, it was common that a relevant preceding LN did not contain the date of the LN.
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

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When we bring on people from other parts of the government (as opposed to the private sector) we bring them on at the salary (if not the grade) they are currently making. It is true that she got a significant bump [sic] but that is what the [sic] offered her based on her experience and credentials. Also, bear in mind that if she was going to work on CIA issues under the same rationale. It was only because she was — that she was in a position to garner a higher salary. Under these circumstances, I don't think it's fair to have her take a hit Add to that the fact that this is a big job she is moving into, much bigger than her responsibilities.

Frankly, for her to gave [sic] gotten this offer is a real coup for us as well as her. She can be very helpful to us down there (as she has been while on the ). Nevertheless, I have purposely kept her at the level – albeit with the added steps – because it was not my place to have her come back at a without going through the E Career panel. However, because I think the job is clearly at least at the level, I do plan to put her forward during the next promotion exercise, whenever that is. See, I actually thought about this, which is not always the case with me. As always, I will be happy any further questions you have [sic].

19. (U//FOO) OIG's review of personnel record disclosed that at the time of her resignation from the CIA

received salary enhancements totaling $28,532. 3
20. (U//FOOEO) [redacted] was telephonically contacted by OIG to arrange an interview. [redacted] was advised that the interview would focus on his relationship to a former subordinate who had received financial benefits during the time he was [redacted]. Without naming the subordinate, [redacted] said he believed he knew the identity of the subordinate. [redacted] said he required some time to consider the matter before consenting to an interview. [redacted] agreed to be recontacted after the [redacted] was recontacted on [redacted] and declined to be interviewed.

21. (U//FOOEO) On 19 January 2011, OIG received information from [redacted] that [redacted] may have been mistaken regarding the identity of the subordinate. Consequently, [redacted] was again contacted telephonically. [redacted] was advised that OIG wished to interview him regarding his relationship with [redacted]. [redacted] responded that he needed time to reevaluate his earlier decision to decline to be interviewed. On 26 January 2011, [redacted] was telephonically contacted to determine if he had made a decision regarding being interviewed. [redacted] reported that his initial decision to decline being interviewed remained unchanged.

22. (U//FOOEO) On 17 February 2011, OIG forwarded identical letters to the same SSCI and HPSCI Committee members. They were informed that the investigation was completed and had concluded that a sufficient basis existed to indicate that the official had a personal friendship with the subordinate [redacted]. OIG also concluded that the official failed to recuse himself from personnel matters that financially benefited the subordinate. OIG attempted to interview the official regarding this matter during the period when he was under a contractual relationship with CIA. However, on [redacted] the official declined to be interviewed.
OIG has, accordingly, closed its investigation.

STATUTES AND REGULATIONS:

23. (U) According to Title 50 U.S.C. 403q(e)(2), "The IG shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties."

24. (U) Title 5 CFR § 2635.702 specifies:

An employee shall not use his public office for ... the private gain of friends ... An employee shall not use ... his Government position or title or any authority associated with his public office in a manner that is intended to ... induce another person, including a subordinate, to provide any benefit, financial or otherwise, to ... friends.

25. (U//FOUO) According to Agency Regulation (AR) 1-3(a)(5), Office of Inspector General:

(a) All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posted by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

(b) OIG shall have access to any employee, independent contractor of the Agency, or any employee of a contractor of the Agency whose testimony is needed for the performance of its duties.

26. (U) AR 13-2 § 2.c.(6) Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities specifies:

All Agency employees must adhere to the Standards of Ethical Conduct for Employees of the Executive Branch (hereinafter the Standards of Ethical Conduct). These standards, which are found in 5 CFR Part 2635, govern ... misuse of position ... Agency employees are expected to adhere to all of the ethics restrictions contained in the Standards of Ethical Conduct for Employees of the Executive Branch. Violation of the non-
criminal provisions of the Standards of Ethical Conduct can lead to
administrative disciplinary actions, including loss of employment.

CONCLUSIONS:

27. (U//FOUO) OIG concludes that [redacted] served as

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

As such, this allegation was required to be reported to the Intelligence Committees when it focused on

(b)(3) CIA Act

28. (U//FOUO) OIG concludes that sufficient basis exists to indicate that [redacted] maintained a personal friendship with [redacted] when [redacted] occupied the positions of [redacted] During that period, [redacted] failed to recuse himself from personnel matters that financially benefited [redacted]. The evidence that supports this conclusion consists of a series of LNs between [redacted] and [redacted], and between [redacted] and his subordinates. These LNs and an official document reflect [redacted] direct involvement in proposing, drafting, and approving EPA. This action violated the provisions of Title 5 CFR § 2635.702 and AR 13-2 § 2.c.(6).

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

29. (U//FOUO) Additional LNs between [redacted] and the [redacted] formed the basis for substantiating that [redacted] while head of career service, advocated for a substantial increase in grade and compensation and also acknowledged his intention to promote her to [redacted] was subsequently promoted to [redacted]

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

30. (U//FOUO) OIG initially attempted to interview [redacted] regarding this matter while he maintained a contractual relationship with CIA. However, [redacted] who was aware of the contractual provisions, declined to be interviewed. As such, he violated pertinent portions of Title 50 U.S.C. 403q and AR 1-3(a).

(b)(3) CIA Act

31. (U//FOUO) Given [redacted] retirement from CIA, and his unwillingness to be interviewed even while he maintained a contract with
CIA, OIG will not pursue any further investigative steps. The Intelligence Committees have been notified of the results of the preliminary investigation. This case is closed.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Division Chief
27 May 2011

DISPOSITION MEMORANDUM

SUBJECT: (U//A) Potential Wrongdoing in Contract Bid

CASE: 2010-09580-IG (b)(3) CIA Act (b)(6) (b)(7)(c) (b)(3) CIA Act (b)(6) (b)(7)(c) (b)(7)(d)

INTRODUCTION:

1. (U//A) On 29 January 2010, (b)(3) CIA Act (b)(6) (b)(7)(c) reported to the Office of Inspector General (OIG) possible contract fraud in (b)(3) CIA Act (b)(6) (b)(7)(c) alleged that a senior Agency officer (b)(3) CIA Act (b)(6) (b)(7)(c) was steering a contract to a company

2. (S) The consultant, (b)(3) CIA Act (b)(6) (b)(7)(c) who retired (b)(3) CIA Act (b)(6) (b)(7)(c) and went on to form (b)(3) CIA Act (b)(6) (b)(7)(c) which was awarded several contracts with the Agency. (b)(3) CIA Act (b)(6) (b)(7)(c) is no longer associated with (b)(3) CIA Act (b)(6) (b)(7)(c) who was previously employed at (b)(3) CIA Act (b)(6) (b)(7)(c) which has obtained several Agency contracts. In September 2009, (b)(3) CIA Act (b)(6) (b)(7)(c) awarded an independent contract valued at (b)(3) CIA Act (b)(6) (b)(7)(c) per year to (b)(3) CIA Act (b)(6) (b)(7)(c) for support consulting.

3. (S) Alleged that, during the period of performance of this independent contract, (b)(3) Nat Sec Act (b)(3) CIA Act (b)(6) (b)(7)(c) publicly made statements indicating that he expected (b)(3) Nat Sec Act (b)(3) CIA Act (b)(6) (b)(7)(c) would be awarded a related follow-on contract. Based on (b)(3) CIA Act (b)(3) Nat Sec Act (b)(6) (b)(7)(c) third-hand information regarding a statement (b)(3) CIA Act (b)(6) (b)(7)(c) allegedly made to the Chief, (b)(3) Nat Sec Act (b)(3) CIA Act (b)(6) (b)(7)(c) suspected that (b)(3) CIA Act (b)(3) Nat Sec Act (b)(6) (b)(7)(c)
and the had an agreement to that effect. Subsequently further alleged that represented at a

brieing given in spring 2010 to the Chief and other senior management (not further identified) and was removed from the contract as a result.

PROCEDURES AND RESOURCES:

4. OIG reviewed the contract files and interviewed contracting officers (19 July 2010) and (23 December 2010), Contracting Officer’s Technical Representative (COTR) (16 July 2010), former Chief (29 December 2010), Chief (18 February 2011), former Deputy Chief (17 March 2011), and Deputy Chief (15 February 2011).

FINDINGS:

5. told OIG that she selected for the consulting contract based on his extensive experience. Both and were aware at the time contract started that was an industrial contractor doing business with the Agency. According to , disclosed during contract negotiations, told OIG that she asked a few questions and determined there was no conflict of interest, but failed to document the conversation in the file. questions were apparently focused on possible personal conflict of interest rather than organizational told OIG that she was not aware of any potential follow-on contracts related to consulting project. COTR told OIG he was not aware of the relationship, though he concurrently served as COTR for an unrelated contract.

6. reviewed all of existing materials during his 2009-2010 consulting contract, produced a business card that gave her during the contract, which identified as a
consultant for \[ \text{(b)(3) CIA Act}\] told OIG that \[ \text{ gave her the card in the context of providing his contact information; she did not have any further information regarding his role at } \]

7. \[ \text{(b)(3) CIA Act} \]
\[ \text{(b)(6)} \]
\[ \text{(b)(7)(c)} \]
and \[ \text{ both denied receiving a briefing from } \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
recalled attending a briefing in March 2010 at which \[ \text{ appeared on } \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
told OIG that the subject matter was completely unrelated to work and any possible follow-on contract.

8. \[ \text{(b)(3) CIA Act} \]
\[ \text{(b)(6)} \]
\[ \text{(b)(7)(c)} \]
In April 2010, \[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
terminated his contract in a Lotus Note to \[ \text{ and the COTR. Though witness recollections differed as to who initiated the termination, no one other than } \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
suggested it was tied to \[ \text{ appearance at the briefing.} \]

9. \[ \text{(b)(3) CIA Act} \]
\[ \text{(b)(6)} \]
\[ \text{(b)(7)(c)} \]
None of the individuals interviewed (other than \[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
reported any concerns that \[ \text{ or had been promised a follow-on contract.} \]
\[ \text{ (b)(1)} \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(3) NatSec Act} \]
Contradicting information,
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
ever indicated to her that he expected \[ \text{ to get the contract or that he and } \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
\[ \text{ only indicated that would bid if a request for proposals were issued.} \]

10. \[ \text{(b)(3) CIA Act} \]
\[ \text{(b)(6)} \]
\[ \text{(b)(7)(c)} \]
None of the individuals interviewed reported any direct knowledge or suspicion that passed non-public information gained through his consulting contract to \[ \text{ (b)(1)} \]
\[ \text{ (b)(3) CIA Act} \]
\[ \text{ (b)(3) NatSec Act} \]
\[ \text{ (b)(6)} \]
\[ \text{ (b)(7)(c)} \]
told OIG that the information had gathered would not give a competitive advantage in future contracts, because

Because the requirements for the future contract have not been finalized, OIG was unable to determine to what extent they will be informed or influenced by

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CONCLUSIONS:

11. (C) The allegation that [redacted] and [redacted] conspired to steer a contract to [redacted] was not substantiated.

12. (C) Because [redacted] had access to non-public information during his independent contract and because his consulting work could influence the requirements for the above-referenced follow-on contract, [redacted] may have an organizational conflict of interest should it choose to compete. Since the requirements have not been finalized and the solicitation has been delayed several times, OIG decided to refer the organizational conflict of interest issue to Contracts rather than continue to prolong the OIG inquiry. The referral letter was conveyed to Contracts on 13 April 2011. On 22 April 2011, Contracts responded that both [redacted] and [redacted] have been precluded from bidding on the anticipated [redacted] requirement for

13. (U) This matter is closed.

Special Agent

Acting Supervisory Special Agent
9 March 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Alleged Leak of Source Selection Information

CASE: 2010-096141-G

INTRODUCTION:

1. (C) In March 2010, the Office of Inspector General (OIG) received information from the Office of General Counsel (OGC) concerning allegations that a COTR may have revealed source selection information to an incumbent contractor in violation of the Procurement Integrity Act, Title 41 U.S.C. 423, and the Federal Acquisition Regulations (FAR) 3.10, Procurement Integrity. Based upon this information, OIG initiated an investigation.

2. (C) is a Program Manager, a COTR and has been a staff officer since She has more than years COTR and program management experience at CIA. served as a senior COTR with During this period, she was the senior COTR responsible for the contract during the initial competition in

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SECRET
PROCEDURES AND RESOURCES:

4. (U//FOUO) OIG reviewed contract records and other Agency documents including the personnel and security files of [redacted] Interviews were conducted of Agency employees including the Chief of OGC Contracts Staff, the responsible OGC attorney for the matter, the Chief of Contracts Staff and Source Selecting Authority (SSA) for the contract in question, and then supervisor who also served as the Chief of [redacted]

SUMMARY:

5. (G) The investigation found no evidence to substantiate the allegation that [redacted] disclosed source selection information to [redacted] personnel or anyone else without authorization.

FINDINGS:

10. (E) OIG interviewed [redacted] on 2 November 2010. [redacted] was assigned to [redacted] as a COTR involved in the competition until she was removed by [redacted] in [redacted]. [redacted] remained assigned to [redacted] until she accepted an assignment as a program manager in [redacted]. [redacted] acknowledged she was removed as a COTR by [redacted] because [redacted] questioned her impartiality concerning [redacted]. [redacted] accepted [redacted] decision; however, she denied that she was biased in favor of [redacted] during the competitive process, or that she disclosed source selection information. [redacted] stated both she and her manager, [redacted] were surprised by the accusations. [redacted] said she was "shocked" and "hurt" at being removed from the contract. [redacted] said she always holds herself to high standards to ensure fair competitions. [redacted] claimed she is mindful about always signing the non-disclosure agreements and ensuring that others abide by the agreements as well. [redacted] said perhaps something she said was taken out of context. Nevertheless, [redacted] said at that point she took another assignment with [redacted].

12. (E) [redacted] said that when she arrived at [redacted] the plan was for the [redacted] contract to be competed and awarded in [redacted]. [redacted] said she was involved in the Market Survey in the summer of [redacted] and said the contracts officer expressed an interest in a sole source justification for [redacted] due to their expertise [redacted]. However, [redacted] stated she was aware there were other companies who could do the job and, she claims, she argued for a Market Survey to determine the potential field of...
13. (E) said the contract was awarded to all qualified companies. The CO was and the SSA was

| (b)(3) CIA Act | (b)(7)(c) |
| (b)(6) |

14. (E) According to the lack of skilled COTRs meant that she, as the senior COTR, had to frequently follow-up and get involved to ensure the less experienced task order COTRs got the job done. Many of the task order COTRs, she said, had never done this type of work before and did not understand the process. She said there were task orders which made the endeavor quite large. however, said her main job was the COTR on the competition but she had to get involved with the task order COTRs who were junior to her so that the contract could function while she was preparing for the competition. This increased her workload tremendously which claimed, caused her to fall behind on the competition. said she kept her managers fully informed of her workload and the issues regarding the inexperienced COTRs.

| (b)(1) |
| (b)(3) CIA Act |
| (b)(6) |
| (b)(7)(c) |
| (b)(3) NatSec Act |

15. (E) stated she never had any problems as a COTR until she worked on the contract with. She said she was surprised by the accusations brought against her and blames a lot of the problems on the fact that contracts officers with different experiences worked on it. maintained she was always careful when working with contractors and finds it unbelievable that anyone would allege she was biased, or that she disclosed source selection information. stated she always acted appropriately and denies the allegations.
CONCLUSIONS:

22. (5) The accusations that [redacted] was favorably biased toward [redacted] were based upon the perception of [redacted] who raised them with [redacted] Contracts management. [redacted] denied the allegations and there was no substantiation. It was possible that remarks [redacted] made were taken out of context. Nevertheless, the FAR imposes stringent standards of conduct for government officers involved in the federal procurement process regarding "complete impartiality." It was the prerogative of the Source Selection Authority to determine that [redacted] no longer was impartial, and so he had [redacted] removed from the source selection process.
23. (S) The allegation that [redacted] disclosed source selection information to [redacted] was not substantiated nor was there evidence that [redacted] benefited from any actions taken by [redacted]. In fact, [redacted] was removed from the source selection process in [redacted] while the process was ongoing. The [redacted] contract was eventually awarded as a sole [redacted] source contract to [redacted] in [redacted]. A review of the records confirmed the necessary approvals were obtained and finalized according to Agency regulations and the FAR.

24. (U//FOUO) It is recommended the matter be closed in OIG and be advised the allegations were not substantiated.

Special Agent

Acting Supervisory Special Agent
3 May 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Possible Conflict of Interest

CASE: 2010-09827-IG

INTRODUCTION:

1. (S//NF) On 6 August 2010, sent a Lotus Note to Office of Inspector General (OIG) Supervisory Special Agent (SSA) to report a potential ethics violation by an officer. became aware may have engaged in a criminal conflict of interest when he took official action in his Agency capacity that could have affected his personal financial interest in violation of Title 18 U.S.C. § 208 (Acts affecting a personal financial interest). Specifically, said may have used a company, in which he had a significant personal ownership interest to bid on a contract.
PROCEDURES AND RESOURCES:

2. (S//NF) The investigation included the following:

- Interview of
- Review of security file.
- Review of
- Review of 2010 draft report regarding
- Review of Performance Appraisal Reports.
- Review of documents provided by including Lotus Notes.
- Review of ethics legal opinion from Office of General Counsel, Administrative Law Division (OGC/ALD) addressing appropriate uses of by
- Interview of
- Interview of OGC/ALD attorney
- Interview of
- Interview of

FINDINGS:

3. (S//NF) On 6 August 2010, contacted OIG SSA to report a potential ethics violation by In July 2010, provided information to that have engaged in an official action in his Agency capacity that could have affected his personal financial interest in violation of Title 18 U.S.C.
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CONCLUSIONS:

20. (S//NF) [Redacted] divested his ownership interest in [Redacted] within a month of starting employment with the Agency. There was no conflict of interest.
RECOMMENDATION:

21. (U) It is recommended that this case be closed with no further action.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Division Chief
1 April 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Inappropriate Behavior by a Contractor

CASE: 2010-09971-1G

INTRODUCTION:

1. (U//AF56) In November 2009, the Office of Inspector General (OIG) received an allegation of time and attendance (T&A) abuse concerning a contractor

   entered the office daily and leaves at or before 1430 hours, and takes breakfast, lunch, and extensive smoke breaks. assigned to is scheduled to work from Monday to Friday from 0630 to 1500 hours.

PROCEDURES AND RESOURCES:

2. (U//AF56) OIG reviewed relevant badge records to assess time and attendance history from 28 December 2009 to 31 December 2010. OIG further reviewed a sampling of 31 days worth of potential smoke breaks to estimate the average daily and yearly minutes spent in outdoor breaks.

FINDINGS:

3. (U//AF56) OIG applied standard T&A methodology, which resulted in a determination that worked 21 hours 36 minutes over his scheduled hours from 28 December 2009 to 31 December 2010.
Given the finding that worked an extra 21 hours 36 minutes over the year reviewed, OIG estimated that may have claimed 76 hours 48 minutes in time spent in outdoor breaks from 28 December 2009 to 31 December 2010.

CONCLUSIONS:

4. (U//AD) The allegation that billed the Agency for time not worked, based on the standard methodology review of entry and exit time, was not substantiated through documentary evidence. It is not established OIG policy to investigate a T&A subject for short-term outdoor breaks. Based on the finding of an average estimated outdoor break of 26 minutes per day, OIG concluded that outdoor breaks are not egregious enough in length to warrant further investigation. This matter is closed.
17 May 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Alleged Nepotism

CASE: 2011-10022-IG

INTRODUCTION:

1. (S) The Office of Inspector General (OIG) initiated this investigation on 3 January 2011 after receiving information from reported that may have taken action to assist gain employment with the Agency. According to scheduled for an applicant interview and entered his personal information into the system. interview was cancelled after the management was informed of actions.

ISSUES UNDER INVESTIGATION:

2. (S) OIG's investigation addressed whether personal involvement in applicant interview and processing constituted a violation of Title 5 U.S.C. § 3110, The Federal Anti-Nepotism Statute (Employment of relatives restrictions), Title 5 C.F.R. 2635.502 (a) (Personal and Business Relationships), and Agency Regulation (AR) 13-2 (d) (Impartiality in Performance of Government Duties).
3. (U) The following statute and regulations were reviewed:

(U) Title 5 U.S.C. § 3110, The Federal Anti-Nepotism Statute (Employment of relative's restrictions) in part provides that:

A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official.

(U) Title 5 C.F.R. 2635.502(a) (Personal and Business Relationships) in part provides that:

Consideration of appearances by the employee: Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter unless he has informed the agency of the appearance problem and received authorization from the agency designee.

(U) Agency Regulation (AR) 13-2 (d) (Impartiality in Performance of Government Duties) in part provides that:

Agency employees are expected to act impartially in the performance of their duties and not to give preferential treatment to any private organization or individual. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or knows that a person with whom the employee has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, the employee should not participate in the matter unless the employee has received authorization to participate in the matter.
INVESTIGATIVE EFFORTS:

4. (b) OIG reviewed applicable statutes and regulations, files, and the Office of Security's Visitor Access records. OIG also consulted with the Office of General Counsel (OGC) attorney, searched OGC's records and advised that no reports were located to suggest sought legal guidance or advice concerning nepotism.

5. (b) OIG interviewed the following personnel during the course of this investigation:

FINDINGS:

6. (b) Following consultation with OIG Counsel, the OIG investigation found no evidence that actions constituted a statutory or regulatory violation. (b) did not initiate the request to have (b) interviewed for a position within (b). She also was not scheduled to participate on the selection panel, nor would she have had any control or influence over the selection of (b). In addition, interview was cancelled due to the appearance of favoritism and his processing has been terminated.

7. (b) OIG determined from document reviews and interviews that (b) did enter (b) information into the (b) system. Further, coordinated on and scheduled applicant interview.

8. (b) OIG determined that (b) was scheduled to be interviewed for a position (b). OIG also determined that (b) and representatives from another branch within (b) were scheduled to participate on the selection panel of candidates for different positions – including (b).
9. (ê) OIG also confirmed that was not scheduled to participate on the selection panel that would have interviewed for a position within

10. (ê) OIG determined that initiated the interest in and requested to ascertain whether or not he would be interested in working for advised that she repeatedly pushed to have interviewed because entry-level are very hard to find. added that which made him that much more attractive as an entry-level candidate for employment.

11. (ê) confirmed that was the person who initiated the request to have interviewed for an entry-level position. advised that he reviewed resume and told that would be a qualified applicant. said he agreed with that should be interviewed.

12. (ê) OIG determined that approached both and in an attempt to induce one of them participate in the selection panel as a representative. could not be a panel member because she was scheduled for leave. advised that she would have agreed to sit on the panel, but the interview was cancelled and applicant processing was terminated. advised that told her that she could not participate on the panel since was one of the interviewees.

13. (ê) OIG's Counsel reviewed the matter and concluded that activities did not rise to the level of advocating for Consequently her actions were, not in violation of the above statute or federal/Agency regulations.
CONCLUSIONS:

14. (U//FURG) The OIG investigation did not substantiate the allegation that violated the anti-nepotism provisions of Title 5 U.S.C. § 3110, Title 5 C.F.R. 2635.502, or AR 13-2. This case should be closed.

Special Agent

Chief, Integrity Division
16 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree:

CASE: 2011-101571G

 ISSUES UNDER INVESTIGATION:

1. (C) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency Staff claiming degrees from (b)(3) CIAAct-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources (HR). One of the individuals identified, claimed a bachelors degree from [ ] on his Agency BIO.

is an unaccredited institution not affiliated with the accredited

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1 (U//FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U//FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only Staff employees and former employees were covered by this review because there is no central database on contractor educational records.
2. (☻) OIG reviewed the claims made by ______ regarding his degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

INVESTIGATIVE EFFORTS:

3. (☻) OIG reviewed ______ security file for any degree claims.

4. (☻) OIG reviewed ______ Official Personnel Folder (OPF) and the Agency BIO.

5. (☻) OIG interviewed ______ on 18 November 2008, regarding his unaccredited degree.

6. (☻) OIG reviewed Department of Justice (DOJ) records related to ______ for evidence of reimbursement to ______

7. (☻) OIG reviewed Agency regulations and relevant laws related to _____ allegations.

RESULTS:

8. (☻) ______ is a ______. According to the Agency BIO system, holds a bachelors degree in ______ from ______ additionally holds a bachelor of science (BS) degree in ______ from ______ an accredited institution ______ from ______
11. (U) Former students identified by [redacted] were informed by DOJ that they had been defrauded and that their [redacted] degrees were not valid. The students were informed in a letter [redacted] that stated in part:

12. (U) [redacted] advertised its degrees in mainstream publications. Students would receive extensive credit for transferred courses as well as extensive "life experience" credit. Students would register for a small number of classes and were asked to purchase and read textbooks for the classes. Students would then submit a paper based on the class topic for grading. For classes taken at the university, students would pay an enrollment fee for each class, and then a separate grading fee for each paper submitted. Since there were no faculty behind the classes, student submissions varied greatly in quality. There was no valid check of the academic work performed.
14. During an 18 November 2008 interview, told OIG that he forwarded his completion information to his Agency training officer in 1997 degree is listed on his Agency BIO. explained that he had listed his degree on past resumes. also said that the completion of his degree was likely cited in his Performance Appraisal Report (PAR).

15. During an Office of Security interview on 28 November 2000 for an Agency re-investigation for continued employment, advised the background investigator that he had received a BS degree. He added that his coursework was completed off-site and that he graduated Magna Cum Laude. A copy of the degree OPF indicated he had graduated Magna Cum Laude as well.

16. In a PAR covering the period through rating official noted that earned his BS degree during the prior year and should be "congratulated."

17. On his most recent Supplemental Personal History Statement (SPHS)/Form 444, which covered the period from listed his attendance at noting he took
18. (C) On an SPHS covering five years beginning on _, listed his BS degree attended from _ degree received on _. 

19. (C) When interviewed by OIG, _ stated that, sometime _, he received a letter from _ which reported that the University was having accreditation problems. He said he completed his degree after receiving the letter. _ said he did not inform the Agency of the letter because he was not sure of the exact status of the accreditation. _ commented that when an opportunity came about to earn a bachelor's degree from the _ he enrolled due to concerns arising over accreditation issues.

20. (C) _ stated that the Agency provided tuition reimbursement for his _ degree. He said that he took approximately _ courses through _ Based on the estimated per-course cost and the number of courses, _ estimated reimbursement from the Agency was _. The Agency did not retain the vouchers for the reimbursement.

21. (C) _ stated that he did not recall receiving money or seeing a refund check from DOJ _ (b)(6) (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(3) NatSecAct (b)(7)(c)

22. (C) _ stated that he was not sure about the status of _ accreditation, which is what caused him to seek a bachelor's degree from _ an accredited university. He acknowledged that his _ degree is _ not worth anything now, although he claimed to have put in a good deal of effort to complete the degree. He explained that he would pay back any refund received from DOJ, if he had been issued a check. However, he stated he did not recall ever cashing a check.
DISPOSITION:

23. (U) ______ was identified as an unaccredited diploma mill. Though it had "classes" and "coursework," the efforts of students were not evaluated by actual faculty.

24. (C) Due to ______ did not receive reimbursement from DOJ nor the associated letter requiring he notify his employer. Additionally, ______ was reimbursed for his education from ______ prior to the change in legislation (and Agency regulation) requiring reimbursement be only for accredited degrees. DOJ declined prosecution of ______ on 6 November 2008.

25. (C) Upon finding out that his ______ degree was not legitimate, ______ earned a degree from the ______ prior to the OIG investigation. The inclusion of his degree completion in ______ PAR indicates that it was, at a minimum, a consideration in his rating decision. ______ accepted full responsibility for his actions and appears to have made reasonable attempts to correct his invalid degree by obtaining a legitimate degree subsequently.

26. (C) There is no evidence of criminal or regulatory violation on the part of ______ Based on the currently available information, no disciplinary action or further investigation is recommended. OIG will notify HR and request ______ degree information be removed from his Agency BIO.
DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree

CASE: 2011-10164-IG

ISSUES UNDER INVESTIGATION:

1. (C) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency Staff claiming degrees from non-accredited institutions. OIG matched a list of known, unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources (HR). The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.

approved for release: 2017/05/24 C06659252 -
2. (C) OIG reviewed the claims made by [REDACTED] regarding his degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

INVESTIGATIVE EFFORTS:

3. (C) OIG reviewed [REDACTED] security file for any degree claims.

4. (C) OIG reviewed [REDACTED] Official Personnel Folder and online Agency BIO.

5. (C) OIG interviewed [REDACTED] on 31 March 2009, regarding his unaccredited degree.

6. (C) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

7. (C) [REDACTED] is a [REDACTED] currently serving as a [REDACTED] who has been an Agency employee since [REDACTED] holds a bachelor's degree from [REDACTED] grantee [REDACTED]
10. (U) Former students identified by were informed by DOJ that they had been defrauded and that their degrees were not valid. The students were informed in a letter, that stated in part:

11. (U) advertised its degrees in mainstream publications. Students would receive extensive credit for transferred courses as well as extensive "life experience" credit. Students would register for a small number of classes and were asked to purchase and read textbooks for the classes. Students would then submit a paper based on the class topic for grading. For classes taken at the university, students would pay an enrollment fee for each class, and then a separate grading fee for each paper submitted. Since there were no faculty behind the classes, student submissions varied greatly in quality. There was no valid check of the academic work performed.
13. (E) During a 31 March 2009 interview, told OIG that he received his degree prior to his entrance on duty at the time he received his degree, he was an employee of did not pay for his degree but provided an annual stipend once he obtained the degree. explained during his interview with OIG that, prior to his enrollment, he did not conduct in-depth research into accreditation because it was advertised in the and endorsed by the

14. (E) During his interview with OIG, stated that he spoke recruiter, about lack of accreditation when he was initially recruited and prior to his formal employment application. also stated that he informed an HR officer when contacted about his employment application. During his interview with OIG, stated that he informed the HR recruiter that had been shut down so he was not able to provide official transcripts. was interviewed and related that was "honest [and] upfront" about having a degree from and what work performed to obtain the degree during recruitment interview approximately one to one-and-a-half-years prior to entrance on duty.

15. (E) completed and signed an Supplemental Personal History Statement (SPHS)/Form 444 on . He reported that he attended and that he received his bachelor of science degree in In an updated SPHS form, dated reported the same information. also provided a copy of his transcript during his security processing showing that he was granted 60 credits as transfer credits or by evaluation.
During an Office of Security background investigation interview on [redacted], [redacted] advised the security investigator that he possessed a degree from [redacted].

[redacted] stated that sometime in [redacted] he received a [redacted] stating that [redacted] was investigating [redacted] said that he completed paperwork provided by the Department of Justice (DOJ) and eventually received a check that reimbursed him for a percentage of the money he paid to [redacted].

[redacted] contended that he believed his degree is legitimate but from a school that no longer exists.

16. (U) A review of the position description for a [redacted] officer at a full performance level shows that the educational requirement for his position is a bachelor's degree or equivalent experience. [redacted] confirmed in an interview with OIG that he met the requirements.

DISPOSITION:

17. (U) was widely recognized as a fraudulent institution. Though it had "classes" and "coursework," the efforts of students were not evaluated by actual faculty.

18. (U) received his "degree" prior to his employment with the Agency and did not receive any US Government reimbursement. [redacted] Agency recruiter was aware that [redacted] degree was granted by an unaccredited institution when he entered on duty, and there is no evidence that [redacted] profited from his degree. [redacted] has not presented his "degree" to the Agency as part of his Agency BIO nor presented it as part of any application for internal positions.

3 (U) The letters were generated by DOJ, and the funds were actually part of a civil forfeiture.
20. The Director has determined that there is no evidence of criminal or regulatory violation on the part of [redacted]. Based on the currently available information, no disciplinary action or further investigation is recommended.

Special Agent

Supervisory Special Agent
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

   ◦ Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

   Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:

   (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

   (2) makes any materially false, fictitious, or fraudulent statement or representation; or

   (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both. . . .

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

   ◦ Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

   (A)

   (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary [of Education]...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

... 

(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

1. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education,

¹ (U//FOUO) Subparagraph 3 was added to the statute in 2002.
granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]. For more information on the subject of diploma mills, refer to the following web sites:
http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

2. (U//FOUO) Three Agency regulations are pertinent to this investigation:

- Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(13) (1) (c) (1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;

(b) Federal statutes and Congressional resolutions;

(c) Executive Orders and other Presidential directives;

(d) Regulations of US Government agencies that apply to the CIA;

(e) Applicable state statutes;
(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2) ... 

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty ...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

♦ AR 18-1, Training, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ...

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement. 

(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

3 (U//FOUO) AR 18-1 was amended in 2004 to include the requirement for accreditation.
Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HIOs, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

♦ AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.
13 December 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Contract Fraud

CASE: 2009-9474-IG

INTRODUCTION:

1. (S/NI) In October 2009, the Office of Inspector General (OIG)/Inspections Staff referred to OIG/Investigations (INV) an allegation of suspected contract fraud. This allegation surfaced during a routine inspection of the .

   told an inspector that an industrial contractor who supports engages in staff-like work and may be charging personal purchases to CIA contracts. The investigation determined that there was no evidence of contract fraud or violations of existing Agency rules or regulations.

PROCEDURES AND RESOURCES:

2. (S/NI)

   The lead SA reviewed the security file (which contained his Financial Disclosure Form) and perused his Lotus Notes communications from 2004 to 2010 for relevant information. The SAs interviewed 14 witnesses plus the referring OIG inspector; current and former staff officers; current and

   (b)(3) CIA Act
   (b)(3) Nat Sec Act
   (b)(6)
   (b)(7)(c)

   (b)(3) CIA Act
   (b)(3) Nat Sec Act
   (b)(1)
former contractor-employee coworkers and staff program managers; and former and current Contracting Officer's Technical Representatives (COTRs). The SA, in conjunction with the appropriate contracting officer, reviewed the subject's industrial contract. The investigator obtained the Office of General Counsel (OGC) Ethics Officer's determination concerning the subject's acceptance of gifts and gratuities.

BACKGROUND:

(b)(1) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
FINDINGS:

(U//FOUO) Oversteps His Contractor Role

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
Dishonest Behavior

(U) Overview of Acquisition and Tracking Processes
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(U//FUD) Purchasing and Taking Home Miscellaneous Government Property for Personal Use

(U//FUD) Alleged Improper Use of Government Laptops at a Private Function
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(C) Personal Use of an Agency Digital Camera

(U) Accepting Gifts and Gratuities From Vendors
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(U) Security Issues

CONCLUSION:

44. (C) This investigation did not substantiate allegations that violated Agency rules, regulations, or ethics. This case should be closed.
DISPOSITION MEMORANDUM

SUBJECT: (U) Apparent Conflict of Interest in DS&T

CASE: 2010-09610-IG  (b)(3) CIAAct
        (b)(6)  
        (b)(7)(c) 

INTRODUCTION

1. (S//NF) On 18 March 2010, Directorate of Science and Technology (DS&T) Legal Counsel on the advice of the Office of General Counsel/Administrative Law Division (OGC/ALD), referred to the Office of Inspector General (OIG) a potential conflict of interest involving DS&T staff employee who works for the DS&T and reportedly took action in Agency matters involving , a company in which serves as a reported that notified OGC Ethics Counsel on 1 March 2009 of the possible conflict of interest.
2. (U//AR50) The issue for OIG was whether work with constituted a violation of Title 18 U.S.C. § 208, which prohibits federal employees from participating personally and substantially in an official capacity in any particular matter in which, to their knowledge, they or any person specified in the statute have a financial interest, if the particular matter will have a direct and predictable effect on that interest. Section 208 imputes to an employee the financial interests of his spouse.

3. (U//AR96) In addition to a possible statutory violation, OIG investigated whether conduct violated federal and Agency regulations. Title 5 C.F.R. 2635.502 specifies that a federal employee should not participate in a matter where the employee “knows that a person with whom he has a covered relationship is or represents a party to such a matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter.” Similarly, Agency Regulation (AR) 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities, states Federal law and policy on conflicts of interest and prohibits an employee from participating.

(U) A “particular matter” under § 208 includes “judicial or other proceeding, application or request for a ruling or other determination, contract, claim, controversy, charge, accusation or arrest.” (Title 5 C.F.R. § 2640.103(a)(1); Title 5 C.F.R. § 2635.402(a)(3)). The Office of Government Ethics (OGE) describes “personal and substantial participation” as direct and significant involvement in a matter, which includes decision-making, approval, disapproval, recommendations, investigations, and giving advice. Substantial participation is based not only on the effort devoted to the matter, but also on the importance of the effort. Participation may be substantial even though it does not determine the outcome of the matter. Provided that an employee participated in the substantive merits of a matter, his participation may be substantial even though his role in the matter, or the aspect of the matter in which he is participating, may be relatively minor in relation to the matter as a whole. (Title 5 C.F.R. § 2640.103(a)(2), Title 5 C.F.R. § 2635.402(a)(4)). The term “financial interest” means the potential for gain or loss to the employee, or other person specified in § 208, as a result of governmental action on the particular matter. (Title 5 C.F.R. § 2640.103(b)).

(6) A “covered relationship” includes a person who “is a relative with whom the employee has a close personal relationship, or is a person from whom the employee’s spouse serves as an employee.” (Title 5 C.F.R. §2635.502(b)(ii) and (iii).
personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to an employee, has a financial interest if the particular matter would have a direct and predictable effect on that financial interest.

BACKGROUND

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
INVESTIGATIVE EFFORTS

8. (U//ARQO) OIG obtained biographical information and Financial Disclosure Forms (FDFs) and reviewed his Official Personnel
Folder and security files. OIG performed unclassified Internet searches to obtain biographical information on and background on In addition to interviewing on 30 September 2010, OIG from April 2010-November 2010 interviewed and several other DS&T officers who had knowledge of the contract  

9. (C//NF) Background entered on duty with the Agency in , joining
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
25. (U//FOUO) OIG found that actions apparently violated Title 18 U.S.C. § 208 (Acts affecting a personal financial interest), Title 5 C.F.R. § 2645.502 (Personal and business relationships), and AR 13-2(d)(1), Impartiality in Performance of Government Duties. While working for [ ] had direct contact with [ ] employer, and participated personally and substantially in matters in which [ ] through her assignments in [ ] had a financial interest.
planned to refer a violation of Title 18 U.S.C. § 208 to the Department of Justice, Eastern District of Virginia (DOJ/EDVA), for possible prosecution. On 21 April 2010, OIG sent the notification to DOJ. On 27 April 2010, Assistant US Attorney EDVA, told during a telephone conversation that DOJ had decided to decline prosecution of in favor of administrative action based on a lack of prosecutorial merit. OIG sent a letter to DOJ/EDVA on 6 May 2010 confirming the declination.

DISPOSITION

DOJ has declined prosecution, have counseled and taken actions to ensure he recuses himself from work that would put him in conflicts of interest. Accordingly, OIG plans to take no further action concerning On 11 July 2011, informed by telephone of the declination and
OIG’s decision to close this case without further action. OIG also notified management that it is closing the case. On 8 July 2011, OIG informed OGE of the investigation via OGE Form 202.
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6 July 2011

DISPOSITION MEMORANDUM

SUBJECT: (C) Alleged Sexual Assault at

CASE: 2010-09949-IG

INTRODUCTION

1. (C) On 1 November 2010, notified CIA Office of Inspector General (OIG) of an alleged sexual assault at . The alleged victim was identified as . The alleged subject was identified as .

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PROCEDURES AND RESOURCES

4. (U//FOUO) OIG reviewed forensic and investigative reports received on 4 November 2010, including sworn statements given by and the Sexual Assault Nurse Examiner’s report dated 2010. OIG interviewed on 9 November 2010. OIG interviewed and obtained his sworn statement on 18 November 2010.

5. (C) OIG reviewed the security files of and OIG reviewed CCTV footage

6. (C) OIG interviewed the following individuals regarding the alleged sexual assault:

(b)(1) (b)(3) CIAAct
(b)(6) (b)(7)(c)
(b)(7)(d) (b)(1) (b)(3) CIAAct
(b)(3) NatSecAct (b)(7)(c)
APPLICABLE LAWS AND REGULATIONS

8. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this offense:

Title 18 U.S.C. § 2242 (Sexual abuse) provides in part:

Whoever, in the special maritime and territorial jurisdiction of the United States...

(2) engages in a sexual act with another person if that other person is ---

(A) incapable of appraising the nature of the conduct; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so, shall be fined under this title and imprisoned for any term or years or for life.
FINDINGS

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS

28. (E) The allegation that [redacted] engaged in non-consensual sexual intercourse with [redacted] was not substantiated. The available physical and medical evidence was inconclusive, and witness testimony was insufficient to determine whether or not [redacted] consented to sexual acts with [redacted].

29. (E) OIG notified [redacted] of the criminal declination on 23 November 2010 and returned the physical evidence collected to her on 12 January 2011.

30. (U) This matter is closed.

Special Agent

Division Chief
15 September 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Inherently Governmental Functions

CASE: 2010-09978-IG

INTRODUCTION:

1. (C) Allegation. On 15 November 2010, Office of Inspector General (OIG) initiated an investigation based on an allegation regarding contracting irregularities involving Agency staff employee, __________. According to the allegation, improperly contracted with __________ to perform __________ (b)(1) an Agency staff function. __________ (b)(3) CIAAct
(b)(6) NatSecAct
(b)(7)(c)
(b)(7)(d)

2. (S//NF) The OIG investigation determined that the contract for __________ (an Agency staff function) was proper. __________ (b)(1)
(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(3) CIAAct
(b)(3) NatSecAct

SECRET//NOFORN
the facts that the Agency dictates the required [redacted] the task orders are issued as Firm-Fixed Price and there is privity of contract between the prime contractor [redacted] and [redacted].

3. (S//NF) Background.

(b)(1) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
PROCEDURES AND RESOURCES:

5. (S//NF) The investigation included a review of Agency employee biographical information. In addition, OIG reviewed the Statements of Work (SOW) for the contracts as well as a review of the Source Selection Plan for the competition. OIG reviewed various procurement data recorded in as well as the Federal Acquisition Regulations (FAR) part 7, Federal Activities Inventory Reform Act (FAIR) and Office of Management and Budget (OMB) Circular A-76. OIG contacted the source, the Contracting Officer (CO) and the Contracting Officer’s Technical Representative (COTR) regarding specifics about the program.7,8

FINDINGS:

was the Agency’s contract management system until its replacement by in October 2010.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
9. (S//NF) Inherently Governmental Functions. The FAR part 7, FAIR and OMB Circular A-76 each define inherently governmental functions as "functions that are so intimately related to the public interest as to require performance by federal government employees" from there each definition differs somewhat. For the purpose of this determination, FAR Part 7 will be utilized. The FAR states that "contracts shall not be used for the performance of inherently governmental functions" but does not clearly define what inherently governmental functions are. Rather, the FAR provides a listing of what functions are considered to be inherently governmental in nature and what functions are not. Of the 20 functions listed as inherently governmental, only one function closely relates to the program;
Therefore, OIG concluded that contract services are not inherently governmental in relationship to the program.

CONCLUSION:

12. (U//A//FO) The OIG investigation determined that (b)(3) CIA Act did not improperly contract with (b)(6) to perform efforts associated with the (b)(7)(c) contract. Direction to (b)(7)(c) in regard to (b)(3) NatSec Act was merely a clarification of the procedures.
DISPOSITION:

13. (U//FOUO) Based on the above analysis, it is recommended that this matter be closed with notification to the [insert name] that the cost risk and associated mitigation as identified in the AARB docket are not being followed.

Special Agent

Acting Supervisory Special Agent
9 September 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegations of Contract Mischarging and Inappropriate Contractor Relationships

CASE: 2011-10039-IG

ISSUES UNDER INVESTIGATION:

1. (U//FOUO) On 21 January 2011, the Office of Inspector General (OIG) received an anonymous complaint from [REDACTED] that [REDACTED] committed time and attendance (T&A) fraud.

2. (U//FOUO) OIG reviewed the anonymous claims of T&A fraud against [REDACTED] and [REDACTED], and if there were overpayments by the Agency to [REDACTED].

INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG performed T&A analyses on both [REDACTED] and [REDACTED].

4. (U//FOUO) OIG obtained copies of the T&A policy in use by [REDACTED] on the Agency contract.
RESULTS:

5. (U//FOUO) OIG obtained badge records and attendance claims for both individuals through 8 April 2011.

6. (U//FOUO) confirmed that, under the contract, employees are not compensated for lunch breaks and are not required to take a mandatory half-hour per day for lunch.

7. (U//FOUO) The T&A analysis for showed that she had an overall credit of 19 hours for the period of 18 October 2010 through 8 April 2011. The T&A analysis for showed that she had an overall credit of 6 hours for the period of 2 November 2010 through 8 April 2011.

DISPOSITION:

8. (U//FOUO) OIG determined that there was no T&A abuse evident by either Based on the currently available information, no disciplinary action or further investigation is recommended.

UNCLASSIFIED//FOUO

2

Approved for Release: 2017/05/24 C06659262
17 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Possible Nepotism

CASE: 2011-10078-1G

ISSUES UNDER INVESTIGATION:

1. (U//AG) On 16 February 2011, submit an allegation of possible violation of Agency Regulation (AR) 20-9, Restrictions on Employment of Relatives, within the claimed the violation was created by allowing to hold a senior position in from which she could advance, or appear to advance, the career of

2. (F) According to , is a and serves as stated that due to position, she also which determines promotions, awards, and assignments for all including and management chain of command.

INVESTIGATIVE EFFORTS:

3. (F) did not cite specific wrongdoing by , but noted that position created a potential conflict of interest and that junior
officers had inquired about the issue. Nevertheless, the referral of the
allegation to the Office of Inspector General (OIG) reflected a concern over
the appearance of nepotism in the work force.

4. (U//AR56) AR 20-9 specifies, in part:

   (e) Heads of Career Service may institute specific safeguards regarding
the assignment of employee couples, as warranted by particular
circumstances within their Career Services, to avoid favoritism, nepotism,
or other employment impropriety and to avoid the appearance of
favoritism, nepotism, and other employment impropriety.

   ...

   (e) The provisions of paragraphs (1) through (5) above shall also apply
to the assignment of other related individuals.

5. (C) On 25 April 2011, OIG sent a memorandum to
requesting that she review the circumstances of
position in light of AR 20-9. OIG also requested that
within 45 days, explain what actions, if any, were taken to address the
allegation.

RESULTS:

6. (C) On 3 May 2011, responded to OIG’s request via a
Lotus Note. stated that even though was appointed
and serves as a voting member on the
she would recuse herself in meetings that pertained to For
example, has recused herself during annual evaluation exercise.

7. (U//AR56) Due to OIG’s memorandum, stated that she
began the meeting by reminding council members of their responsibilities in carrying out their roles and that
potential conflicts of interest should be avoided. included a copy
of the meeting’s minutes in her response to the OIG. During the same
meeting, also requested that a statement be
added to the Council’s Charter stating that members will be excused from

CONFIDENTIAL
participating in any deliberations where a conflict of interest would exist. Included a copy of the updated Council’s Charter, dated in her response.

8. (E) also stated that contacted the Office of General Counsel for assistance in preparing a formal recusal memorandum. Attached a copy of the completed document, titled, "Notification of Commitment to Recuse - " to her response. wrote that the purpose of the document was to provide written notification of her commitment to refrain from participation in decisions involving possible decisions involving evaluation for promotions, awards, assignments, or training would be discussed. Finally, wrote in the memorandum that she would recuse herself from participating in any Evaluation Panel.

9. In her formal recusal memorandum, listed the following steps she would take to implement her commitment to avoid the appearance of nepotism in the workplace:

- instructed to exclude her from Evaluation Panels and any Panel in which was a candidate for awards, assignments, or training opportunities.

- provided a copy of her formal recusal memorandum and requested that any matter involving her be referred to and serve as Co-Chairs of the

- Finally, provided a copy of her formal recusal memorandum to and
DISPOSITION:

10. (C) Based upon the information provided by ___ and a discussion with OIG management, it was determined that ____ and ____ had taken the appropriate steps to institute specific safeguards against possible nepotism as warranted by the particular circumstances within ___ and required by AR 13-2. Moreover, there was no indication that nepotism occurred in this matter. Therefore, at this time, the case will be closed and no further action will be taken.

Special Agent

Division Chief
7 December 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegations of Reprisals by [Redacted]

CASE: (U) 2011-10079-IG

INTRODUCTION:

1. (U//FOUO) On 8 February 2011 during an interview, then staff officer reported to the Office of Inspector General (OIG) that he believes he and some other employees are the victims of retaliation. Subsequent to allegations to OIG, officer and officer in April 2011 reported to OIG concerns about possible retaliation and barriers to advancement, respectively.

2. (U//FOUO) OIG initiated an investigation and did not substantiate allegations that retaliated against or because they spoke with OIG. OIG found that allegations are outside of OIG’s normal purview.

ALLEGATIONS:

UNCLASSIFIED//FOUO
(b)(3) CIAAent
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
POTENTIAL VIOLATIONS:

9. (U) Agency Regulation (AR) 1-3a, Office of Inspector General, provides that:

No action constituting a reprisal or threat of reprisal may be taken against any complainant or source of information in an IG investigation, audit, or inspection because the individual filed a complaint or provided information to the OIG.

10. (U) In addition, AR 7-3, Responding to Congressional Inquiries, describes whistleblower procedures for employees who want to contact Congress about possibly or actually illegal and/or improper activities. AR 7-3 states that:

...personnel who act subject to and in compliance with the 1998 [Intelligence Community Whistleblower Protection] Act and applicable internal guidance will be protected against retaliation or reprisal for such activity.

PROCEDURES AND RESOURCES:

11. (U//FOUO) This investigation focused only on whether experienced retaliation for contacting or providing information to OIG related to matters covered in other cases and whether experienced similar retribution from

12. (U//FOUO) OIG contacted and about their allegations and interviewed

4
In response to its queries, OIG received and reviewed e-mail responses from OIG reviewed documents and a PowerPoint document that provided. [Redacted] also provided documents, which OIG examined. Finally, OIG reviewed relevant statutes and Agency regulations.

FINDINGS:
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS:

18. (U//FOUO) allegations of retribution relate to the period before he contacted OIG. Although may have experienced consequences related to OIG did not substantiate that experienced retaliation because he contacted and provided information to OIG.

19. (U//FOUO) requested only that OIG make his concerns a matter of record, which OIG has done. OIG did not substantiate that, because he provided information to OIG, he experienced retaliation.

20. (U//FOUO) issues and concerns are outside of OIG’s normal purview.

21. (U) This case is closed.

Special Agent

Division Chief
18 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: Project Manager

CASE: 2011-101611G

ISSUES UNDER INVESTIGATION:

1. (U//FOUO) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified claimed a degree from an unaccredited institution, on his Agency BIO.

2. (U//FOUO) OIG reviewed the claims made by regarding his degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

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1 (U//FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U//FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.
INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG reviewed (b)(3) CIAAct security file for any degree claims.

4. (U//FOUO) OIG reviewed (b)(6) Official Personnel Folder (OPF) and online Agency BIO.


6. (U//FOUO) OIG obtained and reviewed (b)(3) CIAAct internal job applications and resumes for positions that he held at the Agency as well as his Performance Appraisal Reports.

7. (U//FOUO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

8. (U//FOUO) (b)(3) CIAAct as a (b)(6) officer serving (b)(7)(c) has been an Agency employee since (b)(6) and has prior (b)(7)(c) experience as a contractor to the Agency.

9. (U//FOUO) (b)(3) CIAAct holds an associate's degree (b)(6) and a (b)(7)(c) bachelor's (b)(6) received his associate's degree in (b)(7)(c) and his bachelor's degree in (b)(7)(c).

10. (U//FOUO) (b)(7)(c) holds two additional "degrees" from a master's and a doctorate (b)(3) CIAAct SF-86 fails to (b)(6) include his master's "degree," but his personnel records cite that the (b)(7)(c) master's "degree" was conferred in (b)(6) and the doctorate in (b)(7)(c) In a 5 September 2008 interview with investigators, (b)(6) stated that he paid a lump sum for his bachelor's and master's "degrees," and (b)(7)(c) estimated that they cost $2,000 to $3,000 each. (b)(3) CIAAct (b)(6) stated that there were
no grading fees, review fees, exam fees, or other associated costs to the best of his recollection.

(b)(6)
(b)(7)(c)
18. (U) [redacted] presented his credentials to the Agency as part of his initial application on his SF-86 form. Additionally, he provided transcripts for his master's and doctorate degrees to HR, which added the degrees to his Agency BIO. Agency BIO indicates that he was selected for positions within the Agency since adding his degree to his record.

19. (U//FOUO) In an interview with investigators on 5 September 2008, [redacted] stated that [redacted] was licensed to do business in [redacted] and [redacted].

3 (U//FOUO) According to Title 20 U.S.C. § 1099b (Recognition of accrediting agency or association), the Secretary of Education is responsible for recognizing accrediting bodies, which in turn recognize institutions.
that it encountered problems because it "became a diploma mill." stated that he knew was not accredited, and that there was no accreditation body at the time for that type of school. stated that he never visited. contended that his degrees from were bona fide. stated the institution was licensed in and he believed that degrees offered before were valid. stated that he would present them as valid if he sought to teach at a college. asserted that he went through a rigorous process, and that must have changed in stated that was a non-traditional institution that catered to a need that was not filled elsewhere at the time, but is at the present. recommended that the Agency determine where "fell out," but that he took licensing of the institution as validating his degree.

explained that he did not take written exams or write papers for his courses and that all of the grades were exclusively based on his discussions of books he had read and questions he answered verbally with his advisor. later clarified that he considered the discussions to be equivalent to oral exams.

stated that he defended both his thesis and dissertation. When asked further about this, confirmed there was no committee to which he presented and defended either in person, but stated that he recalled submitting both to his advisor and answering a few questions in writing and in a discussion with her.

Despite assertion, the Distance Education and Training Council has offered Department of Education approved accreditation specifically for distance learning since 1955.

An actual defense generally requires a dissertation committee be formed and a public notice posted in advance of an oral presentation where questions from the committee (and public) are addressed.
23. (U//FOUO) __________ acknowledged his degree was not accredited, but did not acknowledge it was not a valid degree, despite being presented evidence to the contrary. ________ initially removed the degree from his Agency BIO after his interview with OIG. He subsequently reinstated it and stated his desire that a:

... request be made in writing, on letterhead, include references, if not actual copies, of the Agency regulations and/or policies you believe my non-compliance would put me in conflict with, and whatever provisions have been made for appeal, if appropriate.

DISPOSITION:

24. (U//FOUO) ________ was never an accredited institution and never claimed any accreditation, but it was "approved" by ________ to operate as a business. The academic rigor was not consistent with a typical Ph.D. program, as found by ________ There was work required for a degree; however, the work was not consistent with typical Ph.D. programs (see Appendix B) and was never accepted as accredited by the US Department of Education as required for use in job placement or compensation within the US Government. ________ "degree" from ________ was present on his Agency BIO for his selection to ________ different positions within the CIA. ________ did not acknowledge his "degree" was not legitimate when confronted by OIG investigators, and he continues to present his "degree" on the Agency BIO system. OIG Deputy Counsel determined there was no criminal or regulatory violation on the part of ________ Based on the currently available information, no disciplinary action or further investigation is recommended. OIG will notify HR and request ________ degree information be removed from his Agency BIO.

UNCLASSIFIED//FOUO
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

- Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

> Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both. . .

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

- Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

  (A)

  (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary [of Education]...; or

(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

... (3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

3. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational

¹ (U) Subparagraph 3 was added to the statute in 2002.
institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education, granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]". For more information on the subject of diploma mills, refer to the following websites: http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

4. (U//FOUO) Three Agency regulations are pertinent to this investigation:

- Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

  Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

  (13) (1) (c) (1) Employees shall comply with legal requirements established by:

  (a) The United States Constitution;

  (b) Federal statutes and Congressional resolutions;

  (c) Executive Orders and other Presidential directives;

  (d) Regulations of US Government agencies that apply to the CIA;
(e) Applicable state statutes;

(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2) ...

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

AR 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ...

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the
granting institution is required for a degree to be eligible for payment or reimbursement.  

(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HIOs, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

3 (U//FOUO) AR 18-1 was revised in 2004 to include the requirement for accreditation.
Appendix B: (U) Level of Effort Study for Accredited Institutions

1. (U) To determine what is required for a "typical" accredited bachelor's, master's, and doctorate degree, the top 25 schools listed by US News and World Report were reviewed. The standard degree requirements for each of the schools were examined and the results are documented below. Terminology was normalized for credit hours to meet the definition used by most accreditors (i.e., 3 credit hours correspond to a single semester course).

2. (U) The average credit hours required for a bachelor's degree by accredited schools was 125.75. The fewest credits required were 119 (by Duke University). This translates to approximately 40 distinct classes (five classes per semester, two semesters a year, for four years). The Computer Science Accreditation Board performed a similar study in 1997 among member institutions. Their study found similar results – the minimum credits required was 120 and the average was 128 for a bachelor's degree.

3. (U) The average credit hours required for a master's degree by accredited schools was 32.5 credit hours. The fewest number of credits required for coursework was 24 or approximately eight classes. The schools requiring only eight courses all had thesis requirements as well, which needed to be submitted and defended. All of the master's programs required an accredited bachelor's degree prior to entrance.

4. (U) The number of credit hours required for a Ph.D. varied greatly, depending on whether a master's degree was initially required. All of the programs required a master's degree or equivalent in credit hours prior to Ph.D. candidacy. However, for many programs, the first

---

1. (U) The Computer Science Accreditation Board was the primary accrediting authority for computer science programs and is a subsidiary organization of the Accreditation Board for Engineering and Technology. It has now been replaced by the Computer Accreditation Commission.

2. (U) Though not examined in this study, there are institutions which have five year combined bachelor's/master's degrees, where master's courses are taken in lieu of electives the senior year of undergraduate study.
two years of full-time work was master's-level coursework. All of the Ph.D. programs required additional coursework and that the student has an advisor and an advisory committee made up of Ph.D.'s in their field (some had a breadth requirement for an outside advisor from another field). All of the programs required a dissertation, which included a proposal/prospectus submission, a written dissertation, and an oral defense before the committee.

5. (U//FOUO) The average time for completion for a bachelor's degree (for full- and part-time students) was found to be 5.1 years by a 2006 study of public institutions. Time to completion for doctorates was not widely studied, but a cross-subject area study found the average time to complete was 5.94 years for full-time students.
3 May 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: (b)(3) CIAAct (b)(6) (b)(7)(c)

CASE: 2011-10167-IG

ISSUES UNDER INVESTIGATION:

1. (U/FOOOG) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency Staff claiming degrees from non-accredited institutions. OIG matched a list of known, unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified, claimed a master's "degree" from a known, unaccredited institution, is not affiliated with the accredited on her Agency BIO.

1 (U/FOOOG) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U/FOOOG) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.
2. (U//FOUO) OIG reviewed the claims made by regarding her degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG reviewed security file for any degree claims.

4. (U//FOUO) OIG reviewed Official Personnel Folder and online Agency BIO.

5. (U//FOUO) OIG interviewed on 11 August 2008, regarding her unaccredited degree.

6. (U//FOUO) OIG reviewed Department of Justice (DOJ) records related to for evidence of reimbursement to

7. (U//FOUO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

8. (U//FOUO) is a Staff officer within the has been an Agency employee since holds a bachelor of arts degree from (a fully-accredited institution) and a master of science "degree" in During her 11 August 2008 interview with OIG, stated that she took classes at other schools, but confirmed that her only degrees were from and stated she started at in approximately and ended in estimated that the total degree cost between $5,000 and $7,000.
11. (U) Former students identified by [redacted] were informed by DOJ that they had been defrauded and that their [redacted] degrees were not valid. The students were informed in a letter [redacted] that stated in part:

12. (U) [redacted] advertised its degrees in mainstream publications. Students would receive extensive credit for transferred courses as well as extensive "life experience" credit. Students would register for a small number of classes and were asked to purchase and read textbooks for the classes. Students would then submit a paper based on the class topic for
grading. For classes taken at the university, students would pay an enrollment fee for each class, and then a separate grading fee for each paper submitted. Since there were no faculty behind the classes, student submissions varied greatly in quality. There was no valid check of the academic work performed.

14. (U//FOUO) presented her direct supervisor with details of her master's program in several performance appraisal reports (PARs) reporting periods. For her PARs, she provided details of her progressing studies as part of her evaluations. She advised her supervisor that she had completed her master's program for the PAR period. Her then-supervisor noted the completion of her master's degree as an accomplishment in her PAR.

15. (U//FOUO) According to records in security file, during a background investigation for her background investigation update, she stated that she received her master of science degree in chemistry from [University]. This statement generated an education check during subsequent background investigation. Her graduation was confirmed in a favorable adjudication for that update. Her master's degree information was included in her Agency BIO from [Date].

16. (S) In an interview with OIG, she stated that she did not realize [University] was unaccredited until she was told during the interview. She claimed that she enrolled with [University] because it offered the major she wanted, and because she needed to pursue
distance learning stated that her program took about three years to complete and required work that was of a level-of-difficulty consistent with her undergraduate degree work. stated that she completed a significant amount of work, to include a 200-page thesis for one of her courses. In light of all this, she said, she had believed the program to be legitimate until informed otherwise by OIG.

17. (U//FOUO) advised that she sought and received authorization for Agency tuition reimbursement of her courses, and that the Agency paid all tuition costs. She noted that the Agency did not reimburse fees other than tuition, such as application and graduation fees. estimated the amount of her tuition for the program as between $5,000 and $7,000.

18. (U//FOUO) stated that she was never contacted regarding a tuition refund in conjunction with the DOJ investigation, nor did she apply for or receive any refund. This was confirmed through a review of the DOJ reimbursement records related to

19. (U//FOUO) It is unclear whether may have received favorable consideration in promotion or assignment processes due to her having a master's degree, which exceeded the minimum requirement for the positions she has held. When asked during the OIG interview if she had benefited from her degree, responded that if she did, it would have been only in a general way, that is, by having an advanced degree.

20. (U//FOUO) Although stated that she was unaware of her master's degree's non-accreditation prior to the OIG interview, once informed, expressed her concern and asked what steps she should take to rectify the problem. While stressing her surprise and the amount of work she had done, accepted the situation and was fully cooperative. She voluntarily provided a quantity of documents from her personal file for OIG's use.
DISPOSITION:

21. (U) ___ was widely recognized as a fraudulent institution. Though it had "classes" and "coursework," the efforts of students were not evaluated by actual faculty.

22. (U//FOOU) Likely because of ___ assignments, she was not notified by DOJ of being defrauded by ___ Additionally, ___ provided evidence that she did work toward her master's degree that, while not graded, may have led her to believe it was legitimate. ___ did receive Agency reimbursement for the degree. After being notified by OIG that her degree was not legitimate, ___ agreed to provide all documents requested and volunteered to take any steps requested to rectify the problem.

23. (U) There is no evidence of criminal or regulatory violation on the part of ___ Based on the currently available information, no disciplinary action or further investigation is recommended.

Special Agent

Supervisory Special Agent
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

   ♦ Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

   Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

   (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

   (2) makes any materially false, fictitious, or fraudulent statement or representation; or

   (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both . . .

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

   ♦ Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

   (A)

   (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary [of Education]...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

1. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education,

¹ (U//FOI0) Subparagraph 3 was added to the statute in 2002.
granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]. For more information on the subject of diploma mills, refer to the following web sites: http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

2. (U//FOUO) Three Agency regulations are pertinent to this investigation:

- Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

  Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

  (13) (1) (c) (1) Employees shall comply with legal requirements established by:

  (a) The United States Constitution;

  (b) Federal statutes and Congressional resolutions;

  (c) Executive Orders and other Presidential directives;

  (d) Regulations of US Government agencies that apply to the CIA;

  (e) Applicable state statutes;
(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2)...

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency’s mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

♦ AR 18-1, Training, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ...

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement. ³

(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

³ (U//FOUO) AR 18-1 was amended in 2004 to include the requirement for accreditation.
Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HIOMs, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.
14 December 2011

DISPOSITION MEMORANDUM

SUBJECT: (U//A//FOI) Allegation of Preferential Treatment Derived from Improper Relationship

CASE: 2011-10293-IG

INTRODUCTION:

1. (G) On 18 July 2011, the Office of Inspector General (OIG) received an allegation that a relationship with resulted in the latter receiving preferential treatment. That is, a lengthy temporary duty (TDY) and a recent competitive assignment to a position for which was qualified.

2. (G) The allegation reported the following,
3. (C) At the time of the allegation, was and was a

PROCEDURES AND RESOURCES:

4. (C) OIG reviewed and Lotus Notes. OIG also reviewed the meeting minutes from and undated Memorandum for the Record regarding the board for position in the

5. (U//ATO) OIG reviewed Performance Appraisal Records (PARS) covering and travel vouchers from

6. (U//ATO) In addition, OIG interviewed the

FINDINGS:

7. (C) A review of travel vouchers reflected that traveled to Employee Biography revealed that he traveled to

8. (C) A review of PARS revealed that was a rating official or reviewer for . In addition, was not on the board for position, nor was he part of the board meeting.
9. (C) A review of and did not disclose any personal relationship that could be a basis for an allegation of preferential treatment.

10. (C) A review of travel vouchers showed that did not certify or approve any of travel.

CONCLUSIONS:

12. (C) The allegation that received preferential treatment from was not substantiated. did not directly supervise approve travel vouchers for write PARS for or take part in any board for positions for In addition, the
stated that there were no issues with officers traveling TDY and numerous officers for traveled TDY.

13. (U) This matter is closed

Special Agent

Division Chief
30 September 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Possible Conflict of Interest by Former Contracting Officer

CASE: 2011-10311-IG

INTRODUCTION

1. (U//FOUO) On 29 July 2011, the notified the Office of Inspector General (OIG) that a former Staff employee, may have had an official relationship with a contractor, with whom she negotiated employment.¹

began working for the Agency in and was a Contracting Officer (CO) assigned to the , when she resigned from the Agency and began work for also informed OIG that the Office of Security in cancelled post-employment security processing for because she had not completed an Agency-required 18-month waiting period during which contractors are prohibited from bidding back former CIA employees who resign before retirement eligibility.

CONFIDENTIAL
2. (U//FOUO) OIG initiated an investigation to determine whether
violated provisions of federal criminal law, Title 18 U.S.C.
§ 208 (Acts affecting a personal financial interest), as well as federal and
Agency regulations, by having an official relationship with
while negotiating with that contractor for future employment. OIG also
sought to determine whether violated a provision in the
Procurement Integrity Act (Title 41 U.S.C. § 423), which imposes
disqualification and reporting requirements on employees who participate
in certain agency procurements and who receive employment contacts
from offerors in those procurements. Title 41 U.S.C. § 423(d) (Prohibition on
former official’s acceptance of compensation from contractor) imposes a one-year
restriction, applicable to former employees who participated in certain
procurement matters—including as a procurement contracting officer,
source selection authority, source selection evaluation board member, chief
of a financial or technical evaluation team, program manager, deputy
program manager, or administrative contracting officer—against accepting
compensation from a contractor with whom they worked. Finally, OIG
attempted to ascertain what advice obtained from Agency
ethics officials, including whether she had recused herself from official
contacts with

1 (U//FOUO) C.F.R. § 2635, subpart F, prohibits an employee from working on a particular matter if the
employee is “seeking employment” with a person or organization affected by that matter, even though
the employee’s job search has not progressed to actual negotiations. An employee is “seeking
employment,” as defined in Subpart F, and must notify the person responsible for his or her assignments
of the need to be disqualified from a particular matter, if:

- The employee is engaged in actual negotiations for employment;
- A prospective employer has contacted the employee about possible employment and the
  employee makes a response other than rejection; or
- The employee has contacted a prospective employer about possible employment, unless
  the sole purpose of the contact is to request a job application.

Agency Regulation 13-2 (Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-
Employment Restrictions, and Political Activities) also imposes similar post-employment restrictions on
employees involved with government contracts.

2 (U//FOUO) The one-year restriction also applies to people who serve in any of the following seven
positions on a contract valued at over $10 million: procurement contracting officer, source selection
authority, source selection evaluation board member, chief of a financial or technical evaluation team,
program manager, deputy program manager, or administrative contracting officer.
3. (U//FOUO) OIG determined that served as the CO for a contract with. Her negotiations for employment with occurred more than a year after her official work with ended. Agency ethics officers in the Office of General Counsel (OGC) informed after her queries to OGC regarding her search for outside employment, that she did not need to fill out recusal forms.

INVESTIGATIVE EFFORTS

FINDINGS

3

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(b)(3) CIAAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(3) CIAAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
17. (U//FOO) OIG notified the Acting Director, CIA, on 30 August 2011 that it planned to refer a possible violation of Title 18 U.S.C. § 208 to the Department of Justice, Eastern District of Virginia (DOJ/EDVA), for possible prosecution. Also on 30 August 2011, OIG informed the US Office of Government Ethics (OGE) of the investigation via OGE Form 202. On 14 September 2011, OIG sent the notification of a possible Title 18 violation to DOJ. On 3 August 2011, DOJ told OIG Investigations Staff Division that DOJ had decided to decline prosecution in favor of administrative action based on a lack of prosecutorial merit. On 22 September 2011, OIG sent a letter to DOJ/EDVA confirming the declination.

CONCLUSIONS

18. (U//FOO) OIG did not substantiate the allegation that __________ had an official relationship with __________ while she was negotiating for future employment with that company. OIG also did not determine that __________ violated provisions of the Procurement Integrity Act; she waited more than the required one year period before accepting compensation from __________. Moreover, __________ sought
the advice of Agency ethics officials, who informed her that she did not need to recuse herself from any matters on which she was working at the Agency while she negotiated with

DISPOSITION

19. (U//FOUO) On 29 September 2011, OIG notified the Office of Security, Personnel Security Group, Clearance Division of the results of this investigation and that OIG has no objections to security processing. Also on 29 September 2011, OIG sent an updated copy of Form 202 to OGE indicating that OIG did not substantiate the allegation and is taking no action relative to the subject. This matter is closed.
10 March 2008

DISPOSITION MEMORANDUM

SUBJECT: (b)(3) CIA Act

CASE: (U//ARSO) 2006-8270-IG, Allegation of Contract Improprieties

INTRODUCTION:

1. (S) In March 2006, the Office of Inspector General (OIG) received information regarding fraudulent activity in contracts held by the Office of Inspector General (OIG).

2. (S) OIG examined whether any fraudulent activity in contracts held with the CIA in violation of Title 18 Section 1031, Major fraud against the United States. Additionally, OIG investigated improper relations between and also in violation of Title 18 Section 1031, Major fraud against the United States.
PROCEDURES AND RESOURCES:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

FINDINGS:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
RESULTS:

7. (§) After a review the aforementioned allegations were unsubstantiated. There was no evidence that had any inappropriate relationship with individuals at

DISPOSITION:

8. (§) The allegations concerning an improper relationship between and officials were not substantiated.

3
OIG referred concerns about where most of the Agency's contracts with the company are held. This matter is closed.
1 February 2008

DISPOSITION MEMORANDUM

SUBJECT: (U//A\textcircled{\textasciitilde}) Allegation of Ethical and Regulatory Violations

CASE: 2006-8486-IG

ISSUES UNDER INVESTIGATION:

1. (U//A\textcircled{\textasciitilde}) On 30 November 2006, CIA’s Office of Inspector General (OIG) received an anonymous letter alleging that violated unspecified rules, ethical standards, policies, and potential laws in an effort to benefit her friends.

2. (S//NF) The specific issue under investigation by OIG was whether demonstrated favoritism and/or lack of impartiality toward The anonymous letter indicated that had arranged for to brief Station in order for to have an expense-paid trip to visit friends in the area. Additionally, the letter alleged that had influenced the decision to hire as the when did not have the specific qualifications for the position.

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INVESTIGATIVE EFFORTS:

3. (S//NF) All cable traffic related to the trip to was reviewed. The traffic in question was searched for documentation related to the trip itinerary, justification, and after-action reports. The travel voucher for this TDY was also reviewed.

4. (U//FOUO) The Agency Vacancy Notice for the position was obtained and reviewed as well as a Lotus Note exchange between and indicating interest in the position.

5. (C) OIG conducted key interviews with

RESULTS:

6. (S//NF) Documentation reviewed indicated that did travel to as part of a broader TDY, The cable review also indicated that the Station found the trip to be useful. A review of travel voucher for this portion of the TDY did not indicate any extraneous or fraudulent charges.

7. (U//FOUO) During interviews with and both acknowledged that did not have experience, but she was eager to learn the position. They both believed that may have been the only qualified candidate who applied for the position.
8. (U//FOUO) Other interviewees did not provide any substantial support for claims that showed favoritism toward or any other staff officer.

DISPOSITION:

9. (S//NF) OIG concluded that while trip to originally was not planned as a part of initiative, it did provide a good opportunity and the visit benefited the Station’s ability to accomplish its mission. OIG also found that the position was openly advertised, and information indicates that obtained the developmental position based on her reputation and eagerness to learn. OIG did not find any other information that indicated showed a lack of impartiality with respect to the claims set forth by the anonymous letter.
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
REPORT OF INVESTIGATION

(U) PUBLICATION REVIEW BOARD COMPLAINT (2006-8372-IG)

18 November 2008

John L. Helgerson
Inspector General

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. §552a, and should be handled accordingly.

Assistant Inspector General for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Notice: The information in this report is covered by the Privacy Act, 5 U.S.C. §552a, and should be handled accordingly.

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SECRET/NOFORN
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) PUBLICATION REVIEW BOARD COMPLAINT
(2006-8372-IG)

18 November 2008

INTRODUCTION

1. (U//FOUO) On 26 July 2006, met with Office of Inspector General (OIG) investigators seeking redress to a denial of publication by the Publication Review Board (PRB) of a manuscript he authored.
BACKGROUND

2. (U//FOUO) On 14 March 1995, AR 6-2, Agency Review of Material Intended for Nonofficial Publication, was revised requiring employees to submit material intended for nonofficial publication through their supervisory chain of command to their Deputy Director or Head of Independent Office. Employees could elect first to make submissions directly to the Chair of the PRB only for determination of the necessity for any Agency review. Any supervisory official in the author's chain of command could submit the material to the PRB for a decision whether to deny permission for nonofficial publication of any information the author obtained during the course of employment or other service with the CIA that had not been placed in the public domain by the US Government, and if the disclosure reasonably could be expected to harm the national security of the US. Alternatively, a Deputy Director or Head of Independent Office (or designee) could determine that public release of the material was authorized and approve publication of the material with deletions and/or changes, or disapprove publication. The PRB acted as the office of record for all component-approved material.

3. (U//FOUO) The 1995 revision of AR 6-2 stated that the author should ensure that the PRB received a copy of the approval memorandum signed by his or her Deputy Director or Head of Independent Office as well as a copy of the manuscript. [Emphasis added.] The author was also responsible for notifying the then-Office of Personnel Security and the then-Public Affairs Staff of the proposed publication by submitting Form 879, Outside Activity Approval Request. Finally, AR 6-2 e.(4) stated, "The Agency will make every effort to complete the initial review of submitted material and respond to authors within 30 days of receipt by the PRB or other reviewing official." [Emphasis added.] (Exhibit A.)
4. (U//FOUO) On 22 July 2005, the completely rewritten and retitled AR 6-2, Agency Prepublication Review of Certain Material Prepared for Public Dissemination, became effective. Inter alia, this revision requires current employees to submit covered nonofficial and official materials intended for publication or public dissemination to the PRB Chair—review and approval through the author’s chain of command is no longer permitted. The PRB Chair now has responsibility for the review, coordination, and formal approval in writing of submissions in coordination with appropriate Board members. The PRB Chair is also responsible for providing copies of the submitted material to all components with equities in such material. As a general rule, the PRB has to complete prepublication review for nonofficial publications within 30 days of receipt of the material. However, lengthy or complex submissions could require additional time for review, especially if they involve intelligence sources and methods issues. In addition, the new revision requires authors to submit each draft of their work to the PRB for review, before circulating the draft(s) to publishers, editors, literary agents, etc. (Exhibit B.)

PROCEDURES AND RESOURCES

5. (U//FOUO) OIG’s investigation included review of AR 6-2 as revised on 14 March 1995, and as subsequently revised on 22 July 2005. Interviews were conducted with Relevant Lotus Notes e-mail provided by and the individuals interviewed were reviewed, as was the collective documentation on the issue provided by the Office of General Counsel (OGC).
QUESTIONS PRESENTED

6. (U//FOUO) This Report addresses the following questions:

- Was manuscript reviewed in accordance with AR 6-2?
- Did receive formal Agency approval for the publication of his manuscript?

FINDINGS

(U//FOUO) WAS MANUSCRIPT REVIEWED IN ACCORDANCE WITH AR 6-2?

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
(U//FOUO) Did (b)(7)(c) RECEIVE FORMAL AGENCY APPROVAL FOR THE PUBLICATION OF HIS MANUSCRIPT?
(b)(1)
(b)(3) CIAAAct
(b)(3) NatSecAAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
CONCLUSIONS
37. (U//FOUO) The OIG review found that, although some confusion and delay resulted from the review process due to overlapping versions of the relevant Agency regulation, the process by which pre-publication review was conducted was appropriate.
6. AGENCY REVIEW OF MATERIAL INTENDED FOR NONOFFICIAL PUBLICATION

SYNOPSIS. This regulation sets forth policy and procedures that govern the submission and review of material intended for nonofficial publication by current and former Agency employees and others obligated to protect from unauthorized disclosure certain information they obtain as a result of their affiliation with CIA. It also reflects the responsibilities for prepublication review of the Publications Review Board ("PRB" or "Board") and other Agency components.

a. AUTHORITY. The National Security Act of 1947, as amended; the CIA Act of 1949, as amended; and Executive Order 12333 require the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure. Executive Order 12356 requires protection of classified information from unauthorized disclosure. Employees and others who have been authorized access to information the public disclosure of which could harm the national security incur special obligations to protect such information. These obligations have been embodied in secrecy agreements.

b. GENERAL

(1) Based on the above obligations and responsibilities, this regulation requires all current and former Agency employees, and others obligated by contract, to submit for prior review by CIA all materials (defined in paragraph c(2) below) intended for nonofficial publication.* This regulation also establishes standards for review.

(2) It is the Agency's policy to adopt and implement all lawful measures to protect from unauthorized disclosure information which, if disclosed, could damage the national security, and to ensure that individuals given access to such information understand and comply with their obligation not to disclose it. Prior review by the Agency of material intended for nonofficial publication is a key component of efforts to prevent unauthorized disclosures. The purpose of prepublication review is twofold: to assist individuals in meeting their obligations and to ensure that information damaging to the national security is not disclosed inadvertently. Prior restraint of publication imposed by the Agency in implementing this policy has been judicially upheld where the Agency acts without undue delay, as a general rule meaning within 30 days of receipt of the material to be reviewed.

Revised: 14 March 1995
(3) In conducting prepublication review, the Agency's policy is to:
   (a) Identify information for deletion or revision only to the extent necessary to
       protect information the disclosure of which could harm national security;
   (b) Respond in a timely manner to specific inquiries from individuals as to
       whether particular material must be submitted for review or about any
       other aspect of the review process or the Agency's substantive
       determination; and
   (c) Provide for administrative appeal of the initial determinations.

c. AUTHOR RESPONSIBILITIES

(1) Current and former Agency employees are obligated to submit material
    intended for nonofficial publication for prepublication review. Agency
    contractors and others who sign secrecy agreements with the Agency must
    also submit such material for prepublication review in accordance with their
    secrecy agreements.

(2) Submission to the Agency must be made prior to disclosing such information
    to anyone who is not authorized by the Agency to have access to it. The
    responsibility rests with the author to learn from the Agency whether the
    material intended for publication fits the description set forth in this
    paragraph. Prepublication review obligations cannot be avoided by causing
    another person, such as a ghostwriter, spouse, friend, or associate, to prepare
    the material. Revelation of information damaging to the national security to
    any person not authorized to receive it is prohibited.

(3) Current employees must also submit material that could reasonably be
    expected to impair the performance of their duties, interfere with the
    authorized functions of the Agency, or have an impact on the foreign relations
    or security of the United States.

(4) If a person with prepublication review obligations is asked to comment on the
    nonofficial intelligence-related materials of others not so obligated (for
    example, to review a book by a nongovernment author prior to publication),
    the CIA author should treat his or her comments as a proposed nonofficial
    publication subject to this regulation. If upon submission the reviewing
    official determines that it is necessary to review all or part of the underlying
    text to
PUBLIC AFFAIRS

evaluate the comments, the CIA author should obtain the outside author’s consent before submitting the relevant parts of any unpublished text to the Agency for review.

(5) Authors of material submitted to the Agency are expected to cooperate with and assist the review process. When an author claims that information intended for nonofficial publication is unclassified because it has already appeared in public, the author may be called upon to identify any open sources for information that, in the Agency’s judgment, originates from classified sources. Failure or refusal to identify such public sources or otherwise to cooperate may result in refusal of authorization to publish the information in question. The author also may be requested to cite the source in a footnote.

(6) Should a person subject to the prepublication review obligation learn that another person also subject to the prepublication review obligation is preparing material intended for nonofficial publication that may contain information requiring Agency approval for public release, he or she should remind the author of the requirement to submit the material to the PRB or through his or her chain of command, as appropriate, for Agency review.

(7) It is not possible to anticipate all questions that may arise about which materials require prepublication review. It is the author’s obligation to seek guidance on all prepublication review issues not explicitly covered in this regulation.

d. PROCEDURES FOR SUBMITTING MATERIAL FOR REVIEW

(1) Current employees must submit material intended for nonofficial publication through their supervisory chain of command to their Deputy Director or Head of Independent Office. However, current employees may elect first to make submissions directly to the Chair of the PRB only for determination of the necessity for any Agency review. (Note: Employees are also required to notify the Office of Personnel Security and the Public Affairs Staff of the proposed publication by submitting Form 879, Outside Activity Approval Request.)

(2) Upon receipt of material from a current employee as described in paragraph c(3), any supervisory official in the author’s chain of command may submit the material to the Board for decision under paragraph i(1), below. Alternatively, a Deputy Director or Head of Independent Office (or designee) may:

(a) Determine that public release of the material is authorized based on paragraphs i(1) or (2), below, or

Revised: 14 March 1995
(b) Approve publication of the material with deletions and/or changes, or disapprove publication, based on paragraphs 1 or 2, below.

The Board acts as the Agency's office of record for all component-approved material. Thus, the author should ensure that the Board receives a copy of the approval memorandum signed by his or her Deputy Director or Head of Independent Office and a copy of the manuscript.

(3) Deputy Directors and Heads of Independent Offices shall submit material intended for nonofficial publication to the Board (see paragraph 8 for address). The Chair will notify them of the Board's findings and act as primary spokesperson for the Agency in all communications concerning prepublication review.

(4) Former employees and others not currently affiliated with the Agency must submit material intended for nonofficial publication to the Board (see paragraph 8 for address). The Chair will notify them of the Board's findings and act as primary spokesperson for the Agency in all communications concerning prepublication review.

(5) Procedures for submission and review of proposed nonofficial publications by Agency contractors depend on the terms of the contract. If the contractor is a former Agency employee, the material should be submitted to the Board. The Chair will coordinate the review with the contracting component if the subject material of the material and the contract for services overlaps; otherwise, the review will be treated like that for any employee. If the contractor is not a former employee, the contracting component will conduct the review in accordance with the terms of the contract for services and the contractor's secrecy agreement.

(6) Authors who are directed to delete material in accordance with this regulation are required to submit their revisions to the Agency for final review.

(7) Persons preparing material for nonofficial publication are invited at any stage to discuss their plans with the Chair, PRB, the PRB legal adviser, or an authorized representative specifically designated for this purpose. The views of the Agency may be given only by one of these individuals. Anyone acting in reliance on views expressed by any person other than such authorized Agency representative must assume responsibility for the consequences of that action.

Revised: 14 March 1995
PUBLIC AFFAIRS

(8) Except for those under cover, authors should direct questions to the Chair, Publications Review Board, 1016 Ames Building (703) 351-2546 or secure. Overt authors outside the Agency should include "Central Intelligence Agency, Washington, DC 20505" in the address. Authors whose affiliation with the Agency remains covert will be provided with a separate channel of communication.

e. AGENCY ORGANIZATION AND RESPONSIBILITIES

(1) The Board consists of a Chair designated by the Director of Information Technology and senior representatives from the Directorate of Operations, the Directorate of Administration, the Directorate of Science and Technology, the Directorate of Intelligence, the Office of the Associate Deputy Director for Administration/Information Services, the Office of Personnel Security, and the cover unit. The Board members are nominated by the appropriate Deputy Director or Operating Official for the concurrence of the Director of Information Technology. The Office of General Counsel provides a legal adviser. The Board will meet as required at the call of the Chair to ensure that the provisions of this regulation are met.

(2) The Chair will ensure that appropriate reviewers are assigned to review submitted material. If the reviewers unanimously decide that it is unobjectionable under the standards and criteria listed above, the Chair will notify the author through the appropriate channels. If any reviewer objects to publication, the matter will be resolved upon consultation with the Chair or at a Board meeting.

(3) The Chair is authorized unilaterally to represent the Board when disclosure of submitted material so clearly would not harm national security that additional review is unnecessary or when time constraints or other unusual circumstances make it impractical or impossible to convene or consult the Board. The Chair may also determine that the subject of the material is so narrow or technical that only certain Board members need be consulted.

(4) The Agency will make every effort to complete the initial review of submitted material and respond to authors within 30 days of receipt by the PRB or other reviewing official.

f. MATERIALS TO BE SUBMITTED FOR PREPUBLICATION REVIEW

(1) Material which must be submitted for prepublication review consists of all writings and scripts or outlines of oral presentations intended for nonofficial
publication, including works of fiction, which contain any mention of the
CIA, intelligence data or intelligence activities, or material on any subject
about which the author has had access to classified information in the course
of his or her employment or other CIA affiliation.

(2) The prepublication review obligation is not limited to any particular category
of materials or methods of presentation or publication. It applies to both oral
and written materials. With respect to written materials, it applies not only to
books but to all other forms of written materials or prepared statements
intended for public dissemination, such as (but not limited to) newspaper
columns, magazine articles, letters to the editor, book reviews, pamphlets,
scholarly papers, and unofficial testimony prepared in advance of
presentation, whether it is before a Federal or state investigative commission,
a Congressional body, a judicial forum (unless the witness is a defendant in a
criminal case in the United States), or any other similar proceeding. (Current
employees who must make court appearances and respond to subpoenas
should contact the Office of General Counsel.) Because works of fiction are
often based upon and/or can be used to convey factual information, fictional
accounts of the Agency or of intelligence activities are also covered. Material
created or disseminated through electronic or other media also is subject to
this regulation.

g. MATERIALS NOT SUBJECT TO REVIEW

(1) The prepublication review requirement does not apply to material that is
totally unrelated to intelligence or employment matters, such as cooking,
gardening, or purely domestic political matters.

(2) Material that consists solely of personal views, opinions, or judgments on
matters of public concern and does not contain or purport to contain any
mention of the CIA, intelligence activities or data, or information on any topic
about which the author had access to classified information, is not subject to
the prepublication review requirement. For example, a person with
prepublication review obligations is free without prior review to submit
testimony to Congress to make public speeches or publish articles on such
topics as proposed legislation as long as the material prepared for public use is
not classified, does not state or imply facts about intelligence activities or
substantive intelligence information, or, in the case of current employees or
contractors, impair the performance of their duties or the authorized functions
of the Agency or adversely affect foreign relations or national security.
(3) In some circumstances the expression of what purports to be an opinion may in fact convey information subject to prior review. For example, a former intelligence analyst's opinion that the United States can or cannot verify compliance with strategic arms limitation agreements is an implied statement of fact about Agency activities and substantive intelligence information and would be subject to prior review. This does not mean that such a statement would necessarily require deletion, but merely that the subject matter requires review by the Agency before publication. However, discussion limited to the desirability of a proposed arms limitation agreement based solely on analysis of its provisions, without any discussion of intelligence information or activities, would not require prior review.

(4) Descriptions of Agency activities will require prior review. A person subject to the prepublication review obligation who writes or speaks about areas of national policy as an observer outside the government, without relying or purporting to rely on classified information, intelligence information, or other similar information does not have to submit such materials for prior review. While some "gray areas" may exist, persons preparing material intended for nonofficial publication are expected to err on the side of prepublication review.

h. ORAL STATEMENTS The prepublication review requirement applies to material that the person contemplates presenting publicly or actually has prepared to public presentation. Thus, a person is not in breach of the prepublication review requirement if he or she participates extemporaneously and without prior preparation in an oral expression of information (for example, news interview, panel discussion, and unrehearsed speech) and does not submit material for review in advance. Where an individual has been asked to speak or testify on matters that normally would be subject to prior review and has actually prepared for the speaking engagement or testimony in advance by making notes, drafting an outline, rehearsing with an associate, or otherwise, the exception for extemporaneous oral expression does not apply. Moreover, making a genuinely extemporaneous oral statement does not exempt an individual from liability for any unauthorized disclosure of information damaging to the national security that he or she may make in the course of such expression. Persons subject to the prepublication review obligation are encouraged to seek guidance from the PRB before granting such interviews or agreeing to make such appearances.

i. STANDARDS OF REVIEW

(1) The Agency may deny permission for nonofficial publication of any information obtained during the course of employment or other service with

Revised: 14 March 1995

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the CIA that has not been placed in the public domain by the U.S. Government and if disclosure reasonably could be expected to harm the national security interests of the United States.

(2) Permission to publish will not be denied solely because the statement may be embarrassing to or critical of the Agency.

(3) Where information contained in material intended for nonofficial publication is available to the author from classified sources and also independently from open sources, the author may be permitted to republish the information if he or she can cite an adequate open source publication and if republication of the information by that author at the time of review will not cause additional damage to the national security through authoritative confirmation of previous publications. The Board will exercise due care and discretion in making these determinations on a case-by-case basis and include as factors in its decision the following: the sensitivity of the information from classified sources, the number and currency of these previous publications, the level of detail previously exposed, the source of the previous disclosures (whether authoritative and acknowledged or an anonymous "leak"), the new author's access to classified sources, and the authority and credibility his or her Agency experience brings to a confirmatory statement. The Board may give permission to publish contingent on the author's citation of open sources in a footnote.

(4) For current employees and contractors, the Agency may also deny permission to publish statements or expressions of opinion that could reasonably be expected to impair the author's performance of duties, interfere with the authorized functions of the CIA, or have an adverse impact on the foreign relations or security of the United States.

(5) Approval for publication does not represent Agency endorsement or verification of, or agreement with, the subject matter. Therefore, consistent with cover status, authors are encouraged (current employees are required, unless waived by supervisors) to publish the following disclaimer: "This material has been reviewed by the CIA. That review neither constitutes CIA authentication of information nor implies CIA endorsement of the author's views." An employee's supervisors may also amend the wording of this disclaimer, when appropriate, provided the Chair, PRB, is notified of the variance.

Revised: 14 March 1995
(1) Prepublication review allows the Agency to determine whether material contemplated for nonofficial publication contains information which, if disclosed, could harm national security, and gives the Agency an opportunity to prevent the public disclosure of such information. Prior review means that written materials are submitted to the Agency before being circulated to publishers, editors, literary agents, coauthors, reviewers, or the public at each stage of their development. This prior review requirement is intended to prevent comparison of different versions of such material, which would reveal what items had been deleted by the Agency. For this reason, review of the material after it has been submitted to publishers, reviewers, or other outside parties does not satisfy an author's prepublication review obligation. The Agency reserves the right to review any such material in order to take necessary protective action to mitigate damage caused by disclosure. Such review and action does not preclude the U.S. Government and the Agency from exercising the legal rights otherwise available.

(2) The Office of General Counsel will be notified in all cases when a possible violation of prepublication obligation occurs. Failure to comply with prepublication review obligations can result in the imposition of civil or criminal penalties. The Office of General Counsel will report all potentially criminal conduct to the Department of Justice. The Agency will not make such reports, or make any recommendation to the Department of Justice regarding any action, civil or criminal, on the basis of the expressed or presumed animus of a person toward the U.S. Government or the Agency.

k. APPEAL

(1) Authors who wish to appeal decisions should address such appeals in writing to the Executive Director of the Agency, accompanied by the material intended for nonofficial publication and any supporting materials the author wishes the Executive Director to consider. On behalf of the Executive Director, the Chair, PRB will forward the appeal and relevant documentation through the senior Operating Officials of the affected component to each Deputy Director or Head of Independent Office whose representative on the Board objected to information in the material at issue. The Deputy Director or Head of Independent Office will affirm or recommend revision of the Board's decision affecting his or her equities and will forward that recommendation to the General Counsel. The General Counsel will review the recommendations for legal sufficiency and will make a recommendation to the Executive Director for a final Agency decision. Every effort will be made to complete the appeal process within 30 days.
(2) This regulation is intended to provide direction and guidance for those persons who have prepublication review obligations and those who review material submitted for nonofficial publication. Nothing contained in this regulation or in any procedures promulgated to implement this regulation is intended to confer, and does not confer, any substantive or procedural right or privilege on any person or organization.

"Publication" in this context means communicating information to one or more persons. "Nonofficial publication" is a work prepared by the author as a private individual, not as a government employee or contractor acting in an official capacity.
Date: 07/22/2005

Category: 6 - Public Affairs  OPR: DS

Title: AR 6-2 (U) AGENCY PREPUBLICATION REVIEW OF CERTAIN MATERIAL PREPARED FOR PUBLIC DISSEMINATION

REVISION SUMMARY: 22 July 2005

This regulation supersedes AR 6-2, dated 14 March 1995.

AR 6-2 is completely rewritten and retitled, Agency Prepublication Review of Certain Material Prepared for Public Dissemination. This regulation prescribes current policy related to mandatory prepublication review procedures for current and former employees and contractors who propose publications related to intelligence matters for public dissemination. This regulation also incorporates and supplements guidance from AR 6-1, AR 6-5, and AR 6-6 regarding media briefings, official releases to the public, and appearances as guest speakers. Finally, this regulation reflects the Agency's organizational restructuring that resulted from the D/CIA's decision, effective 4 January 2005, to abolish the Mission Support Offices and establish the Directorate of Support.

Because this regulation has been completely rewritten, boldfaced text has not been used to indicate revision.

This regulation was written by DS/ISC/Information Management Services,

2. AGENCY PREPUBLICATION REVIEW OF CERTAIN MATERIAL PREPARED FOR PUBLIC DISSEMINATION

SYNOPSIS: This regulation sets forth CIA polices and procedures for the submission and review of material proposed for publication or public dissemination by current and former employees and contractors and other individuals obligated by a CIA secrecy agreement to protect from unauthorized disclosure certain information they obtain as a result of their
contact with the CIA. This regulation applies to all forms of dissemination, whether in written, oral, electronic, or other forms, and whether intended to be an official or nonofficial (that is, personal) publication.

a. AUTHORITY

The National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and Executive Order 12333 require the protection of intelligence sources and methods from unauthorized disclosure. Executive Order 12958, as amended, requires protection of classified information from unauthorized disclosure. 18 U.S.C. section 209 prohibits a federal employee from supplementation of salary from any source other than the U.S. Government as compensation for activities related to the employee’s service as a Government employee. The Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. 2635) are the Government-wide ethics regulations that govern Federal employees. Those regulations include restrictions on outside activities and compensation for teaching, speaking, and writing related to official duties. In Snepp v. U.S., 444 U.S. 507 (1980), the Supreme Court held that individuals who have been authorized access to CIA information the public disclosure of which could harm the national security hold positions of special trust and have fiduciary obligations to protect such information. These obligations are reflected in this regulation and in CIA secrecy agreements.

b. GENERAL REQUIREMENTS AND DEFINITIONS

(1) The CIA requires all current and former Agency employees and contractors, and others who are obligated by CIA secrecy agreement, to submit for prepublication review to the CIA’s Publications Review Board (PRB) all intelligence-related materials intended for publication or public dissemination, whether they will be communicated in writing, speeches, or any other method; and whether they are officially sanctioned or represent personal expressions, except as noted below.

(2) The purpose of prepublication review is to ensure that information damaging to the national security is not disclosed inadvertently; and, for current employees and contractors, to ensure that neither the author’s performance of duties, the Agency’s mission, nor the foreign relations or security of the U.S. are adversely affected by publication.

(3) The prepublication review requirement does not apply to material that is
unrelated to intelligence, foreign relations, or CIA employment or contract matters (for example, material that relates to cooking, stamp collecting, sports, fraternal organizations, and so forth).

(4) Agency approval for publication of nonofficial, personal works (including those of current and former employees and contractors and covered non-Agency personnel) does not represent Agency endorsement or verification of, or agreement with, such works. Therefore, consistent with cover status, authors are required, unless waived in writing by the PRB, to publish the following disclaimer:

“All statements of fact, opinion, or analysis expressed are those of the author and do not reflect the official positions or views of the Central Intelligence Agency (CIA) or any other U.S. Government agency. Nothing in the contents should be construed as asserting or implying U.S. Government authentication of information or CIA endorsement of the author’s views. This material has been reviewed by the CIA to prevent the disclosure of classified information.”

(5) Those who are speaking in a nonofficial capacity must state at the beginning of their remarks or interview that their views do not necessarily reflect the official views of the CIA.

(6) A nonofficial or personal publication is a work by anyone who has signed a CIA secrecy agreement (including a current or former employee or contractor), who has prepared the work as a private individual and who is not acting in an official capacity for the Government.

(7) An official publication is a work by anyone who has signed a CIA secrecy agreement, (including a current employee or contractor), such as an article, monograph, or speech, that is intended to be unclassified and is prepared as part of their official duties as a Government employee or contractor acting in an official capacity.

(8) "Publication" or "public dissemination" in this context means:
   (a) for nonofficial (that is, personal) works -- communicating information to one or more persons; and
   (b) for official works - communicating information in an unclassified manner where that information is intended, or is likely to be, disseminated to the public or the media.

(9) Covered non-Agency personnel means individuals who are obligated by a
CIA secrecy agreement to protect from unauthorized disclosure certain information they obtain as a result of their contact with the CIA.

c. THE PUBLICATIONS REVIEW BOARD

(1) The PRB is the Agency body charged with reviewing, coordinating, and formally approving in writing all proposed nonofficial, personal publications that are submitted for prepublication. It is also responsible for coordinating the official release of certain unclassified Agency information to the public. The Board consists of a Chair and an Executive Secretary -- designated by and reporting directly to the Chief, Information Management Services (IMS) -- with the rest of the Board membership composed of senior representatives from the Director of CIA Area, the Directorate of Operations (DO), the Directorate of Support, the Directorate of Science and Technology, the Directorate of Intelligence, the Security Center, and the DO's Global Deployment Center, who are designated by the appropriate Deputy Director, or Operating Official with C/IMS concurrence. The Office of General Counsel (OGC) provides a nonvoting legal advisor.

(2) The PRB shall adopt and implement all lawful measures to prevent the publication of information that could damage the national security or foreign relations of the U.S. or adversely affect the CIA’s functions or the author’s performance of duties, and to ensure that individuals given access to classified information understand and comply with their contractual obligations not to disclose it. When the PRB reviews submissions that involve the equities of any other agency, the PRB shall coordinate its review with the equity owning agency.

(3) The PRB Chair is authorized unilaterally to represent the Board when disclosure of submitted material so clearly would not harm national security that additional review is unnecessary or when time constraints or other unusual circumstances make it impractical or impossible to convene or consult with the Board. The Chair may also determine that the subject of the material is so narrow or technical that only certain Board members need to be consulted.

(4) During the course of PRB deliberations, the views of the equity owning Board member regarding damage to national security and appropriateness for publication will be given great weight. In the event the PRB Chair and other Board members disagree as to whether the publication of information could damage the national security or if the Studies in Intelligence Editorial Board
Chair disagrees with a PRB decision under section g(2) below that an article is inappropriate for publication, the PRB Chair, or Director of the Center for the Study of Intelligence, will have 15 days to raise the issue to the Chief, IMS for review, highlighting the equity owner’s concerns. If no resolution is reached at that level, the C/IMS will have 15 days to raise the matter to the Deputy Executive Director (D/EXDIR) for a final decision. When there is disagreement whether information should be approved for publication, it will not be so approved until the issue is resolved by C/IMS or the D/EXDIR. However, if the issue is not raised to the C/IMS or the D/EXDIR within the applicable time limits, the views of the equity owning Board member will be adopted as the decision of the PRB (or in those cases where the Studies in Intelligence Editorial Board Chair disagrees with the PRB decision and the issue is not raised within applicable time limits, the PRB decision will be final).

d. CONTACTING THE PRB

(1) Former employees and contractors and other covered non-Agency personnel must submit covered nonofficial (personal) materials intended for publication or public dissemination to the PRB by mail, fax, or electronically as follows:

For U.S. Mail: For Overnight Delivery (e.g., FedEx, UPS, etc.):
CIA Publications Review Board
(b)(3) CIAAct
Facsimile: (b)(3) CIAAct
Email: (b)(3) CIAAct
Phone:

(2) Current employees and contractors must submit covered nonofficial and official materials intended for publication or public dissemination to the PRB by mail, fax, or electronically as follows:

Internal Mail: Publications Review Board (b)(3) CIAAct
Classified Facsimile: (b)(3) CIAAct
Email: Lotus Note to (b)(3) CIAAct
Secure Phone: (b)(3) CIAAct

(3) Current employees and contractors intending to publish or speak on a nonofficial, personal basis must also complete and submit to the PRB an electronic cover memorandum identifying their immediate supervisor or
contracting officer. The PRB will notify the appropriate Agency manager or contracting officer, whose concurrence is necessary for publication.

(4) Review Timelines. As a general rule, the PRB will complete prepublication review for nonofficial publications within 30 days of receipt of the material. Relatively short, time-sensitive submissions (for example, op-ed pieces, letters to the editor, and so forth) will be handled as expeditiously as practicable. Lengthy or complex submissions may require a longer period of time for review, especially if they involve intelligence sources and methods issues. Authors are strongly encouraged to submit drafts of completed works, rather than chapters or portions of such works.

e. WHAT IS COVERED

(1) Types of Materials. The prepublication review obligation applies to any written, oral, electronic, or other presentation intended for publication or public dissemination, whether personal or official, that mentions CIA or intelligence data or activities or material on any subject about which the author has had access to classified information in the course of his employment or other contact with the Agency. The obligation includes, but is not limited to, works of fiction; books; newspaper columns; academic journal articles; magazine articles; resumes or biographical information on Agency employees (submission to the PRB is the exclusive procedure for obtaining approval of proposed resume text); draft Studies in Intelligence submissions (whenever the author is informed by the Studies editor that the draft article is suitable for Studies Editorial Board review); letters to the editor; book reviews; pamphlets; scholarly papers; scripts; screenplays; Internet blogs, e-mails, or other writings; outlines of oral presentations; speeches; or testimony prepared for a Federal or state or local executive, legislative, judicial, or administrative entity; and Officers in Residence speeches and publications (although oral and written materials prepared by OIRs exclusively for their classroom instructional purposes are not covered, OIRs must take particular care to ensure that any anecdotes or other classroom discussions of their Agency experiences do not inadvertently reveal classified information). Materials created for submission to the Inspector General and/or the Congress under the Whistleblower Protection Act and CIA implementing regulations are nonofficial, personal documents when they are initially created and the author is entitled to seek a review by the PRB to determine if the materials contain classified information and, if so, the appropriate level of classification of the information. If, at any point during or after the whistleblower process, the author wishes to disseminate his whistleblower complaint to the public, the author must submit his complaint to
the PRB for full prepublication review under this regulation. If the author is a current employee or contractor who intends to disseminate his whistleblower complaint to the public, the author must also obtain PRB review of his materials under paragraph g below.

(2) Review of Draft Documents. Written materials of a nonofficial, personal nature covered by the regulation must be submitted to the PRB at each stage of their development before being circulated to publishers, editors, literary agents, coauthors, ghost writers, reviewers, or the public (that is, anyone who does not have the requisite clearance and need-to-know to see information that has not yet been reviewed, but may be classified). This prepublication review requirement is intended to prevent comparison of different versions of such material, which would reveal the items that the Agency has deleted. For this reason, PRB review of the material only after it has been submitted to publishers, reviewers, or other outside parties violates the author's prepublication review obligation. The Agency reserves the right to conduct a post-publication review of any such material in order to take necessary protective action to mitigate damage caused by such a disclosure. Such post-publication review and action does not preclude the U.S. Government or the CIA from exercising any other legal rights otherwise available as a result of this prepublication violation. Additionally, the Agency reserves the right to require the destruction or return to CIA of classified information found to have been included in earlier versions of a work regardless of the form of the media involved (for example, paper, floppy disk, hard disk, or other electronic storage methods).

(3) Public Presentations:

(a) With respect to current and former employees and contractors and covered non-Agency personnel making intelligence-related speeches, media interviews, or testimony, they must submit all notes, outlines, or any tangible preparatory material to the PRB for review. Where no written material has been prepared specifically in contemplation of the speech, interview, or oral testimony, the individual must contact the PRB Chair or his representative to provide a summary of any and all topics that it is reasonable to assume may be discussed, and points that will or may be made. Unprepared or unrehearsed oral statements do not exempt an individual from possible criminal liability in the event they involve an unauthorized disclosure of classified information.

(b) In addition, with respect to current employees and contractors making
official or nonofficial oral intelligence-related statements to the media or to groups where the media will likely be in attendance, prior to granting interviews or making public appearances, the speaker shall contact the PRB for guidance. The PRB will coordinate the review of proposed speeches or media interviews with the component involved, the Office of Public Affairs for guidance regarding media or press relations, and other offices as necessary.

(c) **Current employees** who must make court appearances or respond to subpoenas must contact OGC for guidance.

(4) **Official Publications.** The publication or public dissemination of official Agency information by any means, including electronic transmissions, such as Internet and unclassified facsimile, is subject to prepublication review. In addition to the types of materials listed in paragraph e(1) above, official publications subject to this review include unclassified monographs; organizational charts; brochures; booklets; flyers; posters; advertisements; films; slides; videotapes; or other issuances, irrespective of physical media such as paper, film, magnetic, optical, or electronic, that mention CIA or intelligence data or activities or material on any subject about which the author has had access to classified information in the course of his employment or other association with the Agency.

(5) **Exclusions.** Not included within the scope of this regulation are CIA court filings; regular, serial publications such as the CIA *World Fact Book*; or documents released pursuant to official declassification and release programs such as the Freedom of Information Act or the 25-Year Automatic Declassification Program under Executive Order 12958, as amended. Nor do these procedures apply to official documents intended to be disseminated only to other Federal Government entities (that is, responses to other Federal agencies and Congressional entities – except for unclassified “constituent replies” that will remain covered by this regulation).

(6) **Additional PRB Guidance.** It is not possible to anticipate all questions that may arise about which materials require prepublication review. Therefore, it is the author’s obligation to seek guidance from the PRB on all prepublication review issues not explicitly covered by this regulation.

**f. PREPUBLICATION REVIEW GUIDELINES FOR FORMER EMPLOYEES AND CONTRACTORS, AND COVERED NON-AGENCY PERSONNEL**
(1) All material proposed for publication or public dissemination must be submitted to the PRB Chair, as described in paragraph d(1) above. The PRB Chair will have the responsibility for the review, coordination, and formal approval in writing of submissions in coordination with appropriate Board members. The PRB Chair will provide copies of submitted material to all components with equities in such material, and will also provide copies to all Board members and, upon request, to any Directorate-level Information Review Officer.

(2) The PRB will review material proposed for publication or public dissemination solely to determine whether it contains any classified information. Permission to publish will not be denied solely because the material may be embarrassing to or critical of the Agency. Former employees, contractors, or non-Agency personnel must obtain the written approval of the PRB prior to publication.

(3) When it is contemplated that a co-author who has not signed a CIA secrecy agreement will contribute to a publication subject to prepublication review, the final version of the publication must clearly identify those portions of the publication that were authored by the individual subject to the secrecy agreement. Where there is any ambiguity concerning which individual wrote a section, and the section was not submitted for review, the Agency reserves the right to consider the section to be entirely written by the individual subject to the secrecy agreement and therefore in violation of the individual’s prepublication review obligations.

(4) When otherwise classified information is also available independently in open sources and can be cited by the author, the PRB will consider that fact in making its determination on whether that information may be published with the appropriate citations. Nevertheless, the Agency retains the right to disallow certain open-source information or citations where, because of the author’s Agency affiliation or position, the reference might confirm the classified content.

g. PREPUBLICATION REVIEW GUIDELINES FOR CURRENT EMPLOYEES AND CONTRACTORS

(1) All proposed unclassified material must be submitted to the PRB Chair, as described in paragraph d(2) above. The PRB Chair will have the responsibility for the review, coordination, and formal approval in writing of submissions in
coordination with the author’s supervisor and other offices as necessary. The PRB Chair will provide copies of submitted material to all components with equities in such material, and will also provide copies to all Board members and, upon request, to any Directorate-level Information Review Officer.

(2) Additional Review Criteria. For current employees and contractors, in addition to the prohibition on revealing classified information, the Agency is also legally authorized to deny permission to publish any official or nonofficial materials on intelligence-related matters set forth in paragraph e(1) and e(4) above that could:

(a) reasonably be expected to impair the author's performance of his or her job duties,

(b) interfere with the authorized functions of the CIA, or

(c) have an adverse effect on the foreign relations or security of the U.S.

(3) Outside Activities Approval Request. Current employees and contractors must also complete a Form 879 (Outside Activity Approval Request) before undertaking any unclassified publication not officially sanctioned by the CIA.

(4) Management Review Process:

(a) Nonofficial publications. For all nonofficial publications, current employees must complete and submit to the PRB a cover memorandum identifying their immediate supervisor or contracting officer. The PRB will notify these individuals, whose concurrence is necessary for publication.

(b) Unclassified official publications. For all unclassified official publications (official documents whose dissemination is likely to be broader than the initial, intended Federal Government entity recipient – for example, unclassified Congressional “constituent replies”) that are covered by this regulation, current employees or contractors must first coordinate the document or speech with their management chain. Once initial management acceptance has been made, the employee must then submit the publication to the PRB for final review and approval. (Classified official publications are not covered by this regulation and, therefore, are not required to be submitted to the PRB for review.)

(c) Resumes. This requirement for management review and concurrence does not apply for resumes, which must be sent to the PRB, which will coordinate their approval with the appropriate equity owning component.
and Directorate-level Information Review Officer. The employee must obtain the written approval of the PRB prior to any dissemination of the resume outside of the CIA.

(5) OGC Ethics Review for Executive Branch Employees. As part of the prepublication review process, and after PRB/management review of proposed publications is completed, the PRB will initiate a further review by OGC/Administrative Law Division (ALD) to determine if any ethics issues are raised under the Standards of Ethical Conduct for Employees of the Executive Branch. These Government-wide regulations and Agency Regulation 13-2 provide that an employee shall not receive compensation from any source other than the Government for teaching, speaking, or writing relating to the employee’s official duties. Additionally, OGC/ALD will also review proposed publications by current employees to ensure there is no violation of the criminal statute, 18 U.S.C. section 209, which prohibits an employee from receiving any salary or any contribution to or supplementation of salary from any source other than the U.S. as compensation for services as a Government employee. Specifically, employees may not receive outside compensation for any article, speech, or book written or produced as part of their official duties.

h. APPEALS

(1) If the PRB denies all or part of a proposed nonofficial publication, the author may submit additional material in support of publication and request reconsideration by the PRB. In the event the PRB denies the request for reconsideration, the author may appeal. PRB decisions involving nonofficial publications may be appealed to the Executive Director (EXDIR) within 30 days of the decision. Such an appeal must be in writing and must be sent to the PRB Chair. Appeal documentation must include the material intended for publication and any supporting materials the appealing party wishes the EXDIR to consider. The PRB Chair will forward the appeal and relevant documentation through the components that objected to publication of the writing or other product at issue. The Deputy Director or Head of Independent Office will affirm or recommend revision of the decision affecting his or her component’s equities and will forward that recommendation to OGC. OGC will review the recommendations for legal sufficiency and will make a recommendation to the EXDIR for a final Agency decision. The PRB Chair is responsible for staff support to the EXDIR. The EXDIR will render a written final decision on the appeal. Best efforts will be made to complete the appeal process within 30 days from the date the appeal is submitted.
(2) This regulation is intended to provide direction and guidance for those persons who have prepublication review obligations and those who review material submitted for nonofficial or official publication. Nothing contained in this regulation or in any practice or procedure that implements this regulation is intended to confer, or does confer, any substantive or procedural right or privilege on any person or organization beyond that expressly stated herein.

i. BREACH OF SECRECY AGREEMENT

Failure to comply with prepublication review obligations can result in the imposition of civil penalties or damages. When the PRB becomes aware of a potential violation of a CIA secrecy agreement, it will notify OGC and the Security Center. After Security Center review and investigation of the case is completed, if further action is deemed warranted, the Security Center will refer the matter to OGC, which will report all potentially criminal conduct to the Department of Justice (DoJ) and consult with DoJ regarding any civil remedies that may be pursued.

/s/
Porter J. Goss
Director of the Central Intelligence Agency
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DISPOSITION MEMORANDUM

SUBJECT: (b)(3) CIA Act

CASE: (U//AF56) 2007-8545-IG, Allegation of Undue Influence in Award of a Contract

INTRODUCTION:

1. (S) On 17 May 2006, the Office of Inspector General (OIG) received from a former Agency staff employee allegations of undue influence by former [REDACTED] in the award of a contract involving [REDACTED]. The individual claimed it appeared [REDACTED] was awarded a contract [REDACTED] due to influence by [REDACTED].


PROCEDURES AND RESOURCES:

3. (S) OIG conducted a review of [REDACTED] related to this matter. OIG completed key interviews with the current and prior Contracting Officers, the Auditor, the Legal Counsel, and a member of the Agency Acquisition Review Board (AARB) for the contract. OIG also reviewed the contract, the AARB documents, and the audit report. In addition, OIG conducted a search of [REDACTED] Lotus Notes, available personal e-mail and calendars for relevant information.
FINDINGS:

4. (S) The former Agency staff employee, who alleged it appeared was awarded the contract due to influence, initially admitted that it was only implied to him that the decision to sole source came from through 1. In a subsequent interview, the former Agency staff employee stated might have had some influence on the contract

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
11. (S) After a review of the contract, AARB documents and audit report, and interviews with Contracting Officers, AARB members, Auditor, and Legal Counsel responsible for the contract with there was no evidence that influenced the award of the contract to

12. (S) OIG was not able to substantiate the allegations that influenced the award of the contract to in violation of Title 18 U.S.C. §1031, Major Fraud against the United States. This matter is closed.
REPORT OF INVESTIGATION

(§) CONFLICT OF INTEREST

(2007-8601-IG)

29 July 2008

John L. Helgerson
Inspector General

Assistant Inspector General for Investigations

Copy

Special Agent

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Approved for Release: 2017/05/24 C06659610
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(C) CONFLICT OF INTEREST:

(2007-8601-IG)

29 July 2008

INTRODUCTION

1. (C) On 8 May 2007, the Office of Inspector General (OIG) received a referral from that CIA employee while serving as engaged in an apparent conflict of interest violation. served as both the Contracting Officer (CO) and Contracting Officer Technical Representative (COTR) on a contract. Reportedly, approached with whom negotiated contracts on behalf of the Agency, and solicited employment. a staff officer, has been a CIA employee since

SUMMARY

2. (C) OIG determined, through review of electronic mail correspondence and interviews with knowledgeable individuals, that sought employment with on two separate occasions.

1

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was interviewed and admitted to seeking employment on these two occasions and signed a sworn statement detailing these incidents.

PROCEDURES AND RESOURCES

3. (S) OIG reviewed training records, as well as applicable Headquarters regulations and federal statutes as they relate to acquisitions, conflict of interest, and ethics. In addition, security file, OGE 450 forms, Financial Disclosure Forms, and e-mails and other documentation provided by were reviewed. Additionally, was interviewed. OIG conducted interviews with

QUESTIONS PRESENTED

4. (S) This Report addresses the following questions:

- Was seeking employment with while employed as Contracting Officer and Contracting Officer Technical Representative on contracts?
- What CIA regulations or federal criminal laws may have been violated?
FINDINGS

(b)(1) CIA Act
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
12. (U//AFIÒ) Title 18 U.S.C. §208, Acts affecting a personal financial interest, provides:

Whoever, being an officer or employee of the executive branch of the United States Government ... participates personally and substantially as a Government officer or employee, through ... other proceeding, application, request for a ruling or other determination, contract, claim ... in which he is serving as officer ... or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—shall be subject to a civil penalty of not more than $50,000 for each violation ....

13. (U//AFIÒ) Agency Regulation 13-2, Conflicts Of Interest, Lack Of Impartiality, Gifts, Honoraria, Misuse Of Position, Post-Employment Restrictions, And Political Activities, states:

An employee is prohibited by law from participating personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to the employee, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. An interest is considered imputed to an employee if the financial interest is held by the employee's spouse; the employee's minor child; the employee's general partner; an organization or entity which the employee serves as an officer, director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.

CONCLUSIONS

15. (S) engaged in a conflict of interest by attempting to petition for employment with admitted to soliciting employment from a company with which negotiated contracts on behalf of the Agency. By his own admission, knew his approach concerning employment was wrong.
RECOMMENDATION

CONCUR:

Inspector General

29 July 2008
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U//FOUO) CONFLICT OF INTEREST:
CIAU INTELLIGENCE EDUCATOR
(2007-8737-1G)

26 November 2008

INTRODUCTION

1. (E) The CIA Office of Inspector General (OIG) conducted an investigation into the actions of intelligence educator at Central Intelligence Agency University (CIAU). It revealed a conflict of interest resulting from The Office of General Counsel, Administrative Law Division (OGC/ALD) had informed CIAU Management that, based on a review of her actions appeared to be a violation of federal law, federal regulations, and Agency regulations. Accordingly, OGC directed CIAU management to apprise OIG of the apparent violation. CIAU

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1 (U//FOUO) CIA University (CIAU) is the Agency component that provides training for intelligence officers and their managers.
management informed OIG that resulting in an apparent conflict of interest.

SUMMARY
BACKGROUND

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

PROCEDURES AND RESOURCES

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
QUESTIONS PRESENTED

7. (€) This investigation addresses the following questions:

♦ (b)(1)
♦ (b)(3) CIA Act
♦ (b)(3) NatSec Act
♦ (b)(6)
♦ (b)(7)(c)

♦ What federal law, federal regulation, and Agency regulation governing conflict of interest would be applicable to the facts of this matter?

FINDINGS

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(U) WHAT FEDERAL LAW, FEDERAL REGULATION, AND AGENCY REGULATION GOVERNING CONFLICT OF INTEREST WOULD BE APPLICABLE TO THE FACTS OF THIS MATTER?

14. (U) Title 18 U.S.C. §205 (Activities of officers and employees in claims against and other matters affecting the Government) provides in pertinent part that:

(a) Whoever, being an officer or employee of the United States in the executive, legislative or judicial branch of the Government, other than in the proper discharge of his official duties—... (2) acts as an agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;—shall be subject to the penalties set forth in section 216 of this title [18 U.S.C.]... (h) For the purpose of this section, the term "covered matter" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.4

(U) Conflict of interest statutes such as 18 U.S.C. §205 are general intent crimes. That is, unlike offenses that require specific intent, it is unnecessary in a general intent crime that the actor intends the precise result. It is merely sufficient if the actor meant to do the act that caused the result.
15. (U) 5 C.F.R. §2635 (Standards of Ethical Conduct for Employees of the Executive Branch) specifies in pertinent part in §2635.801(d).

In addition to the provisions of this and other subparts of this part, an employee who wishes to engage in outside employment or other activities must comply with applicable statutes and regulations. Relevant provisions of law ... may include: ... (4) 18 U.S.C. 205, which prohibits and employee, whether or not for compensation, ... from acting as agent or attorney for anyone, before any department, agency, or other specified entity, in any particular matter in which the United States is a party or has a direct or substantial interest ....

16. (U) Agency Regulation (AR) 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-employment Restrictions, and Political Activities, addresses the federal law and policy on federal ethics regulations including conflict of interest and other ethics related restrictions.

17. (U) AR 13-2 c(3), Prohibition on Representing Private Interest specifies in part:

The law prohibits an employee from undertaking any negotiations or representational activities on behalf of a private party before any agency, court, or department of the United States where the U.S. is a party to the matter or has a direct or substantial interest. This restriction applies regardless of whether the employee is compensated ....

18. (C) The facts of this case were presented to an Assistant United States Attorney (AUSA) at the Eastern District of Virginia at Alexandria, on 13 April 2008. At that time, the AUSA declined criminal prosecution of for possible violation of 18 U.S.C. §205 in favor of administrative action by CIA.
CONCLUSION

19. (€) There is no basis to conclude that intended to violate federal law or federal and Agency regulations. Nevertheless, contravened the relevant provisions of 5 C.F.R. §2635 and AR 13-2c(3), Prohibition On Representing Private Interest.
RECOMMENDATION

(€) The Chief Learning Officer, Central Intelligence Agency University in consultation with should determine what administrative action should be taken with regard to conduct.

CONCUR:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Inspector General

26 Nov 2008
Date
31 October 2008

DISPOSITION MEMORANDUM

SUBJECT: (U) Contractor Abuse of Privileges: (b)(3) CIA Act (b)(6) (b)(7)(c)

CASE: 2008-9031-IG

INTRODUCTION:

1. (U//AFIP) The Office of Inspector General (OIG) opened an investigation on 15 November 2007, into potential conflicts of interest within (b)(3) CIA Act (b)(6) (b)(7)(c) X (b)(3) CIA Act (b)(6) (b)(7)(c) The initial investigation focused on contract officer misconduct, but during the investigation it was found that an Agency contractor for (b)(3) CIA Act (b)(6) (b)(7)(c) (b)(7)(e) inappropriately accessed competitor information and abused his privileges by running a for-profit business using Agency resources.

PROCEDURES AND RESOURCES:

(b)(3) CIA Act (b)(6) (b)(7)(c) (b)(3) CIA Act (b)(6) (b)(7)(c)
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
QUESTIONs PRESENTED:

8. (U//ADT) This Disposition Memorandum addresses the following questions:

- Was [redacted] running a for-profit business using CIA resources during time billed to the government?

- Was [redacted] running a for-profit business using CIA resources during time billed to the government?

- Did [redacted] access competitor's information that would provide a competitive advantage?

- Did [redacted] violate other Agency regulations related to the Internet?

- What federal criminal laws, CIA regulations, or executive orders may have been violated?

FINDINGS:
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
(U//ADUO) Did access competitor's information that would provide a competitive advantage?

14. (U//ADUO) According to CIA records, granted access to competitors' information on numerous occasions. E-mail transactions confirmed that several Agency employees asked to assist with inherently governmental functions over the course of several years.\(^{3vii}\)

15. (U//ADUO) Although was provided access to internal and competitor information, he was under a non-disclosure agreement and was prohibited from doing business development activities for \(^{viii}\)

16. (U//ADUO) According to a document located on AIN computer, removed competitor's information from the Agency network.
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(U//FOUO) Did you VIOLATE OTHER AGENCY REGULATIONS RELATED TO THE INTERNET?

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
WHAT FEDERAL CRIMINAL LAWS, CIA REGULATIONS, OR EXECUTIVE ORDERS MAY HAVE BEEN VIOLATED?

28. (U//AF56) Agency Regulation (AR) 14-11, Personal Use of Agency Communications and Computer Resources, dated 28 July 2004 and in effect during the time periods cited in this report, states that:

14.e. UNAUTHORIZED USE. Unauthorized or inappropriate use of government office equipment is prohibited. If an employee has any questions regarding what qualifies as an appropriate personal use of Agency equipment, he should consult with his supervisor, Area Security Officer (ASO), the Office of General Counsel (OGC), or the Office of the Chief Information Officer (O/CIO). An unauthorized use includes the excessive personal use of government equipment to the extent that the use results in more than a minimal additional expense to the government, or when the duration of use merges into the employee's official time, even when the use is for purposes that would otherwise be authorized.

(5) Downloading a video game for recreational use.

(7) Using Agency communications resources for commercial purposes or in support of other "for profit" activities such as outside employment or businesses (for example, selling real estate, offering an item for sale at an internet-based auction site, or preparing tax returns for a fee). This prohibition does not prevent an employee from seeking new employment through the limited personal use of government office equipment.

(8) Use of Agency communications resources to create, copy, or transmit or view material that violates federal law, federal or Agency regulations, or Agency policy. Forbidden activities include: infringement of copyrights or trademarks; unauthorized release of unclassified controlled information; release of classified information; and soliciting funds for charity, business, or personal benefit.
29. (U//AR56) AR 11-3, Agency Internet Policy, had two revisions dated 16 January 2007 and 19 March 2003 in effect during the time periods cited in this report. Appendix A, Agency-Sponsored Internet Account User Agreement, states that:

f. I agree not to:

(1) Store, process, or transmit any classified information or unclassified Administrative Internal Use Only (U//AR56) information on an unclassified network connected to the Internet;

h. I agree to use my Agency-sponsored access to the Internet only for unclassified, official U.S. Government business or appropriate incidental personal use and not for any unauthorized or illegal purposes:

(3) Examples of inappropriate personal use include activities that violate any law, regulation, or Agency policy, such as:

(d) Engaging in activities that financially benefit an individual or organization, including soliciting business or contributions.

(e) Conducting banking transactions, paying bills, gambling, making personal purchases, trading in stocks or securities, posting items for sale, or bidding for items posted on auction sites, and similar activities.

CONCLUSIONS:

30. (U//AR56) Title 17 U.S.C. §501 (Copyright Infringement and Remedies) states the following with regards to:

(a) Anyone who violates any of the exclusive rights of the copyright owner is an infringer of the copyright.
(b) The legal or beneficial owner of an exclusive right under a copyright is entitled to institute an action for any infringement of that particular right.
31. (U//FOUO) __________________ admitted to violations of AR 14-11 and AR 11-3. __________________ spent non-trivial amounts of time using both the telephone and computer resources of the government to run a for-profit business. Additionally, __________________ admitted to extensive use of __________________ that were copyrighted material, in violation of both AR 14-11 and AR 11-3. Copyright abuse was additionally a violation of 17 U.S.C. §501, which carries civil penalties. OIG analyzed the computer evidence to confirm the violations.

32. (U//FOUO) __________________ violated his non-disclosure agreement multiple times over the course of several years.

34. (U//FOUO) __________________ acknowledged awareness of the policies violated in the interview.
36. (U//FOUO) [REDACTED] was removed from the Agency contract by [REDACTED] in response to the preliminary findings of OIG's investigation. His access is currently being adjudicated by the Office of Security based on the findings. No further action is recommended.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent

(b)(3) CIA Act
(b)(3) NatSec Act
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)
30 June 2017

Jeffrey L. Light
Law Office of Jeffrey L. Light
1712 Eye St., NW
Suite 915
Washington, DC 20006

Re: F-2016-00474; 15-cv-2204

Dear Mr. Light:

This letter is in response to the 18 November 2015 Freedom of Information Act (FOIA) request submitted by your client, Jason Leopold, for disclosure from the Central Intelligence Agency Office of Inspector General (OIG) a copy of the reports and/or memorandums pertaining to 172 closed investigations listed in the request.

We processed the request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 3141, as amended. On 28 April 2017 and 26 May 2017, we released a total of forty (40) documents in segregable form. At this time, fifty seven (57) additional documents can also be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), (b)(7)(d), and (b)(7)(e). In addition, it has been determined that seventy eight (78) documents must be denied in their entirety on those same bases. Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption “(b)(3)CIAAct” on the enclosed documents, and/or Section 102A(i)(l) of the National Security Act of 1947, 50 U.S.C § 3024(i)(l), noted as exemption “(b)(3)NatSecAct” on the enclosed documents. Please note that while we believe certain information pertaining to the CIA’s regulatory system is exempted from disclosure by statute, as a matter of discretion, we have chosen to release such information under the circumstances of this case.

This concludes our response to the above reference request.

Sincerely,

Allison Fong
Information and Privacy Coordinator

Enclosures
I. (U) Scope and Background

1. (U//FOUO) Scope of the Inquiry. On 29 August 2011, the Inspector General (IG) directed that the Investigations Staff (INV) of the Office of Inspector General (OIG) conduct a preliminary inquiry into allegations of inappropriate CIA involvement in the activities of the New York City Police Department (NYPD), as reported in an Associated Press story. On 31 August 2011, the Acting Director CIA requested OIG expeditiously review CIA support to, and involvement with, NYPD. Based upon this request, OIG assembled a team of seven investigators, an Attorney, and a Research Assistant to conduct a preliminary inquiry of the CIA-NYPD relationship, including the NYPD Intelligence Division (NYPD-ID), to determine whether CIA actions violated Executive Order (E.O.) 12333, the National Security Act of 1947, and/or Agency Headquaters Regulation (HR) 7-1, Law and Policy Governing the Conduct of Intelligence Activities. OIG reviewed many thousands of records from its own holdings or provided to OIG by Agency components, consisting of cables, e-mails, official correspondence, Congressional briefing notes, personnel and security files, Agency biographies, and NYPD intelligence reports. Over the course of its inquiry, OIG interviewed 33 individuals, some of them more than once, at various locations within the United States and overseas. (Exhibit.)

2. (U//FOUO) Background. According to the witnesses we interviewed, before the 11 September 2001 (9/11) terrorist attack on the US, specifically the City of New York, the NYPD-ID was focused on VIP personal protection and criminal intelligence collection related principally to gang, narcotics activities, and organized crime. After 9/11, the ID dramatically expanded its focus on counterterrorism. In January 2002, NYPD Commissioner Raymond Kelly appointed David Cohen, a retired CIA Senior Intelligence Service (SIS) officer who had been working in the private sector in New York City, to be the Deputy Commissioner of Intelligence. Over several years, Cohen expanded the size of NYPD-ID and established several division initiatives directed at thwarting terrorist activities. As of the date of this Report, Cohen continues to serve as the Deputy Commissioner of Intelligence.
3. (S//NF) In early 2002, senior CIA management received requests for increased Intelligence Community (IC) support from federal, state, and local law enforcement, to include the NYPD. A Concept of Operations (CONOP) was developed by senior Agency officers in April 2002 for a temporary duty assignment (TDY) of a seasoned Directorate of Intelligence (DI) analyst to New York City for a six to nine month period under Director of Central Intelligence (DCI) authorities. The officer’s task was to improve analytic information-handling capabilities of law enforcement entities in the States of New York and New Jersey. On or about 4 June 2002, DI careerist was selected and began what would eventually become a prolonged temporary duty assignment (TDY) as a DCI Representative until March 2004. He was among then-DCI authorities, and held no official position with NYPD. He met with federal, state, and local law enforcement officials and assessed their needs for analytic counterterrorism (CT) assistance. His assigned goal was to help various local authorities develop strategies for improving their CT analysis.

4. (S//NF) assignment to New York City ended in about March 2004. He returned to the Agency he was contacted by Commissioner Kelly and offered a full-time position with NYPD. He was interested and he requested Leave Without Pay (LWOP) from the Agency so he could accept the NYPD offer. In addition, an Outside Activity Request explaining his intent to work with NYPD was submitted electronically on his behalf. In August 2004, the Agency approved LWOP and Outside Activity Request, and began employment with NYPD. Although LWOP was initially approved for just a year, Agency records show he received annual approval for continued LWOP through his resignation from CIA in May 2009. A review of Agency records found no information that was advised, either prior to or during the LWOP period, about prohibitions pertaining to E.O. 12333, the National Security Act, or HR 7-1.

5. (S//NF) During the period he was in LWOP, did not consider himself an Agency officer and believed he had “no limitations” as far as what he could or could not do. The FBI conducted background investigation in 2006 so he could maintain a security clearance while serving in NYPD. Although not a sworn law enforcement officer, performed the functions of a full-time civilian of NYPD during the LWOP period. Consequently, participated in all activities of his position and rank to include supervision and direction of ALL NYPD investigations, operations, and surveillance activities directed at US persons and non-US persons. According to CIA’s Office of General Counsel (OGC), the “law enforcement proviso” of the National Security Act, which prohibits the Agency as an institution from exercising police or law enforcement or internal security functions, generally does not apply to the activities of an employee on LWOP, as long as the individual was acting in a personal capacity and not subject to CIA direction.
III. (U//FOUO) NYPD Detective Trained at CIA

6. (S//NF) Assistant Commissioner Cohen, in coordination with Commissioner Kelly, requested that an experienced NYPD-ID detective receive Agency operational training to enhance the capability of NYPD-ID CT efforts. Agency management headquarters concurred. An NYPD detective was detailed to the Agency from October 2008 through November 2009 to attend the

... The detective, ... , failed to successfully complete ... and subsequently returned to NYPD-ID in November 2009. The proposal to train the detective received extensive review from senior Agency management, to include the Associate Deputy Director, Director of the National Clandestine Service (NCS), and the Senior Deputy General Counsel, before being approved in accordance with HR 7-1 requirements. ... was the only NYPD officer afforded such training.

7. (S//NF) On 9 August 2007, ... requested a full-time permanent analyst to support NYPD-ID. A Memorandum of Agreement (MOA) was drawn-up ... and ... to provide direct support to NYPD. ... In this newly created position, ... provided direct analytic support to NYPD-ID. The MOA ... stated that ... would identify potential foreign leads of interest to CIA; ... he would remain under CIA authorities and bound by Agency restrictions throughout his assignment; and ... Although the MOA was not signed until ... informed OIG that ... management advised him to ignore any information that was unrelated to foreign intelligence (FI). ... an experienced analyst, told OIG he was knowledgeable about the prohibitions as an Agency officer working alongside domestic law enforcement. He stated he did not engage in any law enforcement or otherwise prohibited activities, to include improper collection regarding US persons, while he served in this position.

8. (S//NF) ... told OIG that during the first two months of his assignment, he received daily PDF files containing NYPD-ID investigative reports, known as DD-5s, that he believed were unfiltered (e.g., the reports had not been pre-screened to remove potential non-FI related information). However, most of these reports dealt with criminal activity and were not of potential FI value. ... claimed that after two months his presumed unfiltered access was removed and he was dependent upon NYPD analysts to provide him with filtered, hard copy DD-5 reports of FI value. ... estimated he received somewhere between 0 to 12 reports each day, and that approximately once every two months, ...
However, others interviewed by OIG, including a former NYPD-ID analyst and now staff officer with NCS, maintained that no one, including __________ had unrestricted or unfiltered access to DD-5 reports, except NYPD-ID analysts, __________ and Cohen.

9. __________ an experienced __________ analyst was chosen to replace __________ and she began her assignment.

However, unlike __________ she engages exclusively in training NYPD analysts in analytic tradecraft. Although an experienced officer who claimed she was aware of the limitations when working with local law enforcement, __________ had not signed an MOA at the time she was interviewed by OIG. During the course of the OIG inquiry, DDCIA Morell was briefed by OIG about the findings thus far, and subsequently he directed that __________ management ensure the MOA for __________ was signed. As of the date of this report, OIG has no information this has been finalized.
According to accounts of senior Agency officers, Cohen contacted Deputy Director Morell for a “replacement for _______” Director/NCS John D. Bennett subsequently retired senior manager for assignment to NYPD, but not as a replacement or as an Chief and was looking for a new assignment. NYPD position was defined by Cohen as executive development for and not to fill role as an says he initially was not interested in the NYPD position but decided to meet with Kelly and Cohen who was interested in what he learned from Kelly and Cohen, and he eventually decided to accept the NYPD executive development position. an MOA was drawn up and signed, and began his assignment to New York on as a Special Representative to NYPD. The MOA defined role: he would be co-located with NYPD-ID but remain an Agency officer, operating under CIA authorities, and would be limited by restrictions applicable to Agency would not have any law enforcement authorities, and he would not exercise law enforcement, police, or internal security powers. OGC briefed on the limitation of his assignment. In addition, had no collection responsibilities.

The MOA enumerated the justification for assignment as mutually beneficial to the Agency and NYPD. told OIG he understood the legal questions regarding his authorities and said he was careful not to overstep his bounds. He said he spent considerable time and effort trying to help NYPD improve its volatile relationship with the local FBI and specifically the FBI-led Joint Terrorism Task Force.

During the course of its inquiry, OIG received information from current and former senior Agency officials who expressed concern that his position with NYPD had placed the Agency in the middle of a contentious relationship between the FBI and NYPD.

VI. (U) Conclusions:

OIG’s preliminary inquiry found no information or evidence that Agency officers engaged or participated in any activities that violated E.O. 12333 or the National Security Act of 1947. Specifically, OIG found no evidence indicating that Agency officers conducted intelligence activities directed at purely domestic activities of US persons in violation of E.O. 12333 or that Agency officers, while engaged in the performance of CIA duties, exercised any law enforcement, police, or internal security powers in violation of the National Security Act of 1947.

OIG’s inquiry identified a potential HR 7-1 issue that may have occurred from about February to April 2008, with regard to certain collection activities within the US. A previous officer assigned to NYPD-ID believed he temporarily received/had access to
particular "unfiltered" NYPD-ID reports. OIG, on 8 November 2011, reported this potential HR 7-1 violation to the Intelligence Oversight Board, as required by E.O. 12333.

3. (U//FOUO) Agency staff officers provided direct assistance to NYPD, initially to identify ways to improve IC support to, and information sharing with, law enforcement, followed by efforts to develop the analytical expertise of NYPD-ID in dealing with counterterrorism issues of local concern. Since 2002, CIA has assigned a total of four officers to provide direct assistance to NYPD.

4. (U//FOUO) The Agency provided these officers with varying degrees of management and legal oversight and guidance during their respective assignments. The personnel assigned to assist NYPD had different functions and different levels of understanding of their respective role as an Agency staff employee assigned to work with NYPD. OIG’s inquiry found inconsistent administrative documentation and levels of review regarding LWOP approvals, MOAs, information-sharing arrangements, and Outside Activity Requests. With respect to each Agency officer assigned to NYPD, the inquiry identified, albeit at various intervals and degrees, consultation with OGC, as required by HR 7-1 when the Agency provides generalized training to state or local law enforcement.

5. (U//FOUO) OIG’s preliminary inquiry found that issues raised in 2008 with respect to the appropriateness of providing specialized operational training to an NYPD detective received extensive review and assessment by Agency personnel, including OGC attorneys. Agency senior management, including the Associate Deputy Director, Director of the NCS, and the Senior Deputy General Counsel subsequently approved this training, and the NYPD detective was temporarily detailed to the Agency and attended a portion of the Agency's [redacted] before returning to NYPD.

6. (U//FOUO) OIG determined that the assignment of [redacted] to NYPD [redacted] placed the Agency more prominently in the middle of a contentious relationship between the FBI and the NYPD regarding NYPD's efforts to combat terrorism. In OIG interviews, several current and former senior-level officers expressed concerns with [redacted] assignment and role as a senior Agency [redacted] manager working directly with the NYPD.
### Exhibit

**Individuals Interviewed for OIG Preliminary Inquiry on the CIA-NYPD Relationship**

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Redactions</th>
</tr>
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<tbody>
<tr>
<td>Director Community HUMINT</td>
<td>Gen. Lake</td>
<td>(b)(3) CIAAct</td>
</tr>
<tr>
<td>Former ADCI/Homeland Security</td>
<td>W. Wiley</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>Former D/ADCI/HS</td>
<td>J. Augustyn</td>
<td>(b)(7)(c)</td>
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<tr>
<td>Former DCI Tenet's CoS</td>
<td></td>
<td>(b)(7)(d)</td>
</tr>
<tr>
<td>Former IG</td>
<td>J. Helgerson</td>
<td></td>
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<tr>
<td>D/NCS</td>
<td>J. Bennett</td>
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<tr>
<td>Former NYPD Asst. Comm.</td>
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<td>(b)(3) NatSecAct</td>
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The Office of the Director of National Intelligence (ODNI) was created by statute in 2005 as the President's principal intelligence advisor and manager of the national intelligence community. Before the creation of the ODNI, the Director of Central Intelligence (DCI) served as both the head of the intelligence community and the head of the CIA. DCI Tenet directed ______ to New York City in 2002 under his DCI authorities as manager of the intelligence community.

2 (U) OIG was advised by NYPD there were a number of NYPD ______ at the time, and others were also civilians.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
15 December 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Viewing Child Pornography With An Agency-Issued Laptop Computer

CASE: 2010-098151G

INTRODUCTION:

1. (S//NF) On 30 July 2010, reported to the Office of Inspector General (OIG) that an Agency employee had viewed child pornography on a US Government (USG) laptop computer. Reportedly, made admissions that he used his USG laptop computer to view pornographic images and video images of females ages 10 to 16.

SUMMARY:

2. (S//NF) The OIG investigation focused on activities from entry on duty date, through

3. (S//NF) The investigation found that first accessed child pornography on his personal computer when he was in college. The investigation also found that continues to view child pornography with his personal computer. The investigation further found that used a USG computer to view child pornography.
4. (C) OIG interviewed who admitted to viewing child pornography with a USG computer. In a signed sworn statement, stated that he viewed pornography on USG-issued laptops, including looking at pictures, thumbnails, and video clips of underage girls as young as 10-12 years of age.

5. (C) On 23 September 2010, the United States Attorney’s Office declined prosecution of in favor of administrative action by the Agency.

6. (C) On 5 November 2010, a Personnel Evaluation Board (PEB) commended

BACKGROUND:

7. (C) was hired by CIA on and was a member of the Since has been assigned to and

8. (S/NF) was in temporary duty (TDY) status from

PROCEDURES AND RESOURCES:

9. (S/NF) OIG reviewed Official Personnel Folder, security file, Performance Appraisal Reports, Lotus Notes, Agency Internet Network, conducted a review of two Agency laptops computers that may have used and a review of personal laptop computer. OIG interviewed OIG also reviewed applicable federal criminal statutes and Agency regulations and policies.
FINDINGS:

10. (§) During the interview, stated he used a USG laptop to view pornography and that there were approximately five instances in which the pornography depicted individuals between the ages of 14 and 16 engaged in sexual activity. In two of those instances, where the individuals appeared "too young," stated that he watched videos in their entirety.

11. (€) he provided additional details about viewing pornography on an unclassified USG laptop. stated that he used this laptop to view pornographic images two to three times per night for a total of approximately 100 occasions. Although said the majority of the pornography he viewed was adult pornography, he admitted that on approximately 10-20 occasions he watched videos where the girls appeared to be "middle school aged or about 10-13 years of age." described the girls as being undeveloped with small or no breasts and no hair (presumably no pubic hair).

12. (S/¥NF) Denies To The FBI That He Viewed Child Pornography. On was returning on the flight when he was met by two FBI Agents. After consenting to an interview, told the FBI that he looks at adult pornography in which there are occasions where it is not clear whether the young women are under 18 years old. However, denied viewing pornography involving prepubescent children. consented to a search of his personal laptop computer. A joint FBI and CIA/OIG analysis did not find any child pornography on the laptop.

13. (S/¥NF) Admissions to OIG. On 27 September 2010, interviewed said that he used a USG-issued computer to access pornography while on TDY and continued to access child pornography during his TDYs estimated 10 percent of his browsing of pornography involved viewing underage individuals. The
youngest individuals he sought out were 13 or 14 years of age but he also encountered 10-12-year-olds. He said he viewed pornography one to two hours a night during TDY and estimated viewing between 50 to 100 images per hour. Ten percent of these images were underage females. He viewed embedded movies of girls 10 to 12 years of age performing oral sex on an "older guy." In total, he estimated that he viewed approximately 14,000 images of pornography on his government computer while on his TDYs, of which 1,400 were of underage individuals. Of the 1,400 underage individuals, 280 were under the age of 15. He also viewed 20 movies of individuals under the age of 18 in which three to five movies were of individuals under the age of 15. He began viewing underage pornography on his personal computer when he was in college. He said he has viewed approximately 2,000 images of underage individuals engaged in sexual activity on his home machine, of which 200 to 300 were under the age of 15. At home he has viewed approximately 200 pornographic movies with individuals under the age of 18, of which 10 videos involved individuals under the age of 15. With respect to being interviewed by the FBI, he said he misunderstood the FBI and thought the FBI was only asking him if he had viewed child pornography while he was in the service.

Sworn Statement. On 27 September 2010, submitted a statement under oath to OIG. In this statement, he stated that he used his USG laptop while on TDY to browse web searches for pornography eventually led him to a site, which in turn, let him see images of younger girls, including girls 10 to 12 years of age. According to him, the majority of images were embedded flash or other video clips of younger girls in "pornographic and oral sexual situations." Of all the pornography that he viewed during his TDYs, he estimated that roughly 10 percent were underage with 10-20 percent of them being young girls 10-12 years of age. He stated that he viewed some video clips but states that he watched none of the clips in their entirety.

Position on Using a USG Computer to View Pornography. In his sworn statement, he said that he recognized it was wrong to use a USG computer to view pornography and that it was...
16. (C) Computer Analysis. On 3 August 2010, OIG took custody of a USG laptop computer from OS, which OS believed may have used. No child pornography was found on that computer. On 1 September 2010, OIG took custody of seven USG laptop computers from to which may have had access. However, did not have controls, such as individual logins, to indicate who had access to a particular laptop during a specific period of time. OIG determined that the one laptop had accessed adult pornography, but there was no indication of child pornography. OIG wiped all seven laptops and returned the laptops to On 27 September 2010, voluntarily turned over to OIG a laptop computer that he represented was his personal computer. OIG’s review of this laptop did not find any child pornography. 

(U) What Federal Criminal Laws and CIA Regulations Pertain to Accessing Child Pornography?

17. (U//FOB) Title 18 U.S.C. § 2252A (Certain activities relating to material constituting or containing child pornography) states in pertinent part:

(a) Any person who—

....

(5) either—

....

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(B) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

18. (U) Agency Regulation 7-21, Limited Personal Use of Government Office Equipment including Information Technology, states in pertinent part:

(e) Unauthorized Personal Use

... 

(b)(1) CIAAct
(b)(3) CIAAct
(b)(6) NatSecAct
(b)(7)(c)

19. (U//FOO) On 23 September 2010, OIG presented the findings of this investigation to the United States Attorney for the Eastern District of Virginia. Assistant United States Attorney (b)(6) declined prosecution of for viewing child pornography in favor of administrative action by the Agency.

20. (S) On 5 November 2010, a PEB was convened as a result of a referral from OS that was based on admissions. SA (b)(7)(c) also informed the PEB that had admitted to OIG that he, had accessed child pornography with his USG laptop computer. SA also informed the PEB that signed a sworn statement admitting to accessing child pornography with a USG computer.

21. (E) On 5 November 2010, the PEB recommended
CONCLUSION:

22. (C) [redacted] appears to have violated federal criminal law and Agency regulations by viewing and possessing child pornography on an Agency laptop computer on multiple occasions.

RECOMMENDATION:

23. (U) In view of the PEB recommendations, it is recommended that this case be closed with no further action.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
Division Chief
DISPOSITION MEMORANDUM

SUBJECT: (U//AF50) Possible Ethical Issues with an Agency COTR

CASE: 2010-09621-IG

INTRODUCTION:

1. (C) On 31 March 2010, the Office of Inspector General (OIG) received an allegation from regarding the conduct of a Contracting Officer’s Technical Representative (COTR) in support of its contract with the CIA, had a subcontract arrangement with.

2. (C) stated that he took to formal arbitration in March 2009. During the discovery process, was mandated to turn over all internal documents (in October 2009) concerning its decision not to exercise the option year of its contract with indicated that he did not realize the extent of government involvement in decision until he reviewed internal documents.

* (U//AF50) An arbitrator reviewed and made an award on 12 November 2009 regarding a matter between and According to the award of arbitration, all claims of against were denied.
3. (C) claimed internal documents described actions taken by that, in his opinion, were unethical and possible violations of a Presidential Executive Order, the Code of Federal Regulations (CFR), Federal Acquisition Regulations (FAR), and Agency Regulations (AR). indicated that unethical actions influenced decision not to exercise the option year for its contract with .

4. (C) On 10 May 2010, expanded his initial allegation and stated that actions led to anticompetitive practices in pursuit of federal contracts. claimed these anticompetitive practices may have resulted in violations of Antitrust laws.

5. (C) On 27 September 2010, added that interfered in business relationship with indicated that this interference influenced decision not to exercise the option year for its contract with .

PROCEDURES AND RESOURCES:

6. (C) The OIG reviewed multiple documents provided by including internal e-mail and notes himself had prepared. The OIG examined documentation provided by The OIG requested information from (other prime contractors).

7. (C) The OIG reviewed the Statement of Work (SOW) for the program and evaluated the informal policy, which was provided by The OIG reviewed Financial Disclosure Report (OGE 450) and CIA's Financial Disclosure Program (FDF) for select years.
8. (C) The OIG interviewed [ ] and [ ] The OIG examined applicable statutes and regulations, and obtained guidance from the Counsel to the IG.

FINDINGS:

Did [ ] actions influence decision not to exercise the option year for its contract with [ ] Were [ ] actions unethical?

9. (U) Applicable Laws and Regulations. Principles of ethical conduct for government officers and employees are provided in Presidential Executive Order 12674, Part I Principles of Ethical Conduct, 5 CFR 2635.101 Basic obligation of public service, and FAR 3.101 Standards of Conduct. The standards of conduct for CIA employees are provided in AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities. The basic rule of these provisions is to avoid conflicts of interest or the appearance of conflicts of interest.

10. (U//F) The CIA Contracting Manual (CCM) provides a COTR’s duties and responsibilities in Appendix I of the COTR Certification and Management Model. The CCM states as follows.

In your capacity as a COTR you do not have the authority to...Give direction to the Contractor or to the employees of the Contractor except as provided for in the contract.

If you have or may have direct or indirect financial interests that would place you in a position where there is a conflict between your private interests and the public interests of the United States, you shall immediately advise your supervisor and the CO [Contracting Officer]...

You shall avoid the appearance of such conflict to maintain public confidence in the Government’s conduct of business with the private sector.

11. (C) OGE 450 and FDF. Based on a review of the OGE submissions (for calendar years 2008 and 2009) and FDF submissions (for calendar years 2006 and 2008), it does not appear that [ ] held any financial interests in [ ]
12. (E) Internal E-mails. None of the internal e-mail provided by included either or as the originator or recipient (in either the to, from, or carbon copy lines). The internal e-mails document actions planned and/or taken by in regards to In addition, the internal e-mails convey perception of and involvement in the matter. On 15 January 2009, sent officials an e-mail regarding a conversation she had with

I gave a run down [sic] of our issues with and the decision we have come to as a Prime. I also told him that we did not want our decision to have a negative impact on the office. If they want to retain services we are more than willing or [sic] trade or give the slot to another Prime. does not want that. He feels this will move from being our problem to his problem. He is going to go into the meeting on Wed supporting us 100% and telling the component he wants him gone... If the component really feels services are that valuable (and irreplaceable) they are going to have to justify it.

13. (E) On 15 January 2009, responded to earlier e-mail stating as follows.

I appreciate opinion and direction on this issue... As always, your relationship with the customer has built a level of trust.

14. (E) On 23 January 2009, sent officials an e-mail regarding a planned meeting with as follows.

It is relationship with us, not his performance on the contract that is driving our decision... If refuses to come in and meet with us today, has given us permission to revoke his badge. has also said we can say the COTR (and use his name) is aware and supports the actions.

15. (E) Note Messages. A review of Lnotes (from January 2007 to April 2010) indicated that was not a topic of
Lnote discussions until mid-January 2009. Lnotes (specific to were business related. There were no Lnotes from that explicitly communicated direction to in regards to

16. A LNote between indicated that officials requested a meeting with managers to discuss On 14 January 2009, sent a LNote to stating as follows.

is the best person to address questions about performance/impact of and she is currently TDY... If it is possible to postpone this discussion to for her to have an interactive, face to face, discussion with the company.

19. Statements to the OIG. stated that he had no prior relationship with before the issues between began which, according to started in the fall of 2008. said that contacted him telephonically a couple of times and indicated that he wanted to act as a mediator between and In addition to the telephone conversations, recalled one meeting with late in 2008. stated that this meeting lasted about 15 minutes and, during that time, put on notice that could only
communicate with the prime) not a subcontractor. indicated that he also told that his contractual issues were between and indicated that while he supported , he told her that the matter was an issue between and 20. said that he was not responsible for decision to allow contract to expire. stated that dialog contained in internal e-mail (e.g., opinion and direction ... wants him gone ... from paragraphs 12, 13, and 14 above) was strong.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
FINDINGS:

Did actions lead to anticompetitive practices and/or violate Anitrust laws?


Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.

An Act to protect trade and commerce against unlawful restraints and monopolies.

28. ( , ) Handbook. The Handbook states that the requirements for the first year of the contract were distributed among prime contractors based on the results of the competitive source selection process. This process included a determination of each prime contractor's ability to provide appropriately qualified and cleared personnel from specified labor categories defined in the SOW. For subsequent distribution of requirements among prime contractors, an assessment will be made of each contractor's previous ability to fulfill the requirement with qualified personnel in a timely manner as well as their approach to meeting the NCS salary guideline for new hires and replacement personnel.

29. ( ) The Handbook also provides COTR responsibilities and states as follows.

The Contract COTR will facilitate communication among stakeholders and monitor the Contractors' performance under the contract vehicles . . . Both the Contract COTR and Contract CO will be responsive to any questions originating from all stakeholders.

30. (U/ ATO) Informal Policy. indicated that he created an internal policy to improve the consistency of personnel
and to control contractor costs. On 7 June 2010, [redacted] provided OIG with a description of this policy.

We have no formal written policy, contractual language or guidance referencing contractor's movement from one prime to another prime. We do have an (unwritten) understanding with the Prime PM's [Program Managers] requiring a minimum of one year cooling off period if [sic] person moves from one prime to another prime. Once the year is up, a person can switch primes with no more then [sic] 3.5% (yearly inflation increase) salary increase. Of course with [redacted] there are exceptions to every rule. For unusual circumstances we will allow a person to move primes if both PM’s agree and it is in the best interest of the program.

31. (C) Statements from [redacted] and A Program Manager from [redacted] Prime Contractor. [redacted] indicated that the informal policy created confusion and prevented him from securing another position on the [redacted] contract through another prime. [redacted] provided the OIG with multiple job inquiries he had submitted to other prime contractors and their responses. [redacted] and [redacted] informed [via e-mail] that [redacted] was ineligible to work on [redacted]. In two separate e-mails (dated 24 August and 9 September 2009) [redacted] clarified the basis for ineligibility as follows.8

I got this response from the [redacted] manager ... we won’t be able to propose [redacted] on any BF [no further information] until Jan 10 since he was on [redacted] with another prime.

32. (U//FOUO) While the [redacted] Program Manager could not recall names of any prospective employees deemed ineligible to work on [redacted], he did however, recall the [redacted] policy. The [redacted] Program Manager told the OIG that [redacted] protocol requires that any potential candidate who worked for one prime had to wait one year before another prime could bid them back to [redacted].

33. (S) Eligibility for Non-[redacted] Positions. [redacted] Office of Security/Personnel Security Group/Clearance Division (OS/PSG/CD) stated that [redacted] has had an active green badge with the

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8 (U//FOUO) The OIG sent a LNote request to [redacted] but did not receive a response.
CIA since 5 December 2003 with no interruptions (no badge blocks, suspended clearance, etc.). The indicated that is a contractor working in the . According to , has sponsored clearance related to this assignment since March 2010.

CONCLUSIONS AND DISPARITY

34. (c) Allegations that and/or influenced the decision to allow its contract with to expire were not substantiated. Evidence indicated that senior management agreed with the Program Manager for who recommended that not exercise the option year for its contract with . After made its decision, the Program Manager requested a meeting with the COTR and managers. In this meeting, the Program Manager offered to trade or give position that filled to another prime contractor. The COTR did not allow to trade or give the position, which was proper.

35. (c) Allegations that acted unethically and possibly violated the standards of conduct provisions prescribed in Presidential Executive Order 12674, 5 CFR 2635.101, FAR 3.101, and AR 13-2 were not substantiated. Evidence indicated that did not have a conflict of interest—neither had a financial interest in Nor was there evidence to suggest the appearance of a conflict of interest. The COTR was not ethically precluded from speaking with (the prime) about concerns about its contract with its plans to allow the contract to expire.

36. (c) Allegations that actions led to anticompetitive practices in pursuit of federal contracts, which possibly resulted in Antitrust law violations were not substantiated. Evidence indicated that the contract award did not reduce competition. Rather, the contract requirements were awarded to prime contractors based on a competitive source selection process.
37. (U//AF56) The application of the informal policy appears to have prevented from securing another position from another prime contractor for a year (1 February 2009 to 31 January 2010). While the policy is inappropriate because it imposes contractual terms on prime contractors that are not written in the contract, it is not a statutory violation. Further, it does not appear that the policy prevented (or ) from securing other government contractor positions or even other non-contractor positions with the CIA.

38. (U//AF50) The reporting agent recommends that

39. (U//AF50) The reporting agent recommends that

40. (U//AF50) The matter involving allegations made by is closed.

* In December 2006, OIG Inspections issued a report on the Agency's Reliance on Contractors. This report mentioned the contracting efforts, but stated that evaluating the program would have been premature at that time.
7 January 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Misuse of Government Computer Systems and Sexual Exploitation of Minors

CASE: 2010-09636-1G

ISSUES UNDER INVESTIGATION:

1. (U//FOH©) On 8 April 2010, Special Agent (SA) contacted the CIA Office of Inspector General (OIG) regarding Agency contractor SA advised OIG that had allegedly solicited an undercover SA from the FBI in an online chat room in an attempt to travel interstate for the purposes of having sex with what he believed to be an underage child.

2. (U//FOH©) OIG investigated for violations of Title 18 U.S.C. 2252 (Certain activities related to material involving the sexual exploitation of minors).

INVESTIGATIVE EFFORTS:

4. (U//FOH©) OIG obtained and reviewed biographical information and work history.

5. (U//FOH©) OIG obtained and reviewed security file.
8. (U//FOUO) OIG obtained and executed a search warrant for laptop computer.

9. (U//FOUO) OIG reviewed cell phone contact list and recent phone history.

10. (U//FOUO) OIG reviewed the computer of (b)(3) CIAAct

11. (U//FOUO) OIG obtained subpoenas for individuals on Yahoo chat list.

12. (U//FOUO) OIG obtained subpoenas for the IP addresses associated with chat contacts.

13. (U//FOUO) OIG obtained a search warrant for Yahoo chat history.

RESULTS:

15. (U//FOUO) OIG determined that was an Agency contractor with the was employed as an Agency contractor through since 24 September 2009.

16. (U//FOUO) A review of the chat transcripts provided by the FBI indicated that was engaged in a chat with an undercover SA from the FBI (UC) using the account name entered the chat room on and

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began an instant messaging conversation with UC.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

17. (U//FOUO) On 26 February 2010, entered into a conversation with the UC regarding images of young females.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

20. (S//NF) OIG traced the IP addresses used by in his communications back to Agency IP addresses

(b)(1)
(b)(3) NatSec Act
22. (S//NF) OIG coordinated with OS.

OIG obtained a search warrant for a computer, and the Department of Justice (DOJ) authorized an exigent seizure of the laptop. OIG requested the assistance of the NatSecAct, but declined to assist.

24. (U//FOUO) On 16 April 2010 at 2340 hours, SA and SA met at for an interview related to his Internet activities.

25. (U//FOUO) On 17 April 2010, admitted to using the Internet to trade child pornography. stated that he had been dealing with a pornography addiction since he was 8-years-old and that the child pornography was related to that addiction.
(b)(3) CIAAct
(b)(6)
(b)(7)(c)
29. (S//NF) A examination of laptop on 17 April 2010 showed that there were no hard drives present. When questioned, indicated that he had removed the hard drives and thrown them away. A search of failed to yield any laptop hard drives.

30. (U//FOUO) laptop was returned and he was driven to a local hotel at his request, following the interview.

31. (U//FOUO) A review of phone records indicated that he had placed a call to . laptop showed that was seeking Agency employment as a No indication of child pornography was found with

DISPOSITION: (5) NatSecAct

33. (U//FOUO) On 19 April 2010, received a declination from the Eastern District of Virginia US Attorney’s Office regarding for lack of evidence. The District of Columbia US Attorney’s Office agreed to re-open the case in their district if any future physical evidence was found.

34. (U//FOUO) On 27 April 2010, OS revoked clearances and his contract with the Agency was terminated.
35. (U//FOUO) The case is being closed and will be re-opened in the future if there is any receipt of physical evidence of activities.
22 January 2008

DISPOSITION MEMORANDUM

SUBJECT: Child Pornography

CASE: 2005-78581G

INTRODUCTION:

1. (S) In December 2004, an Agency laptop computer and several flash drives were found unattended at [redacted]. The computer and associated electronic media were sent from [redacted] to Agency Headquarters where they were examined to determine if the computer or electronic media contained classified information. During the review, images of possible child pornography were discovered. The review was terminated and the computer and electronic media were turned over to the Office of Inspector General (OIG). The CIA/OIG determined that the last person who had possession of the computer and associated electronic media was [redacted] an Agency employee.

2. (C) At OIG's request, the FBI reviewed the images from the Agency equipment and determined there were images of child pornography. On 21 November 2005, the FBI provided an Eastern District Court of Virginia (EDVA) Assistant United States Attorney (AUSA) with its conclusion that at least 10 images of child pornography had been found on Agency-owned equipment.  

1 (U//AMI) At the request of OIG, the FBI did not provide the AUSA the name of the person who was allegedly in possession of the computer and electronic media until EDVA made a decision regarding whether to prosecute.
Between 21 November 2005 and 16 May 2006, the AUSA made no determination regarding whether EDVA wanted to pursue an investigation of this matter. On 16 May 2006, the FBI advised the AUSA it considered "EDVA's evident lack of prosecutive interest in the matter" to be a declination for prosecution. On 16 May 2006, the FBI closed its case. OIG decided to continue investigation of this matter until it could interview [REDACTED] regarding the child pornography found on Agency-owned equipment that was once in his possession.

PROCEDURES AND RESOURCES:

3. (E) OIG entered an Agency computer and all electronic media associated with this matter into evidence. OIG coordinated with the FBI throughout the portion of the investigation having FBI primacy, interviewed an Agency security chief who had knowledge of how the computer and media came to Agency attention and knowledge of [REDACTED] involvement with the computer and media. OIG interviewed [REDACTED] OIG was unsuccessful in its attempts to coordinate its investigative activities, regarding [REDACTED] with [REDACTED], the AUSA assigned to this case. [REDACTED] did not respond to contact overtures made by OIG.

FINDINGS:

4. (S) In December 2004, an Agency laptop computer and other electronic media associated with the laptop was found unattended at
5. (U//ARJO) Between 18 January 2005 and 11 April 2005, OIG performed internal preliminary inquiries and coordinated investigative information with the FBI. On 11 April 2005, OIG met with fully briefed FBI Special Agent (SA) regarding this matter. SA reviewed the recovered images provided by OIG, opined the images constituted images of child pornography, and took possession of the images as evidence.

6. (U//ARJO) On 29 April 2005, the FBI obtained a search warrant to search the Agency computer and media evidence provided by OIG. The warrant was served on the Office of General Counsel, Litigation Division, on 4 May 2005, and was executed by FBI Computer Analysis and Response Team examiner SA. The laptop computer and electronic media were released to the FBI for examination.

7. (U//ARJO) The FBI completed its examination of the Agency computer and associated electronic media on 12 October 2005, and on 17 October 2005, SA reviewed the examination results. On 21 November 2005, SA provided the evidence to AUSA for an EDVA prosecutive decision. According to SA, AUSA felt that EDVA would not prosecute the case, but he wanted to review the matter with his supervisor, AUSA. According to SA, AUSA had not yet reviewed the child pornography images.
with his supervisor. She said AUSA told her that he would review the material and provide her an EDVA decision on the matter by 15 February 2006.

9. (U//FOUO) On 16 May 2006, SA advised AUSA that she was transferring to another position and that the FBI planned to close this matter. She advised OIG that AUSA had not contacted her regarding a course of action EDVA wanted to take, i.e., decline the case or accept the case for prosecution. According to SA she told AUSA that she was going to close the case unless he wanted to "do something with it." SA said she told AUSA that she would notify OIG of the FBI's action to close the case.

10. (U//FOUO) On 23 May 2006, at the FBI's Office, Falls Church, Virginia, OIG SA retrieved the evidence regarding this case from SA On 23 May 2006, SA entered the equipment into evidence at the OIG.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
CONCLUSIONS:

23. (S) (b)(1) (b)(3) CIA Act (b)(3) NatSec Act (b)(6) (b)(7)(c) He says the computer he transported back from is not the computer he initially took with him to said at no time did he download child pornography to an Agency-owned computer, and he has never viewed child pornography. He reported that the computer he brought back to the US was not the computer that he transported to and the computer he transported to was not a computer personally assigned to him.

24. (G) There is insufficient information to link or anyone else to the child pornography images found on Agency equipment. There is no further investigative action for OIG in this matter. This case is closed.

Special Agent

Supervisory Special Agent
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
DISPOSITION MEMORANDUM

29 May 2008

SUBJECT: (U//ARUO) Alleged Preferential Treatment by Managers

CASE: 2006-8448-IG

INTRODUCTION:

1. (U//ARUO) On 18 October 2006, the Office of Inspector General (OIG) received allegations that an officer, was given preferential treatment by managers in dealing with his substance abuse issues. OIG opened a case into this matter on 24 October 2006.

PROCEDURES AND RESOURCES:

2. (U//ARUO) OIG reviewed security file, Official Personnel Folder, and applicable Agency regulations and policies. OIG also examined time and attendance records from OIG interviewed eight individuals who had knowledge of the actions of managers concerning.
FINDINGS:

(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)

CONCLUSIONS:
17. (U//AD) The return to the workplace occurred within the guidelines of AR 15-1.

18. (U//AD) While the appearance exists that was singled out as a high-performer by and career progression may have been enhanced as a result, OIG found no evidence to support the allegation that gave preferential treatment to in this situation.

19. (U//AD) There is no further work for OIG concerning this matter, and this case is closed.
(U) PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU, 1995-2001
(2001-6654-IG)

25 August 2008

John L. Helgerson
Inspector General

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Assistant Inspector General
for Investigations

(b)(3) CIA Act
(b)(3) NatSec Act

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EXHIBITS

A. Presidential Determination 95-9 (PD 95-9), Resumption of U.S.
   Drug Interdiction Assistance to the Government of Peru, and
   Memorandum of Justification

B. CIA Accountability Standards
INTRODUCTION

1. (U) In the 1990s, the US Government instituted several programs in cooperation with the Government of Peru as part of its "war on drugs." The programs were designed to attack all aspects of the narcotics trade, from an eradication program designed to destroy coca fields under cultivation, to the Airbridge Denial Program (ABDP), designed to interrupt the transport of coca paste by civil aircraft from Peru to Colombia. By 1997, Agency reporting described the ABDP as a major success that played a key role in the significant decline in coca cultivation in Peru and as the linchpin of a successful strategy to disrupt the export of coca products.

2. (U) The ABDP operated east of the Andes Mountains in an area of Peru designated by the Peruvian Government as a special air defense identification zone. Under the terms of the US-Peruvian program, if an aircraft was reasonably believed to be involved in narcotics trafficking, the Peruvian Air Force (Fuerza Aérea del Peru or FAP) was authorized to direct the suspect aircraft to land at a
designated airfield. If the suspect aircraft failed to follow instructions and after a series of required warnings, FAP fighter aircraft could be authorized to shoot it down.

3. (U) The FAP fighter aircraft did not have radar or infrared technology, however, and could locate target planes only by sight. They also did not have the equipment necessary to communicate with the appropriate commands and bases. The key elements of the US contribution to the program were the assistance of tracker aircraft equipped with appropriate radar and the provision of equipment that allowed effective communication between the US and Peruvian aircraft and their respective commands. Additionally, significant US resources were used to establish and maintain infrastructure and operation of the Peruvian Air Force.

4. (S) CIA involvement in Peruvian air interdictions began in 1991-1992 with the delivery of a tracker airplane and continued, in its first phase, for two years. The program was interrupted in early 1994, when the Department of Defense (DoD), which provided ground-based radar tracking and communications support to Peru, stopped providing information that could be used by the FAP to interdict and shoot down suspect aircraft. That decision was based on concern that US personnel could be held criminally liable under a federal law that prohibits willful destruction of foreign civil aircraft. In May 1994, the Department of Justice (DoJ) issued a formal opinion that US personnel who provided assistance or information used by the FAP to shoot down or destroy a civil aircraft could be held criminally liable under US law. As a result, US support to the Peruvian interdiction of drug flights stopped temporarily.

5. (U) In fall 1994, the US Congress granted immunity to foreign officials and US employees and agents who engage in or provide assistance for the interdiction of civil aircraft in foreign countries, provided certain conditions are met. The two conditions are that the aircraft is reasonably suspected of being primarily engaged in illicit drug trafficking and that the US President has
determined that the interdiction was necessary because of the extraordinary threat to the host nation’s national security posed by illicit drug trafficking and that the host nation has appropriate procedures in place to protect against the innocent loss of life.

6. (U) Presidential Determination 95-9 (PD 95-9), Resumption of U.S. Drug Interdiction Assistance to the Government of Peru, signed by President Clinton on 8 December 1994, and its accompanying Memorandum of Justification (MOJ), renewed US support for the Peruvian air interdiction program and laid out a strict set of standards by which it would operate. The MOJ set forth, in detail, the mandatory interception procedures that had been agreed to by the Governments of the United States and Peru along with the legal obligations of US personnel involved in the program. The primary purpose of these mandatory procedures was to protect against the loss of innocent life.¹

7. (U//FOEQ) The United States resumed its assistance to Peru in the ABDP in March 1995. From then until 20 April 2001, the FAP, with the assistance of US tracker planes, shot down 15 civil aircraft.² During the fifteenth of these shootdowns, on 20 April 2001, the FAP shot down a single-engine floatplane operated by a US missionary group. Two US citizens, Veronica Bowers and her infant daughter Charity, were killed and pilot Kevin Donaldson was wounded. Bowers’ husband and son were not physically injured and survived the crash. Following this tragedy, the program was shut down.

8. (U) This investigation examines CIA’s role in the conduct and operation of the Airbridge Denial Program in Peru from 1995 to 2001, which provided the context in which the 20 April 2001 shootdown occurred, and the performance of CIA officers in its

¹ (U) Exhibit A contains the complete text of Presidential Determination 95-9 and the accompanying MOJ.
² (U) This investigation examines only shootdowns; it does not address forcedowns or seizures of aircraft suspected of drug trafficking.
aftermath. This investigation examines in detail only the 15 intercepts that ended with shootdowns. The first section reviews the 15 shootdowns themselves; the second focuses on CIA’s response to the shutdown of the missionary plane.

SUMMARY

9. (U) In the 1990s, the US Government instituted several programs in cooperation with the Government of Peru as part of the "war on drugs." One program, the Airbridge Denial Program (ABDP), was designed to interrupt the transport of narcotics by civil aircraft. Under terms of this program, if an aircraft was reasonably believed to be involved in narcotics trafficking, the Peruvian Air Force was authorized to instruct the suspect aircraft to land. If the suspect aircraft failed to follow instructions after being given a series of required warnings, the Peruvian Air Force fighter could be authorized to shoot the suspect plane down. The key US contribution to the ABDP was the provision of tracker aircraft equipped with radar and communications equipment assistance that the Peruvian fighters lacked.

10. (U//F highest classification applied) From March 1995 through April 2001, the Peruvian Air Force, with the assistance of US tracker planes, shot down 15 civilian aircraft. The fifteenth shootdown involved a single-engine floatplane operated by a US missionary group. Two US citizens, a mother and her infant daughter, were killed, and the pilot was seriously wounded.

11. (U) Presidential Determination (PD) 95-9, signed in December 1994, and its accompanying Memorandum of Justification (MOJ) authorized US support for the ABDP. The PD and MOJ set forth mandatory interception procedures and the legal obligations of US personnel involved in the program. The primary purpose of the mandatory intercept procedures was to guard against the loss of
innocent life. CIA personnel assigned to the ABDP were required to monitor the intercepts to ensure they complied with the required procedures and to report to their superiors any deviations. Congress passed a law providing immunity to US personnel engaged in assisting in the interdiction of civil aircraft as long as the conditions specified in the Presidential Determination were met.

12. (U//F.OH.O) Examination of the events surrounding the shootdown of the missionary aircraft raised questions about whether the intercept procedures required by the PD and MOJ had been followed. The Department of Justice Criminal Division asked the CIA Office of Inspector General (OIG) to investigate CIA's role in the conduct and operation of the ABDP from 1995 to 2001. OIG reviewed documentary reporting on each of the 15 shootdowns, examined videotapes of each shootdown, and conducted more than 200 interviews of participants in the program, including CIA officers, the US air crews on the tracker planes, and the Peruvian Air Force officers and their commanders involved in the shootdowns.

13. (U//F.OH.O) Violations of the required procedures to intercept and shoot down an aircraft occurred in all 15 ABDP shootdowns in which CIA had participated, beginning in May 1995. CIA officers knew of and condoned most of these violations, fostering an environment of negligence and disregard for procedures designed to protect against the loss of innocent life that culminated in the downing of the missionary plane.

14. (S) Violations of the requirement to report deviations in the conduct of the interceptions, as specified in the MOJ, also occurred after all but one of the shootdowns. Inaccurate statements reporting that all required procedures had been conducted were initiated by CIA personnel on the ground in Peru, endorsed by responsible Headquarters components, and passed to Congress and the National Security Council (NSC).

(b)(1)
(b)(3) NatSecAct

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15. (S) Throughout the life of the ABDP, there was evidence of deviations from the required procedures, both in the videotapes of the shootdowns and in the reporting cablescia officers charged with legal and policy oversight of the program ignored this evidence. Their failure to provide adequate oversight and report violations precluded a policy review and a possible change in course that could have prevented the shootdown of April 2001.

16. (U//FOHO) The routine disregard of required procedures in conducting interceptions in the ABDP led to the rapid destruction of target aircraft without adequate safeguards to protect against the loss of innocent life. In many cases, performing the required procedures took time and might have resulted in the escape of the target aircraft. In addition, because conducting all the required procedures was difficult—and the Peruvian pilots placed safety of flight first—shooting down an aircraft often was easier than forcing it down. The result, in many cases, was that suspect aircraft were shot down within minutes of being sighted by the Peruvian fighter—without being properly identified, without being given the required warnings, and without being given time to respond to the warnings.

17. (U//FOHO) The violations of intercept procedures that occurred in the shootdown of the missionary plane had occurred in many of the previous shootdowns. They included:

- Failure to identify the suspect aircraft as reasonably suspect of being a narcotrafficker before shooting it down. This violation had occurred in eight previous shootdowns.

- Failure to conduct the visual signals that were designed to make suspect aircraft aware that they were targets of an interception so they could follow instructions to land. This violation had occurred in all previous shootdowns.
 Failure to fire warning shots. This violation had occurred in at least eight previous shootdowns.

 Failure of the Peruvian chain of command. Some breakdown in the Peruvian chain of command had occurred in 13 of the previous 14 shootdowns.

 Lack of reasonable time to perform all required procedures and for the target aircraft to respond. This had occurred in nine of the previous shootdowns. In six of these shootdowns, less than two minutes elapsed between initiating the first warning and authorization to fire on the target.

 In defending their performance in the wake of the shootdown of the missionary plane, many US participants in the ABDP asserted that most of the shootdowns had occurred at night. They argued that some of the required procedures, such as visual signals, could not be performed at night. In fact, 11 of the 15 shootdowns occurred during the day and another took place in the early evening; only three occurred at night.

 18. (S) Reporting on shootdowns began on the ground in Peru, where Agency officers drafted, reviewed, and released cables containing information they knew to be inaccurate or incomplete. Agency officers and attorneys in Latin America Division and the Crime and Narcotics Center failed to provide adequate oversight to the program, ignoring cables and shootdown videotapes that contained information that contradicted claims of compliance and revealed repeated violations of required procedures. These officers forwarded inaccurate information to senior management of the Agency as well as to Congress and the NSC.

 19. (U//FOUO) Agency participants in the ABDP, both in the field and at Headquarters, told OIG they understood the requirements of the PD and the MOJ and understood that they were

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required to report any deviation from required procedures. Between May 1995 and April 2001, however, these officers, in almost all cases, failed to report such violations. Instead, they repeatedly and falsely reported that the program was being operated in full compliance with requirements.

20. (U//FOUO) Following the missionary shootdown, senior Agency officers involved in the ABDP misrepresented the Agency's performance in running the ABDP. In almost a dozen Congressional briefings and hearings in 2001, these officers asserted that the missionary shootdown had been an aberration; that the speed with which the phases were conducted in that case had been unexpected; and that a language problem had contributed to the accident. At the same time, however, a DCI-directed internal examination of the ABDP (unrelated to this OIG review) was documenting sustained and significant violations of the required intercept procedures dating back to 1995.

21. (S//NF) Within a month of the missionary shootdown, the Agency's internal review group, known as the Peru Task Force (PTF), had accumulated substantial evidence that procedures required by the PD and MOJ had never been fully followed and that Agency officers in Peru had claimed otherwise in their reporting to Headquarters. The PTF reviewed the shootdown videotapes and found that there were no tapes that showed all the procedures being followed. On the advice of the Office of General Counsel, however, the PTF did not formally report these findings.

22. (S) Following the missionary shootdown, two external review groups—the NSC-directed Interagency Review Group and the Senate Select Committee on Intelligence—undertook examinations of the conduct of the ABDP. These groups tasked CIA to provide them with relevant information, but no evidence has been found that the Peru Task Force findings were shared outside the Agency. By telling the outside investigatory groups that there was no final report from the internal CIA investigation, the Agency
successfully denied them access to the PTF’s findings. The tactic also concealed the Agency’s findings from the victims of the shootdown who were engaged in civil settlement negotiations. The US Government paid $8 million to the victims based on CIA’s assertion that the missionary shootdown had been an aberration in a program that otherwise had complied with Presidentially-mandated procedures.

23. (S) A senior operations officer assigned the task of conducting an internal accountability review similarly failed to document the extent of non-compliance that existed in the ABDP. Despite having had access to the ongoing work of the Peru Task Force and being advised of its findings, he made no note of these issues in his final report to senior Agency management. This officer served at the same time as the sole CIA representative to the NSC-directed Interagency Review Group and failed to inform that group of the pertinent Agency information.

24. (S//NF) Agency records reveal several instances in the aftermath of the missionary shootdown when senior Agency managers were asked to inform the NSC about the conduct of the ABDP. Senior Agency officers, though knowledgeable of the Peru Task Force findings that the ABDP had never complied fully with the required intercept procedures, failed to disclose this even after the National Security Advisor specifically asked who gave CIA approval to change the program’s required procedures.

25. (S) Concerned about possible criminal charges against Agency officers, CIA’s General Counsel, in late 2002, asked an Office of General Counsel (OGC) attorney to conduct an independent review of the ABDP and the shootdown of the missionary plane. This attorney noted deviations in the conduct of the program and advised the General Counsel that there were grounds for possible criminal prosecution of Agency officers for making false statements in Agency reporting and to Congress.
26. (U//FOBQ) In 2003, OGC prepared a defense theory of the Agency’s performance in running the ABDP and briefed it to the DCI. OGC’s theory contradicted the findings of both the PTF and OGC’s own review. OGC attorneys also undertook other actions in support of the defense without the knowledge of the Department of Justice (DoJ), which was conducting an ongoing criminal investigation. In fall 2004, after repeated interventions by OGC, DoJ indicated that it would not prosecute Agency officers involved in the ABDP if CIA could assure an adequate administrative remedy. In October 2004, the then-DDCI provided this assurance in a letter to DoJ. DoJ declined criminal prosecution in February 2005.

27. (S) A number of Agency officers bear responsibility for failing to appropriately monitor ABDP activities and for providing inaccurate reporting. These individuals include officers-in-charge and personnel officers at Headquarters. In addressing issues of accountability, OIG has focused on those officers who clearly understood the requirements of the PD and MOJ; knew those requirements were not being met; failed to report the fact that requirements were not met to their managers; failed in their oversight responsibilities; and were involved in multiple incidents of inaccurate reporting. This Report includes systemic recommendations to ensure adequate legal and managerial oversight of Agency programs and independence in Agency internal reviews of operational failures.

PROCEDURES AND RESOURCES

28. (U//FOBQ) In May 2001, DoJ’s Criminal Division initiated a preliminary review of the procedures employed in the narcotics air interdiction program in Peru as a result of questions arising from the 20 April 2001 shootdown of the missionary aircraft. The purpose was to determine whether a criminal investigation was warranted. In August 2001, DoJ asked the FBI to conduct a preliminary criminal inquiry. In mid-December 2001, DoJ requested that CIA/OIG join
with the FBI in conducting this investigation. In response, OIG established an investigative team comprised of six special investigators and one research assistant. In addition to this team, 10 special agents from the FBI, six prosecutors and one paralegal from DoJ’s Criminal Division, and one Assistant United States Attorney from the District of Columbia also participated in the investigation.

29. (U) On 21 December 2001, OIG issued a memorandum to CIA components requesting copies of all internal and external documents related to the investigation. OIG subsequently compiled and reviewed copies of relevant internal and external documents including official files, Official Personnel Folders, correspondence, communications, reports, and electronic files. OIG reviewed CIA policies, regulations, and field directives as well as the PD and MOJ governing conduct of the program in Peru. The investigative team also requested and reviewed pertinent documents in the records of the Departments of State, Commerce, and Defense as well as the Drug Enforcement Administration (DEA) and the US Customs Service (USCS).

30. (U) The investigative team traveled to the US Southern Command, the Joint Interagency Task Force–East, and the US Embassy in Lima and reviewed and obtained copies of pertinent US Government records. The team conducted interviews of current and previous officials assigned to the Embassy during the conduct of the air interdiction program. The team traveled to Pucallpa and Piura, Peru, for further interviews. Additionally, the team requested and received classified and unclassified Peruvian Government documents pertinent to the conduct of the interception program.

31. (U//FOYO) The team asked permission to review transcripts of Congressional testimony, hearings, and briefings presented by CIA officers to both the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI). The SSCI provided access to the requested material. The HPSCI declined to provide access to the requested
material, stating that its own review had determined that the operation of the Airbridge Denial Program, as presented to the Committee by CIA officials, was appropriate.

32. (S) In total, the team indexed more than 250,000 pages of documents into its records. It also obtained and reviewed the videotapes of ABDP operations that included 14 of the 15 shootdowns. The videotapes provide a visual and audio record of what transpired in each intercept mission. OIG was not able to obtain a videotape of the shootdown that occurred on 17 August 1997. However, had reported multiple violations of procedure at the time of that event.

33. (U) The team conducted more than 210 interviews of individuals, some of whom were interviewed multiple times, including current and former employees of CIA, DEA, USCS, Department of State, the National Security Council (NSC), the US Army, and the SSCI staff. Working with the Peruvian Ministries of Justice, Defense, and Foreign Affairs, the team met with the Commander of the Peruvian Air Force and other Peruvian Ministry of Defense officials to arrange interviews of FAP personnel involved in the shootdowns, as well as their commanding generals. In total, 24 Peruvian Air Force officers were interviewed, including five of the six commanding generals as well as available FAP pilots, co-pilots, and Host Nation Riders.

34. (U) DoJ declined criminal prosecution in favor of administrative action by CIA on 3 February 2005.
ISSUES PRESENTED

35. (U) This Report of Investigation addresses the following issues:

Part I: Conduct of the Airbridge Denial Program, 1995-2001
♦ Legal Authorities and Procedures for Conducting Interceptions
♦ Program Operations
  ♦ Intercept Phases
  ♦ Standard Operating Procedures, 1995-2001
♦ The Shootdowns, 1995-2001
  ♦ Violations of Intercept Procedures
  ♦ Violations in Reporting
  ♦ Headquarters Review and Oversight
  ♦ Responsible Officers
  ♦ Summation
♦ Interviews with Key Agency Participants in the Airbridge Denial Program

Part II: CIA’s Role in Investigations of the Conduct of the Airbridge Denial Program, 2001-2005
♦ CIA Statements Immediately Following the Missionary Shootdown
♦ Internal CIA Examinations of Conduct of the Airbridge Denial Program
♦ CIA’s Internal Accountability Review
♦ CIA Reporting to Congress and the NSC
♦ External Examinations of the Conduct of the Airbridge Denial Program
♦ Role of the Office of General Counsel in CIA’s Examinations of the Airbridge Denial Program
5) Chronology of Significant Events, 1994 - 2001

3 October 1994
Congress passed 22 U.S.C. §2291-4, providing immunity for US Government personnel engaged in interdiction provided certain conditions that protect against the innocent loss of life are met. President signed Presidential Determination and Memorandum of Justification authorizing air interdiction program in Peru.

8 December 1994

16 May 1995
Shootdown. Legal review conducted by Latin America Division Legal Adviser. Congress notified that shootdown complied with required procedures.

23 June 1995
Shootdown. Congress notified that shootdown complied with required procedures.

21 July 1995
Shootdown. Congress notified that shootdown complied with required procedures.

17 August 1995
Shootdown. Congress notified that shootdown complied with required procedures.

13 November 1995
Shootdown. reported all procedures followed. No record of Congressional Notification.

27 November 1995
Shootdown. reported all procedures followed. No record of Congressional Notification.

8 July 1996
Shootdown. reported all procedures followed. No record of Congressional Notification.

February 1997
Standard Operating Procedures (SOPs) issued; references International Civil Aviation Organization (ICAO) standards in introduction, but does not specify visual signals as one of the required intercept procedures.

17 August 1997
Shootdown. reported deviation in procedures. Conduct of program is reviewed. Headquarters office responsible for oversight of the program, traveled to Peru to review program's compliance with procedures and issued report. report concluded that 17 August 1997 shootdown constituted the single instance in which intercept procedures were not followed, and that the ABDP exceeded requirements of PD/MOJ.

4 August 1997
Shootdown. reported deviation in procedures. Conduct of program is reviewed. Headquarters office responsible for oversight of the program, traveled to Peru to review program's compliance with procedures and issued report. report concluded that 17 August 1997 shootdown constituted the single instance in which intercept procedures were not followed, and that the ABDP exceeded requirements of PD/MOJ.

10 October 1997
Shootdown. Congress notified that shootdown complied with required procedures.

12 October 1997
On 10 October, Agency advised Congressional Intelligence Committees of violations in required procedures during 17 August 1997 shootdown and told of follow-up corrective measures to be taken that will preclude recurrence.

12 October 1997
Shootdown. Congress notified that shootdown complied with required procedures.

6 October 1997
US and Peruvian aircraft collided during a training exercise.

March 1999
SOPs issued, signed by and FAP. Did not include all required procedures.

October 1999
SOPs issued, signed by and FAP. Did not include all required procedures.

17 July 2000
Shootdown. reported all procedures followed. No record of Congressional Notification.

20 April 2001
Shootdown. reported that missionary plane is shot down. Key Agency officers brief Congressional committees on the missionary shootdown, advising that the rapid pace of procedures conducted and deviation of procedures were unexpected.
FINDINGS


Legal Authorities and Procedures for Conducting Interceptions

36. (U) US federal criminal law prohibits the willful destruction of foreign civil aircraft. Specifically, Title 18 U.S. Code §32(b)(2), Destruction of aircraft or aircraft facilities, provides that,

Whoever willfully ... destroys a civil aircraft registered in a country other than the United States while such aircraft is in service or causes damage to such an aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft’s safety in flight. . . .

is punishable by a fine and a term of imprisonment not to exceed 20 years. When violation of this provision results in the death of any person, U.S.C. §32(b) states that the offense is also punishable by either imprisonment for life or the death penalty.3 The definition of aircraft "in service" includes aircraft on the ground within 24 hours of landing.

37. (U) In fall 1994, the US Congress passed Title 22 U.S. Code §2291 to §2294 providing immunity to foreign officials and US employees and agents who engage in or provide assistance for the interdiction of civil aircraft in foreign countries, provided certain conditions are met. This law enabled the United States to resume support to the air interdiction program in Peru. The two conditions required by the 1994 statute are that:

The aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and,

3 (U) 18 U.S.C. §34.
The President of the United States, before the interdiction, has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of Peru, and (b) the foreign country has appropriate procedures in place to protect against innocent loss of life in the air or on the ground in connection with interdiction.

38. (U) Presidential Determination 95-9, Resumption of U.S. Drug Interdiction Assistance to the Government of Peru, signed by President Clinton on 8 December 1994, and its accompanying MOJ authorized US support for the air interdiction program in Peru. The MOJ set forth, in detail, the mandatory interception procedures that had been agreed to by the US and Peruvian Governments along with the legal obligations of US personnel involved in the program.

39. (U) In relevant part, the MOJ stated that only aircraft reasonably suspected of being primarily engaged in narcotrafficking could be legitimate targets under this program and that:

... the use of weapons against [narcotrafficking] aircraft in flight by the Peruvian Air Force may be authorized under very strict conditions after all attempts to identify innocent aircraft and to persuade suspected aircraft to land at a controlled airfield have been exhausted.

40. (U) The MOJ then described Peru's interdiction procedures in detail, including the requirement to communicate with the suspect aircraft. The MOJ mandated that Peruvian interceptor aircraft attempt to communicate with the suspect plane by radio, and, if that failed, then the interceptor was to use a series of visual communication procedures:

If radio contact is not possible, the [FAP] pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft and to direct the aircraft to follow the intercepting aircraft to a secure airfield for inspection.
41. (U) The "internationally recognized procedures" are those established by the International Civil Aviation Organization (ICAO) and require that while flying in front and above the target aircraft, the interceptor plane must wag its wings up and down, flash its navigational lights on and off at irregular intervals, then fly off to the left. This signal is internationally recognized as meaning "follow me." Alternatively, while flying in front and above the target airplane, the interceptor can lower its landing gear or turn on its landing lights, both of which indicate it is directing the target aircraft to land.

42. (U) The MOJ provided that if the target aircraft did not respond to the visual signals, the interceptor should then fire warning shots, followed by disabling shots:

If the aircraft continues to ignore the internationally recognized instructions to land, the [FAP] pilot--only after gaining the permission of the Commanding General of the VI RAT [FAP Sixth Territorial Air Defense Command] or in his absence the Chief of Staff--may fire warning shots in accordance with specified [FAP] procedures. If these are ignored, and only after again obtaining the approval of the Commanding General of the VI RAT or in his absence the Chief of Staff, the [FAP] pilot may use weapons against the trafficking aircraft with the goal of disabling it.

43. (U) The remaining procedures for the actual shooting down of aircraft follow in the same paragraph of the MOJ and also require the authorization from the Commander of the VI RAT or his Chief of Staff. The section on the Peruvian procedures concluded with the following statement:

The final decision to use force against civil aircraft in flight--once all other steps have been exhausted--requires authorization from the VI RAT Commander--or in his absence his Chief of Staff--who will verify that all appropriate procedures have been fulfilled.
44. (U) The MOJ then addressed the obligations of the US personnel involved in the program.

As part of their standard operating instructions, all official [US Government] personnel in jointly manned facilities and platforms will regularly monitor compliance with agreed procedures and immediately report any irregularities through their chain of command. Should there be evidence suggesting that procedures are not being followed, the [US Government] will reevaluate whether Peru has appropriate procedures to protect against the loss of innocent life.

PROGRAM OPERATIONS

45. (U) Under Peruvian law, any civil aircraft flying during daylight hours through the special air defense identification zone (ADIZ) below the minimum altitude used by commercial airlines was subject to interdiction by the FAP. At night, civil aircraft were prohibited from flying within the zone, with exceptions for commercial aircraft on scheduled routes and aircraft with specific authorization from the FAP. The Peruvians considered any other aircraft flying in the ADIZ at night to be illegal, and thus subject to interdiction.

46. (S) The FAP used two types of fighter aircraft, the single-engine turboprop Embraer T-27A Tucano (Tucano) and the twin-engine jet Cessna A-37B Dragonfly (A-37), to interdict suspicious planes. The CIA also used tracker planes, The responsibility of the US tracker planes, was to locate the suspicious aircraft and lead the Peruvian fighters to those aircraft.
47. (S) Tracker aircraft were based in Pucallpa, Peru. The CIA officer-in-charge (OIC) at Pucallpa was responsible for on-the-scene supervision of air operations and aircrews. During flight missions, the OIC maintained radio communication with the tracker aircraft and monitored the interceptions. The Pucallpa OIC reported on the conduct of procedures to CIA personnel.

48. (S) The tracker aircraft were equipped with videotape capability, and each interception was recorded. CIA personnel supervising the interceptions were to use the videotapes to verify the accuracy of statements about the conduct of the interception and report any irregularities to their managers. If the review of the videotape did not substantiate written statements made in reports, CIA personnel were required to raise the discrepancies with their superiors. According to participants in the air interdiction program, the CIA OIC at Pucallpa Base reviewed the videotapes of shootdowns, then officers reviewed them. Following review, the videos were handed to Headquarters for further review.

49. (S) As part of scheduled patrol missions or as a result of specific intelligence, tracker aircraft took off from Pucallpa to search for aircraft suspected of being engaged in narcotrafficking. The US tracker crew included a pilot, co-pilot, mission sensor operator who ran the forward-looking infrared radar (FLIR) and video recorder; a FAP host nation rider (HNR) also was on board the tracker aircraft. The HNR was responsible for relaying commands between Peruvian authorities on the ground and the FAP fighter aircraft and for coordinating the positions of the tracker aircraft and the fighter plane.

50. (U//FPOE) The first step of the interdiction was to identify the target plane and determine whether it was a legitimate flight. This step was difficult to carry out for a number of reasons.
Civil pilots did not consistently file plans for flights over the remote jungle region that made up the ADIZ. The FAP could not efficiently check those flight plans that did exist. CIA and FAP personnel were reluctant to attempt radio communication with a suspect aircraft until the fighter plane had arrived for fear that, if the suspect plane was involved in narcotrafficking, the pilot would attempt to escape. Finally, the tail number or other identifying information of the suspect aircraft could not be seen if it was flying at night.4

51. (£5) CIA and FAP personnel did agree, however, that the US tracker aircraft would attempt to obtain the registration number from the tail of the suspect plane. The number would then be called to the Commanding General of the VI RAT, located in Juanjui, Peru, to be compared to a list of registered aircraft. The HNR on board the tracker plane also was supposed to carry a copy of the list. If the target was legitimate, the intercept was to be broken off. If not, or if the tracker aircraft could not get a registration number, the intercept continued. A CIA Officer, stationed with the VI RAT Commander at Juanjui and later Iquitos, monitored transmissions between the US tracker aircraft and the commanders on the ground throughout the intercept missions. This officer also reported on the conduct of procedures to ... on the conduct of procedures to

52. (U//FOUO) If the tracker plane could not get the tail number, US pilots were supposed to radio in a description of the suspect plane's make, model, and color to the VI RAT Commander. At that point, based on the description and the heading of the target, the VI RAT was to check the list of flight plans filed by civil aircraft. If the target was found to be on a legitimate flight plan, the intercept would be broken off. Otherwise, the intercept continued.

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4 (U//FOUO) CIA officers who participated in the program and were interviewed by OIG stated that it was difficult to get the identifying information and that, even with identifying information, the Peruvians had difficulty determining the nature of the flight and whether it had filed a flight plan. Some of these officers stated that, if a flight occurred at night, it was unnecessary to identify it because it was too difficult and all night flights were illegal.
53. (U) According to the MOJ, if attempts to identify the target failed to establish it as a legitimate flight, the VI RAT Commander could authorize the launch of a FAP fighter. When the fighter was airborne, the HNR would communicate the coordinates of the tracker aircraft to the fighter until the fighter crew could see the target plane. At that point, the fighter conducted the intercept while the tracker aircraft moved into position to monitor the event. The tracker aircraft recorded the process via a video recorder connected both to the FLIR and the tracker’s radio communication system.

**INTERCEPT PHASES**

54. (U) An intercept consisted of three phases. The first was the attempt to communicate with the target. According to the MOJ, after the fighter visually identified the target and confirmed its registration number, it was to attempt communication by radio. Under both Peruvian law and additional agreements between the United States and Peru, the fighter was required to attempt multiple radio contacts with the suspect aircraft on at least two different frequencies.

55. (U) Because of the very real possibility that radio calls would not reach a small aircraft flying over the jungle, the MOJ mandated that, if radio contact was not possible, the FAP pilot "must use a series of internationally recognized procedures to make visual contact" with the suspect aircraft. These procedures, standardized by the ICAO, required the fighter plane to fly in front of the intercepted plane and wag its wings up and down, lower its landing gear, flash its landing lights, and possibly give hand signals.

56. (U//FOB6) In OIG interviews, most CIA officers acknowledged that these visual signals were required, but difficult to perform. Even though they were explicitly called for in the MOJ,

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5 (U) Several radio frequencies were routinely used east of the Andes, so standard procedure called for multiple attempts on a range of frequencies. Interviewees indicated, however, that small aircraft pilots usually turned off their radios as they flew over open jungle.
some officers indicated that they were not sure visual signals were required. Several officers indicated that such signals were not required if they would affect the safety of the fighter, if taking the time to do them would enable the suspect aircraft to escape, or if the suspect aircraft was evading the Peruvian fighter. Peruvian pilots interviewed by OIG stated that visual signals were difficult to perform; not one of these pilots had performed them in the shootdowns he conducted. The videotapes support the Peruvian pilots' testimony. They do not show visual signals being performed in any of the 14 shootdowns for which OIG obtained videotapes from 1995 through April 2001.

57. *(U//FOUO)* If the target did not respond to the attempts at communication, the VI RAT Commander could authorize Phase II, the firing of warning shots. The warning shots consisted of tracers fired by the fighter aircraft. Some CIA officers stated that the tracers could be seen at night but not during the daytime. However, others observed that the FAP used old tracer ammunition that either did not ignite or ignited only briefly but extinguished by the time it reached the target pilots' field of vision. *(b)(1) *(b)(3) NatSecAct tracer rounds cannot be seen on any of the videotapes from Peru. Moreover, the FAP fighter pilots described being blinded by the firing of their guns at night because they were wearing night vision goggles. As a result, they say they fired only one or two bursts of a few seconds each. Most of the shootdowns in the Peruvian program occurred in daylight when tracer rounds would not have been visible.

58. *(U//FOUO)* The position of the fighter also decreased the likelihood that the suspect pilot would be able to see the warning shots. The procedures called for the fighter to fly in front and to the left of the target, but almost all of the videos show the fighter behind the target of interest (TOI) during Phase II. Again, some CIA officers indicated that warning shots were not required if the target was
taking evasive action. If the target did not respond to the warning shots, the VI RAT Commander could authorize Phase III, the use of force. According to the MOJ, in Phase III, if warning shots are ignored—and only after again obtaining the approval of the VI RAT Commander—the FAP pilot may use weapons against the suspect plane with the goal of disabling it. If such fire does not cause the intercepted pilot to obey FAP instructions, the VI RAT Commander may order the aircraft shot down.

59. (U//FOUO) It is inherent in the procedures set forth in the PD and the MOJ that a target must be given a reasonable chance to respond to the warnings. It is not clear exactly how much time is required to perform the procedures and allow for a response. Agency officers testifying after the missionary shootdown, however, claimed that the 10 minutes that elapsed between the first radio warning and the shootdown phase in that operation was insufficient. US pilots and others involved in the program told OIG that the procedures themselves could be done in five to 10 minutes, but that time must also be given for the target of the intercept to respond. It is clear from the videotapes and a review of Agency cable traffic that procedures were often compressed or rushed, particularly if the crews perceived that the target was trying to escape. In at least nine of the 14 shootdowns that preceded the missionary operation, less than 10 minutes elapsed between the first attempted radio contact and the shootdown phase. In six of these shootdowns, less than two minutes elapsed between the first warning and the shootdown phase.

60. (U//FOUO) The MOJ also spelled out the review and reporting requirements of CIA officers involved in the ABDP. They were to "regularly monitor compliance with agreed procedures and immediately report irregularities through their chain of command." The MOJ stipulated that, should there be evidence that procedures had not been followed, the United States would "reevaluate whether Peru has appropriate procedures to protect against the innocent loss of life." Agency officers responsible for operating the ABDP at
Headquarters and in the field told OIG they understood that these procedures were required; they also understood the stipulation to monitor compliance and report deviations.

**STANDARD OPERATING PROCEDURES, 1995 TO 2001**

61. (S) In early 1995, after the December 1994 Presidential approval to restart the program, US and FAP ABDP personnel in Peru prepared a document laying out the technical step-by-step instructions for conducting intercepts. According to program participants, the US and FAP wrote a new document following the yearly change of the VI RAT Commander. Later, new SOPs were signed

62. (S) The only written SOPs obtained by OIG in this investigation were one set from 1997 and two from 1999. None of these documents contained the requirement to conduct visual signals as part of the intercept procedures. According to American pilot the requirement to perform visual signals was dropped from the SOPs in late 1996 because the Peruvians considered them too dangerous; he said all the aircrews were aware of this change. The absence of the specific requirement to perform visual signals was contrary to the requirements specified by the PD/MOJ. was the when the 1997 SOPs were created, but only the Peruvian Air Force Commander signed the document. signed the SOPs issued in March 1999, and his successor signed the SOPs issued in October 1999.

63. (C) In February 1995, serving in the Directorate of Operations (DO), Military and Special Programs (MSP), became the first officer-in-charge (OIC) of the reconstituted program. During his 75-day temporary duty tour in Peru, said

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6 (U) US and Peruvian pilots and crew explained that when a new SOPs was issued, the previous version was destroyed, so as not to cause confusion. The SOPs issued in October 1999 was in effect at the time of the April 2001 missionary shootdown.

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he developed intercept procedures in coordination with US and FAP personnel assigned to the program. According to the intercept procedures that were developed were based upon the PD, MOJ, ICAO requirements, and discussions with the FAP.

64. (C) said all intercept procedures, to include visual signals such as wing waggling and warning shots, were mandatory both for day and night intercepts, but effective use of procedures depended on many things. noted that warning shots were not effective during the day or night due to the burn time of the tracer ammunition. He explained that the chemicals on the ammunition did not burn long enough after firing to enable a suspect aircraft to effectively observe the tracer. In addition, noted that suspect aircraft would typically evade by flying at treetop level, and this would make it difficult, if not impossible, for the interceptor to accomplish wing waggling. said it became a safety of flight issue at that point. According to if the interceptor was unable to accomplish visual signals, either during the day or at night, because of a suspect aircraft's evasive maneuvers, for example, the interceptor would be required to break off the intercept before shutdown. However, testimony of US and Peruvian aircrews did not support this assertion. Rather, the aircrew members told OIG they were unaware of the requirement to break off an intercept if visual signals could not be conducted. The videotapes of the shootdowns show that target aircraft were shot down despite the fact that visual signals were not performed.

65. (C) served in DO/MSP from 1995 to June 1996 and from June 1996 through 1997. In these positions, briefed OICs prior to their deployment to Peru about the procedures and said he required them to read the ICAO manual.

7 (U) See Box, "Statements by US and Peruvian Pilots Concerning Pilot Discretion in Conducting Visual Signals," at the end of this section.
66. (8) Program Manager from 1993 to 1996, said meetings were held
with the FAP, to include VI RAT Commander
to discuss the intercept procedures. The meetings included
management and could not
recall the FAP aircrews ever raising a concern regarding the difficulty,
or impossibility, of executing any intercept procedures for any reason,
day or night, to include safety of flight, nor did ever request
or make a change in the intercept procedures. said he
watched all the shootdown videotapes during his assignment in Peru.

67. (U//FOUO) was VI RAT Commander at
the time of the restart of the program in 1995 until 1996. In explaining
the intercept procedures the FAP conducted, said the FAP
interceptor attempted to make visual contact by flying alongside the
suspect aircraft and performing maneuvers, such as wing waggling, in
order to get the aircraft’s attention. said this procedure was
not done at night, however, because it was dark and the aircraft could
not see one another. In this case, according to the
interceptor would fire warning shots as visual signals. said Phase II consisted of warning shots that were always done whether it
was day or night. said visual signals, other than warning
shots, were never executed at night because it was too dangerous.
said FAP pilots did not have discretion to execute visual
signals at night. According to about 90 percent of
interceptions occurred at night.

68. (C) said he had the responsibility to formulate the
SOPs, containing step-by-step instructions for conducting an intercept,
and to ensure they were followed. said he, his deputy,
and established the SOPs, and these four individuals
essentially set up the program. said and

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8 (C) In reviewing the draft report said that his job title was for Counternarcotics.
9 (U//FOUO) Of the interceptions, 11 of the 15 shootdowns occurred during the day.
wrote the phases of interception that were in the 1995 SOPs and he signed the SOPs in 1995 in Juanjui. According to [redacted], the procedures written by him, his deputy, [redacted] and [redacted] stated that pulling up next to a suspect aircraft should be done at night if it was clear enough and if there was sufficient moonlight. Visual signals could be executed if the interceptor pilot, who was not wearing night vision goggles, could see the suspect aircraft, according to [redacted]. However, [redacted] noted, if it was too dark to see, warning shots were to be used instead of visual signals. [redacted] could not definitively state that [redacted] or [redacted] knew the FAP did not use visual signals at night, but he spoke to [redacted] all the time on program-related matters and watched shootdown videotapes with [redacted] during which they discussed what had occurred during the shootdowns, both good and bad.

69. [redacted] who served in the program from 1995 to 1999 as the [redacted] Officer to the VI RAT Command, said his role was to "look over the VI RAT Commanding General's shoulder" at the Juanjui Fusion Center to ensure that the VI RAT Commander abided by the program's rules of engagement and to make sure the program ran according to required procedures. [redacted] said he watched videotapes of the shootdowns to ensure that they adhered to the intercept procedures. [redacted] understood that visual signals were required in a daytime intercept, if the suspect aircraft was not evading. [redacted] said visual signals were not required during night intercepts, other than the use of landing lights.

70. (U//FOUO) A Near Collision. In February 1999, a Peruvian fighter aircraft and an American tracker plane nearly collided during an exercise. The planes touched in flight, but no damage occurred and no one was injured. As a result, the SOPs were reissued in March 1999, following this incident, to modify the procedures for vectoring the Peruvian fighter to the interception. References to a requirement for visual signals remained omitted from the 1999 SOPs. It had been
removed from the SOPs from at least the 1997 SOPs and continued to be omitted in the October 1999 SOPs in effect at the time of the missionary shootdown.

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(U//FOUO) Statements by US and Peruvian Pilots Concerning Pilot Discretion in Conducting Visual Signals

(U//FOUO) US pilot on the 23 June, 21 July, and 17 August 1995 and 8 July 1996 shootdowns, told OIG that the FAP did not conduct visual signals in these shootdowns. Further stated that, in the latter half of 1996, the requirement for visual signals was removed from the SOPs at the request of the FAP, which considered the maneuver too dangerous for its aircraft. He said all aircrews were aware of this change in visual requirements, and it was discussed during daily meetings.

(U//FOUO) US pilot on the 21 July and 17 August shootdowns in 1995, told OIG that, although visual signals were "mandatory," the FAP fighter pilot could decide whether to actually do the signals during an intercept. He added that, if there was intelligence on the target, one did not have to "waste your time" doing the intercept procedures.

(U//FOUO) FAP pilot on the 16 May, 14 July, and 13 November shootdowns in 1995, told OIG that the FAP pilots had discretion whether to use visual signals when bad weather, poor visibility, or an evading target could make the maneuver too dangerous. He did not perform ICAO visual signals in any of his three shootdowns.

(U//FOUO) FAP pilot on the 23 June 1995 shootdown, told OIG he went directly from radio warnings to firing warning shots and then shootdown because visual signals were not mandatory.

(U//FOUO) FAP pilot on the 21 July 1995 shootdown, told OIG he went directly from radio warnings to warning shots and then shootdown because visual signals would have been too dangerous.

(U//FOUO) FAP pilot on the 17 August and 27 November 1995 shootdowns, told OIG that the FAP interceptor pilots had discretion as to how close to get to a suspect aircraft and whether or not it was safe to execute visual signals such as wing waggling.

(U//FOUO) the VIRAT Commander in 1996, said that the interceptor pilots generally had discretion whether or not to pull alongside a suspect aircraft to conduct visual signals.
THE SHOOTDOWNS, 1995-2001

71. (U//FOUO) This section of the Report addresses the 15 shootdowns of suspected narcotrafficking aircraft, including the April 2001 shootdown of the missionary plane. It focuses on violations of procedure, violations in reporting, and failures of management and oversight to ensure the program operated in compliance with the law. The most common violations were failure to perform visual signals, failure of the Peruvian chain of command authorizing the shootdown, insufficient time to perform all required procedures and for target aircraft to respond, failure to obtain reasonable assurance that the suspect aircraft was a narcotrafficker, failure to fire warning shots, and interference on the part of the US crew.

72. (S) Additional violations happened less frequently and are discussed in the context of the shootdown in which they occurred. With the exception of one shootdown in 1997, which the Agency identified as the only shootdown in which procedures were violated, information from interviews and records reveals that none of the violations was reported or addressed in any way throughout the period the program operated.10

73. (S) OIG reviewed the videotapes it received of the 14 shootdowns in detail and compared that information with the written reporting. OIG did not receive a videotape of the 17 August 1997 shootdown. The videotapes, recorded from the US tracker plane, show the actions of the Peruvian fighter aircraft from the time it commenced an interception until the shootdown. All but one of the videos shows a clock identifying the hour, minute and second in 24-hour Zulu time (Greenwich Mean Time) running continuously on the bottom of the screen. OIG calculated the time that elapsed during the phases of an interception to establish that, in

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10 (U//FOUO) The Agency's post-April 2001 review and its findings with regard to the conduct of ABDP procedures is discussed in Part II of this Report.
six shootdowns, less than two minutes elapsed between the first warning and the authorization to shoot. As part of the criminal investigation, DoJ showed eight shootdown videotapes to a technical expert; in none of these eight shootdown videos did the expert see the Peruvian fighter fly in front of the target plane’s wing line as necessary to perform the ICAO procedures.

(U) First Shootdown, 16 May 1995

74. (S) Violations of Intercept Procedures. Violations of required procedures began with the first shootdown after the resumption of the Peruvian Airbridge Denial Program in 1995. The exchange of cables with respect to this first episode suggests that Agency officers at Headquarters were concerned that not all procedures had been followed.

75. (U//FOUQ) The shootdown occurred in daylight on the morning of 16 May 1995. OIG review of the videotape revealed the following violations of procedure:

♦ No indication that visual signals were employed.
♦ Failure of the Peruvian chain of command: authorization to shoot down the plane was not provided by the Peruvian commanders on the ground.
♦ US crew interference with the Peruvian chain of command: the US pilot said, "shoot him down," after warning shots were fired, and the HNR repeated the instruction to the A-37 pilot.


12 (U//FOUQ) The Peruvian pilot during this shootdown told OIG that the FAP pilots had discretion whether to use visual signals when there was bad weather, poor visibility, or the target was evading. He said he did not conduct visual signals in any of his three shootdowns (16 May 1995, 14 July 1995, and 13 November 1995.)
76. (S) Violations in Reporting. The cable sent to Headquarters on the day of the shootdown reported that the Peruvian A-37 had fully complied with Peruvian law and international forcedown procedures. It said that the A-37, under VIRAT control, had made a "by-the-book" effort, including radio, signals, and warning shots to force the target to comply; the target had taken evasive action, and the A-37 had shot it down.¹³ Headquarters' response asked for the shootdown tape and forwarded the State Department cable that laid out procedures for reporting irregularities in shootdowns.¹⁴ answered by providing a chronology and repeating that had reviewed the incident and that all proper procedures had been followed. A final cable indicated that the OIC had conducted a review of the shootdown and that procedures had been followed "ad nauseam."

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¹³ (S) This is the first of a number of shootdowns in which reporting stated that the target plane "evaded." It is impossible to define evasion in a definitive way; those involved with the program variously offered that a plane is evading when it turns, climbs, descends, goes faster, goes slower, or follows its course without turns. Individuals involved in the program who reviewed the videotapes with OIG generally offered the judgment that suspect planes were not trying to evade. OIG's review of the documentary material revealed that in eight of the fifteen shootdowns, one or another of the officers involved stated that the target was trying to evade. OIG's review of the tapes led investigators to judge that three of the targets clearly attempted to evade; in a fourth shootdown, one target began flying erratically after being fired on. In any case, there was nothing in the interdiction authorities to suggest that required procedures could be disregarded because a plane may be attempting to evade.

¹⁴ (U//FOH) The Headquarters cable conveyed a 17 May 1995, State Department telegram that provided the Intelligence Community's agreed procedures for reporting force down incidents when, in the opinion of US Government observers, host government forces deviated from US Government-accepted intercept procedures.
After each shootdown, the crews of the US tracker aircraft and the Peruvian fighter (either an A-37 or a Tucano) returned to Pucallpa Base for debriefings. The CIA OIC in Pucallpa conducted an oral debriefing of the crew, and then they all watched the videotape of the intercept. The CIA OIC drafted a report of the mission and sent it, along with the videotape, to CIA Headquarters. The videos were also hand carried to CIA Headquarters.

CIA personnel were responsible for reviewing the OIC report and the videotape in order to make sure the intercepts had been conducted in accordance with required procedures. These officers combined the report prepared by the OIC in Pucallpa with their own review of the videotape into a cable, which was then sent to CIA Headquarters. The videos were also hand carried to CIA Headquarters.

Information concerning the intercepts was to be provided to Congress and the NSC. Usually, (LA Division officers prepared a Spot Report for the Deputy Director for Operations (DDO), upon which subsequent Congressional Notifications were based. Records indicate that written notifications were prepared to inform Congress regarding at least 10 of the 15 interdictions that resulted in shooting down suspicious aircraft. Officers in LA Division responsible for managing and overseeing the ABDP operations, to include LA Legal, participated in preparing and reviewing Spot Reports and notifications released to Congress by the Director, Office of Congressional Affairs (OCA).

The cables failed to report that the tape showed no evidence that visual signals had been conducted; that no Peruvian commander on the ground had given authorization for the shoot down; and that a US pilot had given the order to shoot down the target. Failure to report these violations of procedure was itself a violation of requirements.
**First Shootdown Report**  
16 May 1995

<table>
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<th>Management Oversight</th>
<th>HQ Reporting 5/16/95</th>
<th>Reporting 5/23/95</th>
<th>OIG Findings</th>
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<tbody>
<tr>
<td>A-37 made an effort to convince the pilot of target to land.</td>
<td>Headquarters asks for shootdown tape.</td>
<td>In response, provided chronology.</td>
<td>Cited shootdown review with VI RAT commander.</td>
</tr>
<tr>
<td>Phase I Radio Calls</td>
<td>[Local]: A-37 made radio contact with target. 0719: VI RAT reminded A-37 of procedures. A-37 gave radio warning...</td>
<td></td>
<td>A-37 told target he was intercepted.</td>
</tr>
<tr>
<td>Phase I Visual Signals</td>
<td>A-37, under VI RAT control, made by book effort (radio, signals, warning shots, etc) to force target to comply.</td>
<td>...gave visual warning.</td>
<td>The A-37 &quot;then moved in to provide the visual cues to instruct the aircraft to land.&quot; Upon seeing A-37, TOI began to evade &quot;in earnest.&quot; After following procedures ad nauseum, A-37 fired warning shots.</td>
</tr>
<tr>
<td>Phase II Warning Shots</td>
<td>0745 Local: A-37 fired on narco aircraft.</td>
<td>FAP followed all intercept protocols.</td>
<td>A-37 received shootdown command from ranking Peruvian authority. 1259Z [0759L]: A-37 fired shots in earnest. 1302Z [0802L]: part of target caught fire.</td>
</tr>
<tr>
<td>Phase III Shootdown</td>
<td>Target took extreme and repeated evasive actions.</td>
<td>Forwards State cable discussing responsibility to report any host nation deviation from required procedures.</td>
<td>US pilot said &quot;shoot him down&quot; after warning shots. HNR repeated instruction to A-37 without getting authorization from VI RAT.</td>
</tr>
<tr>
<td>Additional Issues</td>
<td></td>
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</tbody>
</table>

**Overall Compliance with Required Procedures**

- A-37 fully complied with Peruvian law and international forcedown procedures.
- "According to State/INL, 45 minutes between intercept and shoot-down—ample time to comply.
- FAP fully complied with Peruvian law international procedures. Action conformed with guidelines established by PD 95-9.

This table is classified **Secret**.

*Name in parentheses indicates classifier of report.*
78. (S) Headquarters Review and Oversight. Headquarters' officers requested that provide them with the shootdown tape. Violations of procedures were clearly revealed on that tape. A review of the cables should have raised questions about whether or not all procedures had been conducted. The cables revealed that the Peruvian commander on the ground had reminded the interceptor pilots of required procedures at 0719 hours and that the firing of the first shots at the target occurred only seven minutes later.

79. (S) A 17 May 1995 Notification Item was sent to LA Division by LA on 18 May 1995, and stated in part:

The FAP interceptor aircraft continuously made efforts to convince the pilot of the violator aircraft to land... however, the violator took extreme and repeated evasive actions. A FAP pilot flying an A-37 made a by-the-book effort (which included talking by radio, signals, warnings shots, etc.) to force the violator plane to comply with FAP authority. The FAP rider reported the plane carried a false tail number, which FAP records indicate actually belongs to a DC-8 aircraft located in Lima.

80. (S) A 19 May 1995 report describes a legal review conducted by CNC Legal Adviser prepared at the request of the Acting DDO. This review stated in part:

The factual issue is whether the Peruvians had a sufficient basis to reasonably suspect that the aircraft was primarily engaged in illicit drug trafficking. The cable states that aircraft had a false tail number, failed to respond to requests to land, and took extreme and repeated evasive actions. In addition, LA believes that no flight plan was filed and that the aircraft was flying in a prohibited zone since the cable states the aircraft had a false tail number and that the Peruvians complied with Peruvian law and international forcedown procedures. (LA is in the process of confirming these facts.)
The information in the cable supports the conclusion that there was a reasonable basis for the Peruvians to suspect the aircraft was primarily engaged in trafficking.

81. (U//FEDS) OIG has found no record to show what process LA Division personnel used, or whether this shootdown was further examined, to confirm that the procedures complied with the requirements.

82. (S) Talking points prepared on 22 May 1995 for the DCI's use in informing the State Department and the NSC also stated that, based on monitoring of the operation by the crew, concluded the FAP complied with Peruvian law and international forcedown procedures and stated in part:

During the 45-minute interdiction effort, the Peruvian Air Force made efforts to convince the pilot of the Cessna to land, including use of radio communication, signals and warning shots. After these efforts failed, the Peruvian Air Force pilot fired on the aircraft, which then crashed in the jungle.15

83. (S) The Congressional Notification of 23 May 1995 forwarded a background paper on the shootdown. The paper stated that, "based on monitoring of the operation by the crew, concluded the FAP fully complied with Peruvian law and international forcedown procedures." [Emphasis added.] The paper repeated the language used—that the Peruvian pilot had made a "by-the-book" effort (which included talking by radio, signals, and warning shots) to force the violator to comply with FAP authority. It also repeated the claim that the action conformed to the guidelines established under PD 95-9. This reporting was inaccurate.

15 (S) As noted earlier, reported that the Peruvian commander on the ground had reminded the interceptor pilots of required procedures at 0719 hours and that the firing of the first shots at the target occurred only seven minutes later.
84. (S) Responsible Officers. The failure to document violations of procedure, and the creation of cables and reports that incorrectly assured that proper procedures had been followed, began with this first shootdown. Responsible officers in the field at the time of the first shootdown included:

- the OIC at Pucallpa in May 1995. The OIC’s responsibility was on-the-scene supervision of air operations and aircrews. During missions, the OIC was in radio communication with aircraft and monitored the conduct of interceptions. After a shootdown, Peruvian air crews returned to Pucallpa Base for debriefings. The OIC conducted an oral debriefing and then all participants watched the videotape of the intercept together. The OIC drafted a report of the mission and sent it, along with the videotape,

- Program Manager in from 1993 through the summer of 1996. In 1995, had worked with the VI RAT Commander to prepare the SOPs for the FAP, and he was familiar with those procedures. He reviewed videotapes of this and subsequent shootdowns and drafted cables describing the incidents. told OIG he probably saw all videotapes of shootdowns. He said he was in the chain of command for all reports prepared and sent to Headquarters, but said that he did not change the language provided by the OICs.

- Officer to VI RAT Command in Juanjui and Iquitos from 1995 to 1999. The Command in Juanjui was involved in the identification of suspect aircraft, and the VI RAT Commander or Chief of Staff at Juanjui was required to provide authorization for the Peruvian fighter pilots to proceed to Phase II (warning shots) and subsequently authorize Phase III (shootdown) of an
interception. followed the interceptions over the radio with the VI RAT Commander and his staff. told OIG that his role was to look over the shoulder of the VI RAT Commander to ensure compliance with the ABDP rules of engagement and to make sure the program ran according to required procedures. He said he watched videotapes of the shootdowns to ensure intercept procedures were followed.

as the initial US OIC in early 1995, and later as an operations manager had a key role in setting up the procedures to be followed in air intercepts and was responsible for briefing outgoing OICs. told OIG he developed the specific intercept procedures with the FAP and US personnel in early 1995 and as US OIC he supervised all aspects of the ABDP.

85. At Headquarters, responsible officers included:

LA Division from 1995 though July 1996. reviewed cables and assisted in preparing notifications for senior Agency managers and Congress.

Legal Advisor to LA Division, was responsible for providing legal oversight to LA Division’s covert action programs.

In commenting on this report in draft, says that as CNC Linear, he had no operational or supervisory control over the ABDP. He watched shootdown tapes "from time to time" but not for the purpose of assessing compliance with the program requirements. If he had perceived conduct he believed was a violation, he would have brought it to the attention of his superiors, but that did not occur.
If these Headquarters officers reviewed the cables and the videotape of the shootdown, they were aware of violations of procedure and thus were aware of passing false information to Congress. If they did not review the cables and the tape, they inadequately fulfilled their management oversight responsibility.

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(U) The Role of the Legal Adviser

OIG asked Office of General Counsel (OGC) attorneys who served as legal advisers to LA Division throughout the period of the shootdown program in Peru how they ensured the ABDP activities complied with the law. Each legal adviser expressed awareness of the requirements spelled out in the Presidential Determination and accompanying MOJ. Each also described his/her individual role in providing support to this lethal program:

- who served as LA Legal Adviser from February 1994 to November 1995, told OIG that she did not perform any legal reviews or postmortems of ABDP shootdowns. Describing her role as "proactive" with respect to issues in other areas in Latin America, said she did not work on the ABDP. She also did not recall any obligation to report any deviations from procedures relating to the ABDP.

- who was the LA Legal Adviser from November 1995 through July 1997, said he also did not monitor compliance in the ABDP. He relied on cables from the field for assurance that required ABDP procedures were followed. Describing his approach, stated that he had no required obligation to conduct a periodic or independent check regarding the ABDP.

- served as LA Legal Adviser from July 1997 through February 2001. explained his role as more "reactive" than proactive. He said there was no requirement for him to automatically review any actions surrounding a lethal incident, and that he had no reason to doubt the accuracy of reporting from the field. was not aware of any efforts in LA Division to ensure the ABDP complied with the law.

- served as LA Legal Adviser when the missionary shootdown occurred in April 2001. According to , reporting deviations in the ABDP would begin with the US flight crews in Peru and pass to the Program Managers and . That report would be forwarded to the LA Division Chief, who was responsible for notifying the NSC or Congress if a deviation was significant. said the ABDP had been running "like a well oiled machine" for five years when he arrived in LA Division.

- supervised the LA Legal Advisers as Counsel to the DO, a position he has occupied since spring 1994. According to the LA Division Legal Advisers were responsible for overseeing or monitoring the implementation or execution of the MOJ and the ABDP. Procedural compliance was a shared responsibility between LA Division management and the LA Legal Adviser. expected the senior component attorneys to inform him of problems with implementation of the procedures; if just a "regular" shootdown occurred, however, did not expect or receive an after-action report.

This box is classified Secret

(U//FOUO) A legal review was conducted by CNC Legal Adviser following the first shootdown on 16 May 1995: said the CNC Legal Adviser backed her up.
(U) Second Shootdown, 23 June 1995

86. (U//FOTO) Violations of Intercept Procedures. This operation occurred at night, and only the audio portion of the tape was available. The OIG review of the audio portion revealed the following violations of procedure:

- No indication of visual signals.\(^{18}\)
- Lack of reasonable time for suspect plane to respond to warnings: less than two minutes elapsed between the radio call and authorization for the shootdown and only five minutes between the radio call and shootdown.
- Phases executed before authorization given: the Peruvian pilot fired warning shots before being authorized to do so, and the HNR gave the fighter pilot orders to shoot the target down before receiving authorization from the ground.

87. (S) Violations in Reporting. The cables stated that the team "once again" had followed established procedures and that all internationally recognized procedures appeared to be "fully complied with." OIC commented that the performance of all VI RAT elements had been "excellent." He indicated that only after all appropriate signals had been given and the aircraft had failed to comply was the order given to engage the target. These statements were false.

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\(^{18}\) (U//FOTO) The Peruvian pilot told OIG that he went directly from radio warnings to warning shots and shootdown because doing visual signals would have been too dangerous.
<table>
<thead>
<tr>
<th>Phase I</th>
<th>Visual Signals</th>
<th>Phase II</th>
<th>Warning Shots</th>
<th>Phase III</th>
<th>Shutdown</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Radio Calls</strong></td>
<td>Tucano made three passes on target. First was warning with radio calls and warning shots. Second and third were firing.</td>
<td>01372: Target had not responded and permission to engage and destroy was granted by VI RAT.</td>
<td>01422: Aircraft shot down and crashed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Visual Signals</strong></td>
<td>Tucano made three passes on target. First was warning with radio calls and warning shots. Second and third were firing.</td>
<td>01572: Target had not responded and permission to engage and destroy was granted by VI RAT.</td>
<td>Commander of VI RAT authorized action.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Management and Oversight</strong></td>
<td>Repeats earlier cable report. Tucano passes to close on target.</td>
<td>Prior to shutdown, Tucano radioed target, made warning pass, fired warning shots.</td>
<td>Less than 60 seconds between radio calls and authorization for Phase II warning shots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Congressional Notification</strong></td>
<td>From OIC Log: 23102: reports radar lock on. 01112: Tucano passes to close on target.</td>
<td>Tucano fired warning shots before authorization. Less than two minutes between radio call and authorization and only five minutes between radio call and shutdown.</td>
<td>Insufficient time to perform visual signals. Phases executed before authorized. Insufficient time to conduct Phases and allow TOI to respond.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This table is classified Secret.
88. (S) **Headquarters Review and Oversight.** A review of the cables reveals that there was insufficient time for the interceptor aircraft to carry out all the required procedures. Nor was there time for the target aircraft to respond to any signals that were given. Reported that less than two minutes elapsed between the first radio call and authorization to shoot the plane down. Any officer reviewing the cables or listening to the audio on the tape knew that it was physically impossible to conduct the required procedures in the time specified in reporting to Headquarters, and thus knew the claims that all procedures had been followed were false. Nonetheless, the background paper attached to the Congressional Notification reported that was satisfied the Peruvian Air Force had followed all required procedures.

89. (S) **Responsible Officers.** In Peru, the responsible officers included:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

90. (U//FOUO) At Headquarters, responsible officers included:

- [Redacted]
- [Redacted]
- [Redacted]

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19 (U//FOUO) There was an overlap in OICs, who served on a temporary duty basis, during the event of 23 June and 14 July 1995.
(U) Third Shootdown, 14 July 1995

91. (§) Violations of Intercept Procedures. The third shootdown occurred in the late afternoon/early evening. It involved numerous violations of required procedures. OIG review of the videotape revealed the following violations:

♦ Failure to obtain reasonable assurance that suspect plane was a narcotrafficker. There was no intelligence on the flight, which was intercepted randomly. There was no effort to determine whether the target was engaged in narcotrafficking. The tail number was not even checked until after the target had been fired on and the order had been given to shoot it down.

♦ No indication of visual signals.

♦ Ignoring of possible attempt by the target to communicate: the target turned on its lights (turning lights on and off at regular intervals is an international signal for responding).

♦ Failure of Peruvian chain of command: the HNR ordered the shootdown before talking to the VITALT Commander.

♦ US crew interference: the US crew instructed the HNR twice to shoot the target down without authorization.

♦ Misinforming US Embassy in Lima: after the target had been shot down, the US Military Group in the US Embassy in Lima reminded CIA’s OIC twice that instructions to shoot the target down must be passed directly to the HNR from the Peruvian commander; the OIC responded twice—incorrectly—that the HNR had received the instructions directly from his commander.

♦ Inappropriate comments by the US crew: the pilots instructed the HNR twice to order the FAP fighter to strafe the
target after it landed. The HNR was heard passing on this order to the FAP fighter, although shots cannot be seen on the videotape. However, the FAP fighter can be seen coming out of a low pass over the crash site from which people were fleeing. At least one CIA officer believed that this was a firing pass.\(^{20}\)

92. (§) Violations in Reporting. The cables indicated that, "After following all international intercept procedures including radio calls and warning shots, and under the orders of the VIRAT Commander, the aircraft was fired upon . . . . " One of the cables reported that the interceptor had visually identified the target aircraft’s registration number and that it was a number that did not exist. According to the reporting, the target refused to acknowledge attempts by the interceptor pilot to communicate visually and by radio and that it took evasive action. The cables do not convey any sense of the new and conspicuous violations that occurred with this shootdown—failure to identify the suspect plane; orders by the US crew to strafe the target after it landed,\(^ {21}\) and ignoring a possible attempt by the target to respond. Nor were the violations—which by now were commonly recurring—mentioned in the cables (e.g., no indication of visual signals; failure of the Peruvian chain of command; and interference by the US crew).

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\(^{20}\) (U//FOUO) After the missionary shootdown, at the request of the PTF, a Directorate of Intelligence officer conducted a detailed review of all of the ABDP intercept videotapes from 1995 onward. In his description of the 14 July 1995 event, he observed: "The A-37 is seen coming out of a dive and climbing rapidly. It appears that the A-37 strafed the target while in the water." This videotape review is discussed in detail in Section II of this Report. When interviewed by OIG, the Peruvian co-pilot and the HNR both denied that the Peruvians had strafed the plane after it crashed.

\(^{21}\) (U//FOUO) Part II of this Report discusses Agency internal review of this event after the shootdown of the missionary plane in 2001 and consideration of making it the subject of a crimes referral to DoJ.
# 14 July 1995 Videotape Chronology

The interdiction took place in the early evening. The tape, in Zulu time, begins with the A-37 in pursuit of the suspect plane. The Peruvian Commander, is at call sign (b)(6) (b)(7)(c)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>22:51:15</td>
<td>Tape begins. The A-37 is trailing TOI.</td>
</tr>
<tr>
<td>22:54:31</td>
<td>HNR gives the A-37 permission to fire warning shots.</td>
</tr>
<tr>
<td>22:54:40</td>
<td>Warning shots are fired, according to the US crew. (They cannot be seen on the tape.)</td>
</tr>
<tr>
<td>22:55:28</td>
<td>US pilot reports that more warning shots were fired and TOI is evading.</td>
</tr>
<tr>
<td>22:56:00</td>
<td>TOI turns on all of its lights (turning lights on and off at regular intervals is an ICAO sign for responding at night).</td>
</tr>
<tr>
<td>22:57:07</td>
<td>HNR asks about orders. US pilot states that instructed that TOI is to be shot down if it does not respond. HNR requests confirmation of this order from</td>
</tr>
<tr>
<td>22:57:57</td>
<td>US OIC tells HNR that confirmed the order to shoot down TOI if it does not respond.</td>
</tr>
<tr>
<td>22:58:07</td>
<td>US pilot says, &quot;Shoot the target.&quot;</td>
</tr>
<tr>
<td>22:58:18</td>
<td>asks the pilots to put HNR on the line.</td>
</tr>
<tr>
<td>22:58:21</td>
<td>HNR orders the A-37 pilots to shoot TOI.</td>
</tr>
<tr>
<td>22:58:23</td>
<td>US pilot replies to request to talk to HNR, &quot;Be advised right now he is assisting the A-37's in this, I can't get him to the radio right now.&quot;</td>
</tr>
<tr>
<td>22:59:06</td>
<td>reports that TOI's tail number is not registered.</td>
</tr>
<tr>
<td>22:59:15</td>
<td>US crew note that TOI has been hit by FAP fire.</td>
</tr>
<tr>
<td>23:00:23</td>
<td>US crew spot TOI crash-landed in the river. HNR sees the survivors swimming away.</td>
</tr>
<tr>
<td>23:00:40</td>
<td>HNR says in English, [US pilot], ask for ... ask if the A-37 should shoot down again in the river.&quot; The US crew, without consulting immediately reply, &quot;Yes.&quot; US pilot then says, &quot;Continue to shoot.&quot; For the next two minutes HNR unsuccessfully tries to get in touch with the A-37, apparently with the intention of relaying this order.</td>
</tr>
<tr>
<td>23:01:14</td>
<td>US co-pilot reports to US OIC that the A-37 &quot;descended to the St. Cristobal [river] to strafe the... to see if the drugs are still there.&quot;</td>
</tr>
<tr>
<td>23:01:32</td>
<td>US pilot reports that the A-37 made &quot;another sweep&quot; on TOI.</td>
</tr>
<tr>
<td>23:02:27</td>
<td>HNR asks if the A-37 shot TOI again. US pilot interprets the question as a request for orders, and says, &quot;Yes, shoot again.&quot; HNR says, &quot;Okay.&quot;</td>
</tr>
<tr>
<td>23:03:04</td>
<td>HNR says to the A-37, &quot;I understand you hit him again.&quot; No response from the A-37 pilots is heard before the tape ends nine seconds later.</td>
</tr>
</tbody>
</table>

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93. (S) Headquarters Review and Oversight. Headquarters management gave this episode more intense scrutiny than it had given previous ones. Several officers, including CNC's Linear Program, visited Pucallpa in the days after the shootdown to review the operation and to discuss procedures. The attachment to the Congressional Notification of 11 September (almost two months after the shootdown) states, however, that, "Based on reviews of infrared imagery and discussions with the aircrews and VI RAT Commander, we are satisfied that FAP followed all established procedures." However, cables had reported to Headquarters that only two minutes elapsed between the first attempted radio contact and warning shots. If, as claimed, these reviewers had read the reporting or looked at the videotape of the shootdown, they would have seen the violations discussed above because it is physically impossible to conduct radio calls, visual signals, and warning shots within the time specified. Nonetheless, Headquarters claimed in its notification to Congress that all procedures had been followed.

94. (E) Responsible Officers. In Peru, the responsible officers included:

- OIC in Pucallpa.
- OIC in Pucallpa.
- Assistant OIC in Pucallpa.
- Program Manager told OIG he had reviewed this videotape and signed off on the cable to Headquarters.)
### Third Shootdown Reporting: 14 July 1995

<table>
<thead>
<tr>
<th>Management and Oversight</th>
<th>Congressional Notification 9/11/95</th>
<th>OIG Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)(1) NatSecAct</td>
<td>7/20/95</td>
<td>Based on reviews of infrared imagery and discussions with aircrews and VI RAT Commander, we are satisfied that FAP followed all established procedures.</td>
</tr>
<tr>
<td>(b)(3) NatSecAct</td>
<td>7/17/95</td>
<td>(b)(1) NatSecAct</td>
</tr>
</tbody>
</table>

#### Identify and Sort Target

- **Phase I**
  - **Radio Calls**
  - **Visual Signals**
    - 2253Z (1753L): VI RAT notifies that aircraft tail number does not exist.

- **Phase II**
  - **Warning Shots**
    - 2255Z (1755L): A-37 fires warning shots. Target continues to evade.

- **Phase III**
  - **Shootdown**
    - 2300Z (1800L): A-37 engages target, which appears to be hit.
    - 2305Z: Aircraft makes emergency landing/sinks.
    - 2303Z (1803L): Target descends to river and sinks.

#### Additional Issues

- The mission followed all internationally recognized intercept procedures.
- A-37 tried to establish radio and visual contact;
- A-37 fired warning shots; in accordance with VI RAT instructions, A-37 engaged target.

#### Overall Compliance with Program Requirements

- US crew twice tells HNR to order A-37 to strafe TOI after it lands.
- Possible strafing of crashed TOI.
- Failure to identify TOI.
- No visual signals seen on video.
- Ignored possible TOI communication.
- Failure of Peruvian chain of command.
- US crew interference.

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95. (E) At Headquarters, responsible officers included:

- CNC Linear Program, who visited Pucallpa, met with officers involved and reviewed the videotape of the shootdown.22
- LA Division.
- Legal Adviser to LA Division.

(U) Fourth Shootdown, 21 July 1995

96. (S) Violations of Intercept Procedures. OIG review of the videotape revealed clear violations of procedures:

- No indication that visual signals given.23

- HNR given pre-interdiction authorization to shoot down the target—a blatant violation of requirements in MOJ.24

- Insufficient time to conduct procedures:

  - Only 49 seconds elapsed between the first audible radio warning and the HNR’s order to fire warning shots—not enough time for visual signals to be given.

  - Only 22 seconds elapsed between the authorizing of Phase II (warning shots) and the order to proceed to Phase III—not enough time for the target to react to warning shots.

23 (U//FOOU) The Peruvian pilot for this shootdown stated that he had discretion as to how close to get to a suspect aircraft and whether or not it was safe to execute visual signals such as wing waggling. He said he did not execute visual signals in this shootdown.

24 (U//FOOU) Many of these violations are not singular events. Providing authorization before the interdiction also occurred on 14 July 1995, 17 August 1995, and 4 August 1997.
Only 71 seconds elapsed between the first audible radio warning and the HNR's order to shoot down the target. The reason for this haste was unclear; the target was not close to the border nor was the fighter running out of fuel.

US interference with Peruvian chain of command: when the HNR said he could not get through to the FAP OIC to confirm receipt of instructions, the [redacted] pilot repeated the instructions to proceed. Subsequently, the HNR asked the [redacted] pilot if shooting authorization had been obtained, and the latter responded in the affirmative. The HNR then ordered the fighter to shoot down the target. 25

97. (U//FOUO) This shootdown introduced a new violation—pre-interdiction authorization to shoot down the target. This represented a further weakening of the processes designed to protect against the loss of innocent life. The shootdown also repeated several of the common violations cited in previous episodes, including failure to perform visual signals, compressed timing, and US interference with the Peruvian chain of command.

98. (S) Violations in Reporting. [redacted] reported that the FAP again had "fully followed established Peruvian and international warning procedures." [redacted] also reported that a "review of the FLIR tape, discussions with crew, and conversations between the program manager and the Commander of VI RAT indicated that, as in all other events, the FAP fully followed established warning protocols, showed restraint, and only as a last resort destroyed the aircraft." [Emphasis added.] [redacted] also claimed that the review had clearly shown that the pilot of the target aircraft was aware he was being warned to comply with FAP orders.

25 (U//FOUO) This failure of Peruvian-to-Peruvian authorization also occurred on 16 May 1995, 14 July 1995, and 17 August 1995.
99. (S) The cables from the field failed to report the violations of procedure that occurred. In addition, the cables provided misleading information about the timing of the intercept phases. For example, the first cable stated that seven minutes elapsed between the A-37's attempt to establish radio contact and its firing of warning shots; the OIG review of the tape indicates that only 49 seconds elapsed between these phases. The same cable reported that four minutes elapsed between phases two and three; the OIG review of the tape revealed that only 22 seconds elapsed.

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22:57:48  Target of Interest (TOI) is identified by the US crew as OB712.
22:58:17  Tape cuts off.
23:21:23  Tape starts again.
23:23:40  US OIC states that FAP OIC has tried to get through to HNR three times to give him the following instructions: "Tell the aircraft to return to Pucallpa. If it won't return, fire warning shots, and if it won't return then, to engage."
23:24:04  HNR confirms that he received the instructions.
23:29:07  HNR requests to call FAP OIC. US pilot responds, "He gave you the instructions. The instructions were . . . To engage the aircraft, if they did not return to Pucallpa, fire warning shots, if they do not go to Pucallpa, shoot." HNR responds, "Yes, I know. Thank you."
23:29:58  Tape cuts off.
23:37:47  Tape starts again.
23:39:51  A-37 acquires TOI.
23:40:20  US pilot reports that the A-37 is trying to talk to TOI (radio calls not heard on tape).
23:43:06  HNR confirms that the A-37 is half mile behind TOI.
23:43:10  Tape cuts off.
23:44:11  Tape starts again.
23:44:44  Tape cuts off.
23:45:11  Tape starts again.
23:45:18  A-37 issues two radio calls warning TOI to veer to a new heading.
23:46:07  HNR instructs the A-37 "to proceed with the warning shots."
23:46:11  HNR asks the US pilots if shooting authorization has been given, to which one immediately replies, "Yeah."
23:46:21  US pilot asks, "Has he shot?" HNR says, "Yeah."
23:46:29  HNR instructs the A-37 to "proceed to shoot him down."
23:47:43  US OIC reports to the A-37 made the radio calls, made the warning shots, the target is now making wild evasive turns, trying to get away from the interceptor."
23:48:27  A-37 reports that TOI is on fire and descending.
23:49:01  TOI crashes in the jungle.

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## Fourth Shutdown Reporting: 21 July 1995

<table>
<thead>
<tr>
<th>Phase</th>
<th>Visual Signals</th>
<th>Radio Calls</th>
<th>Warning Shots</th>
<th>Shutdown</th>
<th>Additional Issues</th>
<th>OIG Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Management Oversight</strong></td>
<td></td>
<td>Review of tape, discussion with crew, conversation between program manager and VI RAT Commander indicate that FAP fully followed established warning protocols, showed restraint, and only as last resort destroyed the aircraft.</td>
<td>Based on reviews of infrared imagery and discussions with aircrews and VI RAT Commander, we are satisfied that the FAP followed all established procedures before firing on aircraft.</td>
<td>Only 49 seconds between first audible radio call and order to fire warning shots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Phase I</strong></td>
<td>23462: Under VI RAT orders, warning shots fired. Target evades wildly.</td>
<td>23932: A-37 tries to establish radio contact with target.</td>
<td>The target ignored repeated attempts to establish radio contact.</td>
<td>Only 22 seconds between authorization for Phase II and order to shoot.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Phase II</strong></td>
<td>23502(1850L): Under VI RAT orders, A-37 engages target. Target explodes and crashes.</td>
<td></td>
<td>Target began to wildly evade at treetop level. A-37 engaged target after following all recognized international intercept signals.</td>
<td>VI RAT authorization for shutdown given before interdiction. US pilot authorizes shutdown during intercept. Only 71 seconds between first audible radio warning and HNR order to shoot TOI. Failure of Peruvian chain of command. Insufficient time to conduct phases and allow TOI to respond.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Overall Compliance with Required Procedures</strong></td>
<td>Fully followed established Peruvian and international warning procedures and protocols.</td>
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</tr>
</tbody>
</table>

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Approved for Release: 2017/06/29 C06659602

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Approved for Release: 2017/06/29 C06659602
100. (S) Headquarters Review and Oversight. A DO Spot Report of 25 July 1995 repeated much of the language in the cables, stating that the FAP had fired on the target aircraft "after its pilot ignored repeated internationally recognized visual and radio warnings and wildly attempted to evade the FAP aircraft by flying at treetop level." It also stated that, after a review, the FAP had "fully followed all established warning protocols, showed restraint, and only as a last resort destroyed the Cessna." The Congressional Notification, dated 11 September 1995 and covering both this shutdown and the previous one, stated that, "...we are satisfied that the FAP followed all established procedures before firing on these aircraft."

101. (S) Responsible Officers. In Peru, the responsible officers included:

- (b)(1) CIA Act.
- (b)(3) NatSec Act.

In Pucallpa:

- OIC in Pucallpa.
- Assistant OIC in Pucallpa.
- Program Manager.

102. (C) At Headquarters, responsible officers included:

- (b)(1) CIA Act.
- (b)(3) NatSec Act.
- (b)(6) Legal Adviser to LA Division.
- (b)(7)(c) Legal Adviser to LA Division.
(U) Fifth Shootdown, 17 August 1995

103. (S) Violations of Intercept Procedures. This operation occurred in the early morning. The OIG review of the videotape revealed the following violations:

- Failure to identify tail number of suspect plane: [ ] reported that this mission was launched in response to DEA intelligence lead information "regarding a possible narco flight from the Puerto Victoria area."

Thus, the aircraft shot down may not be the one for which there was lead information. Yet the target was never identified; its tail number was never obtained.

- No visual signals.

- Failure of Peruvian chain of command: The HNR never talked to the VI RAT during the interdiction; the CIA OIC expressed concern about the lack of communication, but was ignored.

- US interference with Peruvian chain of command: The pilots actively issued instructions to the HNR.

- Lack of reasonable time for suspect plane to respond to procedures: Only 85 seconds elapsed between the radio warning and the HNR announcing that the A-37 was firing at the suspect plane.

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26 (U//FOUO) The pilot of the Peruvian fighter aircraft said he had called the target on three radio frequencies and had flown ahead of the target so he could be seen. The HNR stated that no visual signals were done, however, because they were too dangerous.
104. (§) This event revealed violations similar to those in the preceding four shootdowns. The most serious violation was the failure to gain reasonable assurance that the suspect aircraft was a narcotrafficker before shooting it down. That lack of identification was combined with the rapid shooting down of the aircraft—only 85 seconds between issuing radio warning and firing on target and only 22 seconds between firing warning shots and shooting the target down. This combination of violations demonstrates the presumption that unidentified aircraft were guilty and therefore legitimate targets.

105. (§) Violations in Reporting. Reporting stated that, "Discussions with FAP Commander and officer-in-charge lead us to believe that, as in previous actions, FAP scrupulously adhered to international and Peruvian protocols." [Emphasis added.]
(b)(1)
(b)(3) NatSecAct

(U//FOOU) 17 August 1995 Videotape Chronology

The interdiction takes place in the morning. is the Peruvian Commander. The video begins as HNR is vectoring the A-37 to the target.

11:20:55 Video begins.
11:23:51 A-37 acquires TOI. HNR tells the A-37, "Go ahead, you know the instructions."
11:23:59 US pilot says to HNR, "Tell him to shoot." HNR appears to comply by instructing FAP, "Straight ahead, down." The A-37 pilot responds by repeating the order and adding, "No questions asked?"
11:24:09 US co-pilot says "Firma, firma" [this is short for "Affirmative" in Spanish]. HNR repeats this instruction to the FAP pilots. US pilot asks if the A-37 has been able to identify TOI's registration number.
11:24:38 HNR tells the A-37 to proceed normally—to give TOI only one opportunity before shooting it down.
11:24:49 HNR asks the A-37 if he can see any identification number on TOI. The A-37 responds that he is not close enough to see.
11:26:09 A-37 gives one radio warning to TOI, telling TOI that it has been intercepted by FAP and that it must return to Pucallpa.
11:26:19 US pilot instructs HNR to tell the A-37: "tell him [the TOI] to land at Pucallpa. If he does not land, shoot." HNR complies, ordering the A-37, "Tell him to return back to Pucallpa, if not, you'll kill him."
11:26:41 A-37 reports, "He is ignoring me; do I proceed to shoot him down?"
11:26:47 HNR tells the A-37 "to go ahead with the procedures then."
11:26:57 HNR declares, "He's gonna shoot."
11:27:05 US co-pilot remarks that TOI is banking.
11:27:12 US pilot says TOI is not turning [to Pucallpa] and the A-37 is firing warning shots. [The shots are not seen on the video.]
11:27:22 US OIC asks if HNR has talked to yet. US pilot replies, "That's a negative, the commander at this location . . . " [The rest is inaudible.]
11:27:34 HNR announces that the A-37 is shooting at TOI.
11:27:39 US co-pilot observes that TOI is trailing smoke.
11:27:44 US OIC instructs the US crew that HNR must talk to immediately.
11:28:00 HNR says that TOI is not trailing smoke, but that it's just "gas."
11:28:55 says that the Peruvian commander "insists" on talking to HNR, but is told by US pilot that HNR is busy talking to the A-37.
11:28:56 A-37 reports that he has fired on and hit TOI.
11:29:09 A-37 issues another radio warning to TOI.
11:31:30 A-37 confirms that he has shot down TOI. (b)(1) (b)(3) NatSecAct
11:34:53 Video cuts off.

This box is classified U//FOOU

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SECRET//NOFORN

Approved for Release: 2017/06/29 C06659602
<table>
<thead>
<tr>
<th>Reporting 17 Aug 95</th>
<th>24 Aug 95</th>
<th>3 Oct 95</th>
<th>Congressional Notification 14 Sept 95</th>
<th>OIG Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Management Oversight</strong></td>
<td>Discussions with FAP Commander and OIC</td>
<td>Asked for time to review videotape in detail and examine entire situation.</td>
<td>(b)(1) (b)(3) NatSecAct</td>
<td></td>
</tr>
<tr>
<td><strong>Identify and Sort Target</strong></td>
<td>(b)(1) (b)(3) NatSecAct</td>
<td>Based on DEA tipper information, en route to the target area, the picks up a TOI on radar; however, &quot;the target was lost in the Nohaya area.&quot; 0615L: Target reacquired.</td>
<td>Tail number never acquired; TOI never sorted.</td>
<td></td>
</tr>
<tr>
<td><strong>Phase I Radio Calls</strong></td>
<td></td>
<td>A-37 made radio contact with target and warned him to turn around and go to Pucallpa.</td>
<td>Target ignored repeated internationally recognized visual and radio warnings.</td>
<td></td>
</tr>
<tr>
<td><strong>Phase I Visual Signals</strong></td>
<td></td>
<td>Target took evasive action. A-37 again issued a warning and then fired warning shots.</td>
<td>No visual signals seen on video. Only 38 seconds between radio calls and order for Phase II warning shots.</td>
<td></td>
</tr>
<tr>
<td><strong>Phase II Warning Shots</strong></td>
<td></td>
<td>Target tried to outrun A-37 to Peruvian border. Ignored orders and warning.</td>
<td>Only 22 seconds between firing of warning shots and firing on TOI.</td>
<td></td>
</tr>
<tr>
<td><strong>Phase III Shootdown</strong></td>
<td>(b)(1) (b)(3) NatSecAct</td>
<td>A-37 began firing on aircraft as it continued maneuvers to east.</td>
<td>VI RAT Commander authorized A-37 to fire on target.</td>
<td></td>
</tr>
<tr>
<td><strong>Additional Issues</strong></td>
<td></td>
<td></td>
<td>HNR received no VI RAT shootdown authorization during intercept.</td>
<td></td>
</tr>
<tr>
<td><strong>Overall Compliance with Required Procedures</strong></td>
<td>Discussions with FAP Commander and OIC indicate FAP scrupulously adhered to international and Peruvian protocols.</td>
<td>Based on after action discussions, it is satisfied that the FAP fully followed all established warning protocols before firing on the aircraft.</td>
<td>Failure to identify TOI. No visual signals seen on video. Failure of Peruvian chain of command. US interference. Insufficient time to conduct Phases and allow TOI to respond.</td>
<td></td>
</tr>
</tbody>
</table>
106. (S) Headquarters Review and Oversight. The Congressional Notification of 14 September provided false information about the shootdown. It stated that, "Based on after action discussions, is satisfied that the FAP fully followed all established warning protocols before firing on the aircraft, showed restraint, and only as a last resort used force..." [Emphasis added.] The attached background paper omitted the fact that the target aircraft had not been identified as a narcotrafficker. It stated that intelligence had provided initial information about a possible narcotrafficker, but failed to report that this original target had been lost and a subsequent target (not positively identified) acquired.

107. (C) The OIC at the time of this shootdown, had questioned the lack of communications with the ground during the interception. When reviewing the shootdown tape with OIG, told OIG that this shootdown had not been conducted as it should have been, and that although it was his impression and assumption in 1995 that authorization for the shootdown was received, his assumption did not track with the videotape. There is no evidence that reported the violations to his superiors, however, said videotapes were forwarded to Headquarters but that no one ever challenged him on whether the required intercept phases were performed.

108. (S) Responsible Officers. In Peru, the responsible officers included:

- previously the Assistant OIC in Pucallpa, was the OIC at the time of this shootdown. As seen above,
- had questioned the lack of communications with the ground during the interception. told OIG that this shootdown had not been conducted as it should have been and that authorization for the shootdown was not received. No evidence was found that he reported the violations to his superiors at the time.
videotapes were forwarded to Headquarters and that no one ever challenged him over whether the required intercept phases were followed.

- (b)(1) 
- (b)(3) CIA Act
- (b)(6) 
- (b)(7)(c)

OIG he had watched the videotape, although much later, and had reviewed the language of the shootdown reports after they were sent to Headquarters. After watching the videotape of this shootdown in an OIG interview, admitted that the reporting was false.

- Prog
- (b)(1) 
- (b)(3) NatSec Act
- (b)(6) 
- (b)(7)(c)

109. Headquarters, the responsible officers included:

- (b)(3) CIA Act
- (b)(6) 
- (b)(7)(c)

CNC Linear Program. LA Division.

- who had returned from serving as an OIC to
- (b)(1) 
- (b)(3) CIA Act
- (b)(6) 
- (b)(7)(c)

MSP in Headquarters. This component provided direct support to the program. Given her background in the program, would have been uniquely qualified to review this operation.

- Legal Adviser to LA Division.

(U) Sixth Shootdown, 13 November 1995

110. (S) Violations of Intercept Procedures. The shootdown occurred in the early morning while it was still dark, and the videotape contained only partial audio. In spite of the problems with the tape, OIG identified several violations:

- No indication of visual signals: The rationale is introduced that visual signals are not done at night.
1. **Failure of Peruvian chain of command and lack of reasonable time to respond:** Reported that the A-37 gave verbal warnings and a warning burst of fire at the same time, and that half an hour before the warnings were given, the VI RAT Commander authorized shootdown if target evaded.

2. **Violations in Reporting.** The first cable following the shootdown indicated that the A-37 had visually identified the target and had initiated communications telling the target to land, but that these warnings were ignored. It stated that, at 1032Z (0532 Local), the VI RAT Commander had authorized the A-37 to fire on the aircraft after following internationally accepted procedures to force it to land. It then said that, at the same time (1032Z), the A-37 had engaged the target and hit it on each of three passes.

3. The follow-up cable of 27 November was less precise in describing the timing of specific actions and provided a different description of events. It said that authorization was given by VI RAT at 0957Z to shoot down the aircraft if it evaded; at 1025Z, the A-37 made contact with target, gave verbal warnings and a warning burst of fire; and at 1045, the target entered a cloud bank after being hit by the A-37.

4. Neither of these cables declared that all required procedures had been conducted or that the shootdown had fully complied with the procedures.
114. (S) Headquarters Review and Oversight. This shootdown involved some of the same failures of procedure as in previous shootdowns but added a new approach to reporting. The two cables describing the shootdown provided different chronologies. The first cable reported actions that constituted violations of the intercept procedures. The arrival of the second cable, with its differing emphasis, should have alerted Headquarters to the inconsistencies. OIG could find no record to indicate that Headquarters officers took
any action to address information in the first report that included detailed information showing the elapsed time was insufficient to conduct the required procedures.

115. The Congressional Notification of 1 December 1995 advising Congress of this shootdown repeated the false information that the pilot of the target aircraft had "ignored repeated internationally recognized visual and radio warnings and orders to land." It also said that, [Emphasis added.] An attached background paper then provided a precisely crafted description of the incident, combining the two versions contained in cables. OIG found no record that Headquarters sought to address the discrepancies raised by conflicting information in the reports.

116. Responsible Officers. In Peru, the responsible officers included:

- (b) the OIC at Pucallpa at the time. said he had not composed the first cable, but that it was based on his after-action report of the shootdown. In his interview, told OIG he saw no problems with this shootdown even though visual signals had not been executed. He said he did not know if warning shots had been fired. said he was on 27 November 1995 and might have written the second cable.

117. At Headquarters, the responsible officers included:

- (b) CNC Linear Program.
- (b) LA Division.
- (b) MSP.
- Legal Adviser to LA Division.

SECRET///NOFORN
(U) Seventh Shootdown, 27 November 1995

118. (U//FOUO) Violations of Intercept Procedures. This shootdown was conducted during the daytime and the videotape shows cloudy conditions. The mission began as a training exercise involving one US and two FAP aircraft; during the exercise, an additional aircraft was picked up by ground-based radar at Pucallpa. The fighters and US plane then broke off the training and pursued the civilian plane. OIG identified several violations:

- No reasonable identification of target as narcotrafficker: The target plane was picked up during an exercise. Moreover, approximately two minutes after the first A-37 sights the target plane, the crew notes that another unknown plane, a white high-wing, just flew under them. No intelligence reporting indicated that the plane they ultimately shot down was a drug trafficker. Following a review of the videotape during an interview, the US OIC for this shootdown told OIG it could not be determined if the target plane they shot down had been carrying drugs.

- No indication of visual signals.  

- No indication of warning shots: despite assertions in the reporting that warning shots were authorized and fired, there is no indication on the videotape that the HNR ever received authorization for or gave the order to fire warning shots or that either of the A-37s involved fired them. The videotape had no audible references to warning shots and no tracer rounds are visible on the tape.

(U//FOUO) The Peruvian pilot told OIG he had flown alongside the target and was seen by its crew. The HNR claimed that the fighter aircraft had made hand gestures and conducted wing wagging. No such visual signals were evident on the videotape, however.
Failure of Peruvian chain of command: there is no indication that the HNR ever received or gave the order to shoot down the target. Rather, the Peruvian pilot of the backup A-37 apparently gave the order.²⁸

119. (S) Violations in Reporting. The reporting from NatSecAct is succinct. It indicates that the required warnings and authorizations were given, stating that the aircraft was "given the usual warnings—radio calls and warning shots—before being shot down by the FAP" while "trying to evade." Once again, the cables do not include claims that all required procedures were followed.

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²⁸ (U//FOUO) The HNR for this operation told OIG that the shootdown was authorized before the mission started and that he never called to the commanding General for authorization to shoot during this interception.
### Seventh Shootdown Reporting: 27 November 1995

<table>
<thead>
<tr>
<th>Phase</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify and Sort Target</td>
<td>Mission launched as training exercise with two A-37s. During exercise, a fourth aircraft entered exercise area. A-37s moved up behind suspect narco aircraft.</td>
<td>Second unidentified aircraft spotted by during intercept, but ignored. Tail number not sorted until after A-37 reports it is going to fire on TOI.</td>
</tr>
<tr>
<td>1040L: VI RAT gave authorization to warn target to divert to Pucalipa.</td>
<td>Warnings were passed and ignored.</td>
<td></td>
</tr>
<tr>
<td>Phase I</td>
<td>Radio Calls</td>
<td>No visual signals seen on video.</td>
</tr>
<tr>
<td>Phase II</td>
<td>Visual Signals</td>
<td>No visual or audible indication of warning shots—neither ordered by HNR nor reported by A-37—none seen on video.</td>
</tr>
<tr>
<td>Warning Shots</td>
<td>When warning shots made by A-37, target began evasive tactics.</td>
<td>No indication HNR passed VI RAT order to shoot down target—rather, order apparently came from pilot of back-up A-37.</td>
</tr>
<tr>
<td>Phase III</td>
<td>Shootdown</td>
<td>At 1058L, plane's engine hit by gunfire and caught fire but plane continued to evade until other engine hit.</td>
</tr>
<tr>
<td>Overall Compliance with Required Procedures</td>
<td>Aircraft was given usual warnings, verbal and warning shots, before being shot down by the FAP.</td>
<td>Failure to identify TOI as narcotrafficker. No visual signals seen on video. No indication of warning shots. Failure of Peruvian chain of command.</td>
</tr>
</tbody>
</table>

This table is classified **Secret**.
120. (U//FOUO) Headquarters Review and Oversight. OIG found no record to indicate that a Congressional Notification was prepared regarding this shootdown, or that Headquarters management forwarded information concerning the violations of procedure that occurred.

121. (S) Responsible Officers. In Peru, the responsible officers included:

- the OIC at Pucallpa. Following a review of the videotape during an OIG interview, said it could not be determined, with certainty, if the target was carrying drugs. He said he did not know if visual signals were part of required procedures, but he did know that radio contact and warning shots were part of required procedures. He also acknowledged that he had watched the videotapes of shootdowns.

- Program Manager

122. At Headquarters, the responsible officers included:

- CNC Linear program.
- LA Division.
- Legal Adviser to LA Division.

(U) Eighth Shootdown, 8 July 1996

123. (S) Violations of Intercept Procedures. This operation occurred in daylight. Review of the videotape and reporting cables revealed the following violations:

- No indication of visual signals.
♦ No indication of warning shots.

♦ Lack of time for suspect aircraft to respond: only two minutes elapsed between the radio call and the time the target was fired on and hit.

124. *(S) Violations in Reporting.* reported that the A-37 had been directed to "perform identification procedures, and subsequently visual and radio warnings." It said the "violator aircraft failed to comply with instructions and initiated evasive maneuvers at tree-top level in an apparent effort to head for the border." And it maintained that, "In compliance with Peruvian and international law, VI RAT Commander . . . directed the A-37 to take necessary action to force the violator aircraft to comply with orders." The videotape of this shootdown contains no information to substantiate any of these statements.

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### Eighth Shootdown Reporting: 8 July 1996

<table>
<thead>
<tr>
<th>Identify and Sort Target</th>
<th>OIG Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8 July 1996</strong></td>
<td></td>
</tr>
</tbody>
</table>

- **A-37 directed to perform identification procedures, then visual and radio warnings. Violator aircraft flying without tail number.**

<table>
<thead>
<tr>
<th>Phase I Radio Calls</th>
<th>25 July 1996</th>
</tr>
</thead>
</table>

- **A-37 advised violator aircraft that it was being intercepted by the Peruvian Air Force and was to proceed to Pucallpa.**

<table>
<thead>
<tr>
<th>Phase I Visual Signals</th>
<th>25 July 1996</th>
</tr>
</thead>
</table>

- **Violator aircraft failed to comply with instructions and initiated evasive maneuvers at treetop level in apparent effort to head for border.**

<table>
<thead>
<tr>
<th>Phase II Warning Shots</th>
<th>25 July 1996</th>
</tr>
</thead>
</table>

- **In compliance with Peruvian and international law, VI RAT Commander directed A-37 to take necessary action to force violator to comply with orders. A-37 fired on violator aircraft, apparently hitting the right engine.**

<table>
<thead>
<tr>
<th>Phase III Shootdown</th>
<th>25 July 1996</th>
</tr>
</thead>
</table>

- **1635Z: HNR receives intercept orders from (b)(6) 1641Z: A-37 makes radio calls to target, which evades.**

According to the reporting, only two minutes elapse between time A-37 advises aircraft to land (1641Z) and time target is hit and its fuel tank ruptures (1643Z).

- **1643Z: Target's right wing, fuel tank ruptures.**

<table>
<thead>
<tr>
<th>Overall Compliance with Required Procedures</th>
<th>25 July 1996</th>
</tr>
</thead>
</table>

- **Insufficient time for visual signals. Insufficient time for warning shots.**

This table is classified **Secret**
125. (S) **Headquarters Review and Oversight.** The cables show that the required procedures could not have been performed. reported to Headquarters that the target was shot down only two minutes after the first radio call was made. The key proof is that the A-37 made Phase I radio calls to the target at 1641Z, and the target's right fuel tank ruptured at 1643Z after the plane was shot. There was no time for required warnings to be given or for the target plane to respond.

126. (S) Again, OIG could find no information to indicate that officers at Headquarters took measures to address reporting which, upon examination, should have informed them that there was insufficient time to conduct the required procedures. Instead, a DO Spot Report of 12 July 1996 stated that, "All indications are that correct procedures were followed in the forcedown. The suspect plane was flying without a visible tail number or a flight plan and disregarded warnings." OIG could find no record to indicate that a Congressional Notification was prepared to report the facts surrounding this shootdown.

127. (S) **Responsible Officers.** In Peru, the responsible officers included:

- Officer at Juanjui.
- Program Manager In an OIG interview watched several of the videotapes showing violations of required procedures. then told OIG he had understood the legal requirements of PD 95-9 and routinely reviewed the tapes. He said it was clear to him now, however, that the FAP had not followed procedures and had not complied with the law from the beginning of the program.
128. (C) At Headquarters, the responsible officers included:

- CNC Linear Program.
- LA Division (LAD) with oversight of the air interdiction program.²⁹
- Legal Adviser to LA Division.

(U) Ninth Shootdown, 23 March 1997

129. (U//FOFO) Violations of Intercept Procedures. The shootdown occurred at dusk. The OIG review of the videotape revealed the following violations:

- No indication of visual signals: Position of A-37 in relation to target indicates visual signals could not have been executed.

- No indication of warning shots: The fighter gave a radio warning in response to receiving Phase II authorization. No tracer rounds are visible on the videotape, nor is there any reference by the crew²⁰ to seeing shots fired.

²⁹ (CIA)(1) Agency records reflect that [redacted] reassigned [redacted] occurred on 21 June 1996. [redacted] said she believes she moved to the position after the 8 July 1996 shootdown due to her service on a promotion panel that lasted for several weeks. [redacted] in reviewing this report in draft, commented that he may have been in language training on the day of this shootdown. Given the substantive involvement of both [redacted] in the ABDP from 1995 onward—and the positions of accountability for the program’s conduct that each officer occupied [redacted] as the [redacted] from June 1996 to June 1998, and [redacted] from July 1996 to July 1999—OIG believes it is reasonable to identify them as responsible officers irrespective of their specific locations on the day of that shootdown.

³⁰ (U//FOFO) The [redacted] tracker plane was crewed by the US Customs Service.
Insufficient time to conduct procedures and for target to respond: The HNR requested authorization for Phases II and III before the target had been identified and warned over the radio. The intercept phases were rushed and abbreviated.

Break in Peruvian chain of authority: The A-37 pilot asked the HNR for authorization to shoot down the target, and the HNR provided the authorization without receiving the shootdown order from the VIRAT Commander.

130. (S) Violations in Reporting. In this shootdown, the cables as well as the OIG review of the videotape, revealed that required procedures could not have been conducted. The chronology and the review provided indicated that only three minutes had elapsed between the time the A-37 plane acquired the target and the time it received authorization to shoot; not enough time had elapsed for the A-37 plane to position itself to perform visual procedures and warning shots or for the target aircraft to respond. Three minutes after the shootdown authorization, the suspect plane had crashed. Despite evidence to the contrary, claimed that required procedures had been followed.

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<table>
<thead>
<tr>
<th>Identify and Sort Target</th>
<th>Congressionl Notification</th>
<th>OIG Findings (No clock on videotape)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)(1) NatSecAct</td>
<td>26 Mar 97</td>
<td>HNR instructs A-37 to get tail number, then requests Phases II and III before getting a response.</td>
</tr>
<tr>
<td>(b)(3) NatSecAct</td>
<td></td>
<td>A-37 pilot initiates one radio call, then says target plane is ignoring signals.</td>
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<tr>
<th>Phase I Radio Calls</th>
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<tbody>
<tr>
<td>(b)(1) NatSecAct</td>
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<td>(b)(3) NatSecAct</td>
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<tr>
<th>Phase I Visual Signals</th>
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<td>(b)(1) NatSecAct</td>
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<tr>
<th>Phase II Warning Shots</th>
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<tr>
<th>Phase III Shootdown</th>
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<td>(b)(1) NatSecAct</td>
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<tr>
<th>Overall Compliance with Required Procedures</th>
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<tr>
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<td></td>
<td></td>
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<tr>
<td>(b)(3) NatSecAct</td>
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</tbody>
</table>

**Reporting**
- 24 Mar 97
- 26 Mar 97

**Notification**
- 23 April 97

**OIG Findings**
- HNR instructs A-37 to get tail number, then requests Phases II and III before getting a response.
- A-37 pilot initiates one radio call, then says target plane is ignoring signals.
- Target tried to escape and refused to comply with internationally recognized signals to land.
- No visual signals seen on video.
- A-37, in accordance with proper procedure, received authorization to fire warning shots.
- After Phase II authorized, A-37 gives radio call, tells HNR TOI is not responding, and receives Phase III authorization.
- Per reporting, A-37 acquired target at 1758L and requested authorization to shoot at the same time. Authorization was provided at 1802L, and the plane had crashed by 1805L.
- Phase III authorized before TOI identified. No visual signals identified. No indication of warning shots. Insufficient time to conduct phases.

This table is classified Secret.

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131. (S) Headquarters Review and Oversight. OIG found no record to indicate that officers at Headquarters addressed reports that indicated there was insufficient time to conduct the required procedures between sighting and shooting down the target. Instead, Headquarters conveyed false information to Congress in the Congressional Notification of 23 April 1997—the background paper stated that the target had refused to comply with internationally recognized signals to land and that the A-37 fighter plane, in accordance with proper procedure, had received authorization to fire warning shots.

132. (S) Responsible Officers. In Peru, the responsible officers included:

- OIC in Pucallpa.
- OIC in Pucallpa, who states that he believed the procedures were followed, particularly visual signals and warning shots.
- Officer at Juanjui told OIG that several of the videotapes showed "obvious" violations of procedures. He could not explain why reports were inaccurate. His performance evaluation covering this period emphasized his involvement in reviews of shootdowns for compliance.
- Program Manager. This was the first shootdown for which had primary responsibility for drafting the reporting cables. In discussions with OIG, said she did not know why there were "inaccurate" statements in the reports she wrote. She claimed that she might have been distracted while she watched the tapes and that she was sick a lot in 1997. Her performance evaluation for this period emphasized her central role in monitoring intercept procedures, however.
133. (C) At Headquarters, the responsible officers included:

- Peru Desk Officer in LA Division was familiar with the intercept program and its reporting requirements.
- LAD.
- Legal Adviser to LA Division.

(U) Tenth Shootdown, 4 August 1997

134. (S) Violations of Intercept Procedures. This operation was conducted in the early evening. The OIG review of the videotape revealed the following violations:

- Failure to identify tail number of suspect plane: The pilot said he did not do so because that would have alerted the target to the tracker plane’s presence. There was no effort by the suspect plane to evade. While it flew low from the start of the intercept until it was shot down, it took no evasive action.

- No visual signals: It is clear from the videotape that the fighter is behind the target the entire time.³¹

- No indication of warning shots on the videotape: In OIG interviews, the A-37 pilots said they fired one burst of warning shots for 1-2 seconds from 300 to 500 feet behind the target.

³¹ (U/>FO46) The Peruvian pilot and co-pilot both told OIG that no visual signals were done because it was too dark and too dangerous. They indicated that they reported this fact to the US OIC and
• Failure to follow proper sequence of authorization: VI RAT Commander simultaneously authorized Phases I and II—even before the Peruvian fighter saw the suspect plane.

• Lack of reasonable time to conduct procedures and for suspect plane to respond: Only 36 seconds elapsed from the start of procedures to shootdown authorization; only 90 seconds elapsed from the attempt to make radio contact until the A-37 fired on the suspect plane.

135. (S) Violations in Reporting. On 5 August, reported the "successful" shootdown of the previous day. It provided a chronology of the shootdown, including the timing, which indicated that the A-37 had attempted radio contact at 1838 local time and had fired on the target at 1841—three minutes later. While the cable did not claim that all required procedures had been conducted, it also did not report that required procedures had not been performed.

136. (S) reported that only three minutes elapsed between attempted radio contact and the shooting down of the target. After this incident, Headquarters questioned the reporting and asked specific questions about performance of the required procedures. In its cable also on 5 August, Headquarters asked for clarification of "possible gaps in established procedures." The cable noted that there was no indication as to "if" or "when" VI RAT authorization had been requested and given to proceed with the international warning procedures and then to shoot down the target. Secondly, it noted that the frequency used for radio contact with the target aircraft was not one of the recognized international distress radio frequencies. If this was the only frequency used, the cable said, it was highly likely that the target aircraft never heard the warning. Finally, it was not clear that all the required steps of the international warning and recognition procedure had been carried out before the aircraft was fired upon. Headquarters noted a desire to ensure its subsequent reporting of the action was "full and complete."
137. (S) Responded rapidly to Headquarters, stating that:

According to our OIC, all/all warning procedures were complied with prior to the Vl RAT Commander giving the order to shoot down the narco aircraft... All of us who work the Airbridge Denial Program (U.S. and Peruvian) understand and rigorously enforce compliance with all international procedures that must be followed prior to any use of force. That is a given in the work that is done here. [Emphasis added.]

138. (S) Headquarters responded quickly, thanking for its clarifications, and reiterated that this "will permit us to report the successful endgame in its full and proper context." Additionally, Headquarters commended "untiring efforts, which have made airbridge denial a highlight of program." Both Headquarters cables originated in LA Division's and had been coordinated by.

139. (S) Subsequently, in an 8 September 1997 cable reported in more detail on the shootdown. reported that the suspect aircraft had not responded to Phase I and Phase II intercept procedures, which included hailing on all appropriate channels, visual recognition, and finally warning shots. It said that the Peruvian command authority had ordered Phase III and that the A-37 had then fired on the suspect plane.

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(U//FOUO) 4 August 1997 Videotape Chronology

The video, in Zulu time, begins with the [redacted] personnel tracking the TOI. When the video begins, it is daylight; when the video ends, it is dusk.

22:44:57 Tape begins.
22:54:46 VI RAT asks if the [redacted] has identified TOI’s tail number. US co-pilot responds, "Negative, we’re not gonna try to close to get the tail number because we don’t want to alert him."
22:58:27 VI RAT Command gives HNR instructions to "proceed to Phase I and Phase II" and to try to get TOI to land at a specific place.
23:29:12 A-37 tells HNR that when it finds TOI, the A-37 will have 10 to 15 minutes of fuel left before it has to turn back.
23:36:16 US co-pilot notes that TOI is 23 miles, or 8 minutes, from the border.
23:37:46 A-37 sights the [redacted].
23:37:47 HNR orders the A-37 to proceed with Phases I and II, and to instruct TOI to go to airfield "Charlie-Lima."
23:37:55 US co-pilot reports to US OIC that the A-37 has acquired TOI.
23:38:33 HNR repeats that the A-37 is to proceed with Phase I and Phase II.
23:38:55 VI RAT Commander, speaking to HNR, says that he understands that Phases I and II have been carried out.
23:38:58 A-37 gives radio warning to the target...
23:39:00 HNR, responding to his commander, says, "Negative, at this moment the [UI] has called tally-ho and it is getting close to the target to proceed with Phase I and Phase II. I’ll call you, if they don’t respond, to request authorization for Phase III."
23:39:15 ... A-37’s radio warning to the target ends.
23:39:19 A-37 reports that TOI is not responding to radio warnings.
23:39:22 A-37 appears on the FLIR tape for the first time, trailing TOI.
23:39:26 HNR confirms that the A-37 has executed Phase II and that TOI has failed to respond. [Warning shots cannot be seen on the tape, nor does the US crew remark that they have seen them.]
23:39:36 VI RAT Commander authorizes Phase III.
23:39:49 US co-pilot remarks they are six minutes from Brazil.
23:40:27 US crew remarks, "Oh, there goes firing! Okay, he’s firing on the target."
23:40:44 TOI is hit by FAP fire, according to the US FLIR operator. Six seconds later, the damage to TOI can be seen on the video.
23:41:32 TOI crashes in the jungle.

This box is classified U//FOUO

SECRET//NOFORN

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<thead>
<tr>
<th>Management Oversight</th>
<th>Identify and Sort Target</th>
<th>Phase I Radio Calls</th>
<th>Phase I Visual Signals</th>
<th>Phase II Warning Shots</th>
<th>Phase III Shootdown</th>
<th>Overall Compliance with Required Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes possible gaps in established procedures and requests clarification.</td>
<td>Responds to Headquarters cable raising questions about gaps in procedure.</td>
<td>1835L/2335Z: A-37 closed on target. Visibility poor.</td>
<td>Frequency of radio call given was not one of recognized international distress radio frequencies. If this was the only one used, highly likely target never heard warning. Not clear all required steps were carried out before aircraft was fired upon.</td>
<td>1838R/2382Z: A-37 attempted radio contact with target on 126.9VHF; target did not respond.</td>
<td>A-37 fired warning shots in front of target, which did not respond and which continued toward Brazilian border.</td>
<td>Failure to identify TOI. Inadequate radio calls. No visual signals. Inadequate warning shots. Failure of Peruvian chain of command. Insufficient time to conduct phases and allow TOI to respond.</td>
</tr>
<tr>
<td>Headquarters 5 Aug 97</td>
<td>OIG Findings 8 Sept 97</td>
<td>Phases I and II</td>
<td>Phases I and II</td>
<td>Phases I and II</td>
<td>1841L/2341Z: A-37 fired three bursts into target.</td>
<td>All who work the program &quot;understand and rigorously enforce compliance with all international procedures.&quot;</td>
</tr>
</tbody>
</table>
140. (§) **Headquarters Review and Oversight.** Headquarters raised questions about possible violations of procedure, but accepted claims that procedures had been done according to requirements. Headquarters did not address the issue raised in the first cable reporting only three minutes between the A-37’s first attempt to make radio contact and its firing on the target. This description showed there was not enough time to perform the required procedures.

141. (§) **Responsible Officers.** In Peru, the responsible officers included:

- **Program Manager** One of the A-37 pilots said that, when he was debriefed in Pucallpa, he had discussed his inability to execute visual signals. In her interview, told OIG that, after a shootdown, she, and sometimes reviewed the videotape. She said that she absolutely understood that they had to report failures to follow procedure to Headquarters and that she usually wrote the cables. After watching the videotape of the 4 August 1997 shootdown, also told OIG that it should have been reported that no visual signals were done and the target was never identified. 

- **OIC at Pucallpa.** 

- **Officer in Juanjui.** was shown the videotape of this shootdown. He told OIG the interceptor never got alongside the suspect aircraft or even attempted to do so and that questions should have been raised. He said that to report that procedures were completed would be false.

- **OIC at Pucallpa.**
1997 performance evaluation emphasizes her central role in monitoring intercept procedures, however, and records confirm she did not take a significant amount of leave in the crucial timeframe of August to October 1997.

♦ supervisor, knew the correct intercept procedures and understood his responsibility for ensuring that the Peruvians complied with the procedures governing the operation of the program.

♦ said he did not remember the 4 August shootdown specifically, but noted that he would have reviewed it at the time. He said he did not know who had drafted the cables but was sure he had released them. When they reviewed the videotape with OIG, acknowledged that the 90 seconds that elapsed between the attempted radio contact and the shootdown did not allow the target plane a reasonable chance to respond. When given a description of the 4 August 1997 shootdown in the form of a hypothetical, told OIG, "If everything happens in a minute and a half, you've got a problem."

142. At Headquarters, the responsible officers included:

♦ LAD.

♦ Peru Desk Officer in LA Division. told OIG that, although he did not specifically remember, if the 4 August 1997 videotape had come to Headquarters he and would have watched it. He also stated that his

32 (c) In reviewing this Report in draft, commented that no one who reviewed the reporting of this shootdown, including lawyers for LA Division and CNC, suggested there was anything noncompliant in prosecuting a shootdown in the reported time frame.
job on the Peru Desk was to ensure from the cables that shootdowns complied with the PD/MOJ.\textsuperscript{33}

\textbf{(U) Eleventh Shootdown, 17 August 1997}

143. (S) This shootdown occurred in the morning. reported the successful shootdown of a narcotic trafficking aircraft, but advised that there were possibly numerous violations of intercept procedures. After viewing the videotape, reported that the FAP had given no radio warnings or warning shots before shooting down the target plane. Because OIG never received the videotape of this shootdown, the analysis of this shootdown is based on documentary information and interviews of the participants.

144. (S) According to reporting, locally acquired intelligence indicated that a plane was bringing drugs to Puerto Rico, Peru, early in the morning of 17 August 1997. When interviewed by OIG, the HNR on this intercept, Commander recalled that the located the target plane as it was approaching Puerto Rico. The target’s behavior coincided with the intelligence information and, given the time of day and past experience, the crew knew there would be no flight plan filed for this part of the country. Therefore, requested permission for radio calls and the VI RAT Commander, granted it. said the target plane did not respond to the radio calls and he requested and was granted permission for warning shots to be fired. He recalled that after the warning shots were fired, the target began to take evasive action. reported the evasive action and requested authority to shoot the target.

\textsuperscript{33} said she did not believe the tapes of shootdowns were forwarded to LA Division, and she never watched any with
145. (U//FOUO) [Redacted] told OIG that there was a standard written script by which an HNR requested and the VIRAT Commander granted authorization for each phase. [Redacted] said he requested authorization to shoot the target using the standard script language, but was surprised when [Redacted] replied, "Proceed to Phase III and neutralize it [the suspect plane]." [Redacted] was confused by the introduction of the new term and therefore tried to reconfirm the order using the standard language, "Reconfirming Phase III shutdown." According to [Redacted] replied, "No, neutralize it." [Redacted] then just asked if Phase III was authorized and [Redacted] said, "Yes," so [Redacted] passed the shutdown order to the fighter pilot. The suspect plane was shot down before it was able to land. [Redacted] then reported the coordinates of the crash site, and the returned to Pucallpa. According to [Redacted] half an hour after he returned to Pucallpa, [Redacted] arrived and yelled at him for not following orders; but as [Redacted] pointed out to him, "neutralize" was not standard terminology for the intercept script.

146. (S) [Redacted] however, the US OIC at the time, [Redacted] told a different story. At the time of his report to [Redacted] had reviewed the shutdown tape and debriefed both the U.S. and Peruvian aircrews, including [Redacted] reported that [Redacted] had requested permission for Phases I and II but VIRAT Commander [Redacted] had refused authorization for either one. Instead, [Redacted] instructed him to "neutralize" the target on the ground after it had landed. In his "OIC Comments" [Redacted] explained that [Redacted] confided in him that he had decided the best way to "neutralize" the aircraft was to destroy it, even though he knew he was not authorized to proceed.

147. (S) This shutdown resulted in a major review of procedures and operations by Agency managers, both in Peru and in Headquarters. It also led to a Congressional Notification pointing
out the violations of procedure. It did not, however, result in changes to the intercept procedures used by the FAP that might have prevented subsequent violations.

148. (U//FOHO) Violations of Intercept Procedures. OIG identified the following violations:

- No identification of suspect plane before HNR requested permission to go to Phases I and II.
- No attempt to make radio contact.
- No attempt to make visual contact.
- No warning shots.
- No authorization for shoot-down: VI RAT Commander told Peruvian fighter not to go to Phases I and II, and he told the HNR to tell the fighter pilots to "neutralize" the target on the ground.
- Intercept phases, from identification to shootdown, were not conducted.

149. (S) Reporting. In this particular case—and only in this case—reported violations of procedure. In its third cable on the shootdown (21 August 1997), reported that the VI RAT Commander had refused to authorize Phases I and II and instead had ordered the fighter to "neutralize" the target on the ground if it attempted to leave.

To the best of our understanding, this is a deviation from established procedures for ground strafing. . . . The Tucano pilot apparently strafed the target aircraft on the ground per VI RAT Commander's orders and advised this fact over the radio (VHF) . . .
stated that, "Based on further review . . . is now certain that the FAP Tucano pilot did engage the narco aircraft while it was in flight."

150. (S) then gave its reasons for the breakdowns in procedure. The /Country Team assessment that poorly crafted instructions from the VI RAT Commander and deviation from standard procedure, to include the unfamiliar terminology, contributed to an unauthorized engagement of the narco aircraft. There was no apparent deliberate attempt to circumvent procedures but rather a series of miscues and poor communication. Ambassador has directed . . . meet with VI RAT Commander . . . to discuss the incident, review procedures, and implement changes that will prevent a recurrence. The Ambassador at this time, does not see a need to address this issue beyond the VI RAT Commander,

151. (S) A team in Lima Embassy reviewed the episode and concluded that:

- The suspect plane had been involved in narcotrafficking.
- The shootdown occurred because the VI RAT Commander failed to use standard terminology; the result was that Phases I and II of intercept procedures were not conducted.
- Miscommunication between the HNR and T-27 Tucano pilot led the pilot to believe he had authorization to shoot the target down, when in fact, no such authorization was given.
- The T-27 Tucano pilot failed to use established intercept procedures.
152. (S) While acknowledging that there had been violations in this instance, provided misleading information about the context in which they occurred. It said that, while the 17 August shootdown had been "a clear deviation from established procedures," it was a "unique exception to normal operations" and "the sole deviation known to have occurred in the history of the program." The cable reported a number of actions had taken to prevent a recurrence.

<table>
<thead>
<tr>
<th>Reporting 8/18/97</th>
<th>Lima 8/20/97</th>
<th>Congressional Notification 10/07/97</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes possible violation of procedures during a successful engagement.</td>
<td>Notes investigation by repeatedly watched tape.</td>
<td>Country Team assesses there were poorly crafted instructions from VI RAT and deviation from standard terminology.</td>
</tr>
<tr>
<td><strong>VI RAT Instructions</strong></td>
<td><strong>Additional Issues</strong></td>
<td><strong>Congressional Notification 10/07/97</strong></td>
</tr>
<tr>
<td>HNR asks permission to go to Phases I and II. Pucalipa OIC says VI RAT Commander said no to Phases I and II. VI RAT instructs HNR to tell Tucano to neutralize target on ground when it landed.</td>
<td>Tape shows VI RAT denied request to go to Phases I and II. Tape shows VI RAT tells pilots to &quot;neutralize&quot; target on ground. This is a deviation from established procedures for ground strafing.</td>
<td>VI RAT denied request to go to Phases I and II. VI RAT gave orders to &quot;neutralize&quot; the target on ground. Tucano pilot apparently misunderstands and says, &quot;Proceed to down.&quot;</td>
</tr>
<tr>
<td><strong>Phase III Shootdown</strong></td>
<td><strong>OIC Comments:</strong> HNR confided he decided best way to &quot;neutralize&quot; aircraft was to destroy it—though he knew he was not authorized to proceed.</td>
<td><strong>OIC Comments:</strong> VI RAT, apparently strafed target on ground.</td>
</tr>
<tr>
<td>1215Z: Target descended for landing—more of a crash—with flames breaking out near engine.</td>
<td><strong>OIC comments cited in previous cable not accurate. No one admitted firing on target in air.</strong></td>
<td><strong>OIC Comments:</strong> VI RAT, apparently strafed target on ground.</td>
</tr>
<tr>
<td><strong>Remedial Action</strong></td>
<td><strong>Ambassador does not see a need to address the issue beyond VI RAT Commander, nor do we.</strong></td>
<td><strong>Ambassador does not see a need to address the issue beyond VI RAT Commander.</strong></td>
</tr>
</tbody>
</table>

This table is classified Secret.
(U) A Look Behind the 17 August 1997 Shootdown Reporting

(5) OIG was unable to determine precisely why this was the only shootdown whose violations were reported to Headquarters and investigated. However, there were several unique elements to this event. First, the VI RAT Commander at the time, was suspected to be in league with narcotraffickers. Officers believed that had agreed to allow the plane on 17 August 1997 to land and unload cash it was bringing into the country, on the understanding that he could interdict the shipment of coca base the plane would be attempting to ship out. The HNR, Commander found out afterwards that one of the individuals who died in the crash was an important figure in the drug trade, and he told OIG that the coincidence of the death and use of the new term struck everyone as unusual. told OIG that there were concerns was corrupt, but nothing was ever proven. If wanted to impress upon that corruption in the ABDP would not be tolerated, a high-level investigation by CIA Headquarters would serve well. In over interviews of FAP officers, including the VI RAT Commander was the only one who refused to meet with OIG.

(6) Additionally, the OIC for this shootdown said in his first OIG interview that he spotted the deviations in intercept procedures when reviewing the video with the aircrews. When he alerted the violations he saw in the shootdown, flew to Pucallpa to watch the video for herself. According to she then tried to convince him that there was not a problem in this shootdown and that all the procedures had been followed. furthermore told on 19 August 1997 that the “officers who went to Pucallpa to review the incident” reported there "may not have been any violation of procedures." said that when he refused to go along with assessment, had no choice but to report the shootdown as a deviation.

(5) reversed himself in his second OIG interview, saying that in fact he did not see any violations on the 17 August videotape. The videotape of the 17 August shootdown is the only video that has not been provided to OIG, so no independent analysis is possible.
153. Establishment of the Country Team Review. After this shootdown, a formal process at the US Embassy to review all future shootdowns designed to ensure that intercept procedures were followed. While a new review process was established, no changes were made in the actual conduct of the intercept procedures. The review process included watching the videotape of an intercept and examining crew debriefings and all intelligence associated with the given event. The review team members in Peru were knowledgeable of required intercept procedures and reviewed subsequent shootdowns in "excruciating detail." Except for the 17 August 1997 incident, there were no concerns about the other shootdowns, even after a review of the videotapes.

154. The new procedures to review shootdowns did not lead to effective changes on the ground in the actual conduct of interceptions. One of the US pilots told OIG that he could not recall any changes to intercept procedures after the 17 August shootdown. The Pucallpa OIC told OIG that, after the 17 August 1997 shootdown, his instructions were to continue procedures as usual unless otherwise instructed. He said that understood there was a problem, but that there was no stand-down in operations as a result. Thus, despite the response to 17 August, violations in procedure continued as did the failure to report them.

155. Headquarters Review and Oversight. LA Division’s sent a 19 August 1997 e-mail that said the preliminary report from Pucallpa may be incorrect, and that there may not have been any violation of procedures in the 17 August shootdown. In the e-mail, indicated that this was a significant issue and said she intended to stay "on top of the
procedures." told OIG he recalled that everyone was concerned about the possibility of the shutdown program ending because procedures were not followed and the wrong aircraft was shot down.

156. (S) That concern prompted to task her staff with finding the underlying cause of this problem and keeping everyone informed. For his part, on 22 August 1997, prepared a detailed e-mail to in MSP, among others, outlining each step of the required procedures and evidence cables that they were not performed in the 17 August 1997 shutdown. specifically noted that ":[u]nless can verify that the [FAP fighter aircraft] attempted radio contact and used internationally recognized signals to direct the target aircraft to land, Phase [one] requirements were not met." responded to him that same day, reaffirming his evaluation that the FAP did not perform "the proper ID and warning phases."

157. (S) also suggested to that his summary could be used as the basis for a report to the NSC after reviewed it for comments and clarification. OIG found no record to indicate that a summary was prepared or sent to the NSC in the days following the shutdown.

158. (S) However, in a 26 August 1997 cable reported on the results of a 23 August 1997 meeting between In the cable, reported their discussions of the violations in procedures, attempt to "cover up" the incident, and corrective measures to be instituted to preclude a recurrence. reported that was to be responsible for working closely with to ensure that remedial actions were completed immediately.

159. (S) told OIG he recalled that "read the riot " to regarding the violations. told OIG that he had gotten to conduct an internal FAP investigation into
17 August incident prior to his 23 August confrontation with the general. In fact, termed his encounter with as a "come to Jesus meeting," and said he threatened that the program would be closed if the mistakes that led to the 17 August incident were not fixed.

160. (S) Program Review, September 1997. Headquarters officers of MSP, traveled to in September 1997 to assess the Airbridge Denial Program. met with the key US and Peruvian participants in the ABDP. According to briefed on the fact that the FAP could not always perform visual signals during an interception for safety of flight reasons. said that, if did not know before she came to Peru that visual signals were not always done, she knew it after that briefing. said that she understood during this visit to Peru that visual signaling was being utilized when required. said she was not informed that the FAP was not performing visual signaling.

161. (S) At the meeting with the VI RAT Commander, says "hammered" the Peruvians on the requirement to conduct visual signals. said her message to the Peruvians in September 1997 was that all procedures had to be followed to ensure against the loss of innocent life, that the primary objective of the ABDP was force down and prosecution, and that shoot down was a last resort. said there was no unique emphasis on visual signals, but rather an emphasis on the need to follow all the required procedures in light of the fact that no required procedures had been followed in the 7 August 1997 incident. Similarly, former recalled that visit to Peru conveyed Washington’s concern to the FAP and reinforced message that the ABDP could be shut down if the intercept procedures were not followed. He emphasized that sitting in a meeting in Juanjuí sent a serious message to the Peruvians. told OIG the objective of the review was...
determine if all the procedures had been followed. Although he did not believe that Headquarters planned to close the Airbridge Denial Program as a result of the 17 August incident, told OIG that Headquarters would close the program if the problems relating to the incident were not corrected.

162. (S) In September 1997, prepared a report documenting the investigation of the shootdown and review of the ABDP procedures. The report contained a description of intercept procedures, including the requirement that the interceptor establish radio and visual contact with the target. The report concluded that the intercept procedures followed in the 17 August 1997 shootdown had deviated from established procedures. With regard to the overall operation of the program, however, the report concluded that:

The procedures in place in Peru are both more stringent and much less random in terms of targets pursued, than the procedures outlined in the Presidential Determination itself, and are the most adequate measures possible to ensure protection against loss of innocent life. [Emphasis added.]

163. (S). Additionally, in her report, asserted that more than 90 percent of air interdiction operations were conducted in response to specific intelligence. She emphasized that the detection procedure:

Establishes that the vast majority of interdiction operations are directed against targets already clearly identified as narcotics trafficking aircraft, rather than a more random response to aircraft that appear to be in the wrong place at the wrong time.

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The Nature of Intelligence in the ABDP

The strength of the intelligence leading to identification and shootdowns of suspect aircraft in the ABDP varied widely. Some planes were shot down based on no intelligence at all indicating the planes were engaged in drug trafficking. Some shootdowns were just random intercepts of planes. Other intercepts were based on detailed information indicating the exact date, time, and location of an anticipated flight, sometimes even the amounts of drug shipments and passengers on board.

For example, the plane shot down on 14 July 1995 was picked up randomly while the pilot was out on patrol in the late afternoon. Although the tail number was acquired, it was not checked until after the A-37 was ordered to shoot the plane down. Similarly, on 27 November 1995, the target plane was intercepted because it happened across the US Customs and A-37s during a morning training exercise. Ground-based radar had tracked a small plane, yet when the A-37 spotted another small plane in the same area during the intercept, it was ignored. In neither of these shootdowns was there any attempt to determine if the target plane was "primarily engaged in narcotrafficking" before shooting it down.

In contrast, during the 21 July 1995 shootdown, intelligence reported ongoing conversations between the target plane's pilot and narcotraffickers on the ground. The target pilot reported that FAP fighters were following him and "passing alongside" despite assurances from the narcotraffickers that the FAP had been paid off and would not shoot him down. However, there is no indication in either the records or the recollections of the personnel involved that this information was passed to the US or Peruvian officers actually conducting the intercept.
164. (S) Despite the range of deviations in all prior shootdowns, the report repeated assertion that the 17 August 1997 shootdown was a "unique exception to normal operations and is the sole deviation known to have occurred in the history of the program."  

165. (S) Congressional Notification, October 1997. Records confirm that following trip to Peru, the Agency prepared written notice to Congress about the 17 August shootdown. This notice, dated 6 October 1997, described the procedural violations that occurred in the 17 August shootdown, the corrective measures to be taken, and the actions the US Embassy Country Team would take to review future shootdowns for the purpose of ensuring that required intercept procedures were conducted.

166. (S) Agency Reporting to the NSC, November and December 1997. At a 7 November 1997 Interagency Working Group (IWG) meeting, again reported that the 17 August 1997 shootdown was the only case in the three years of the program's operation that procedures were not followed. In early December, the Agency formally prepared material for the NSC Deputies Committee detailing the procedural violations in the August shootdown and describing the corrective measures.

167. (U//FPOGO) By the time of the November meeting, there had been two more shootdowns, and the same violations had occurred.
168. **Responsible Officers.** The officers responsible in the end for providing misleading information about this shootdown were who conducted the post-shootdown review. Both officers continued to assert that this shootdown was the exception when, in fact, the same violations had repeatedly occurred in previous shootdowns.

(U) **Twelfth Shootdown, 6 October 1997**

169. (U//FOUO) **Violations of Intercept Procedures.** This shootdown occurred at night. The OIG review of the videotape revealed the following violations:

- Failure to obtain reasonable assurance that suspect plane was a narco trafficker.
- No visual signals: the videotape clearly shows the fighter behind the target the entire time.\(^{35}\)
- Only one audible radio warning.
- No indication of warning shots.
- Phases ordered before being authorized: HNR instructed A-37 pilot to proceed to Phase II, then asked for authorization, and HNR authorized Phase III before asking for authorization.

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\(^{35}\) (U//FOUO) The Peruvian pilot and the HNR confirmed that no visual signals were done.
Lack of reasonable time for suspect plane to respond: after the A-37 located the suspect plane, the HNR waited only 10 seconds before directing the fighter to proceed with Phase II; only 76 seconds elapsed from the A-37 first sighting the target to the shutdown order.

170. (C) Violations in Reporting. [Redacted] reporting on this shutdown falsely claimed that all intercept procedures had been followed "to the letter." In its initial report [Redacted] indicated that the Country Team would meet to assess the shutdown. [Redacted] subsequently cabled that the Country Team had met and "concluded that all proper intercept procedures were/were followed by the Peruvian Air Force."

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## 6 October 1997 Videotape Chronology

The interdiction takes place at night. The Peruvian commander, [call sign]

At the start of the videotape (in Zulu time), the [call sign] is monitoring a TOI circling a suspected narco airstrip.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>06:59:33</td>
<td>US pilot remarks &quot;the runway is all lit up!&quot;</td>
</tr>
<tr>
<td>07:08:28</td>
<td>US pilot observes &quot;they turned the lights off on the strip.&quot;</td>
</tr>
<tr>
<td>07:08:32</td>
<td>HNR reports to [call sign] that the A-37 is about to join up with the [call sign].</td>
</tr>
<tr>
<td>07:08:54</td>
<td>HNR requests permission for the Phases.</td>
</tr>
<tr>
<td>07:08:59</td>
<td>[call sign] gives authorization to proceed with Phase I.</td>
</tr>
<tr>
<td>07:09:18</td>
<td>HNR relays authorization of Phase I to the A-37.</td>
</tr>
<tr>
<td>07:09:47</td>
<td>HNR says to the A-37 &quot;I have the target on the screen, but not you.&quot;</td>
</tr>
<tr>
<td>07:10:19</td>
<td>[call sign] states that TOI has landed and is now taking off again.</td>
</tr>
<tr>
<td>07:10:24</td>
<td>US co-pilot responds &quot;I don’t think the aircraft ever actually landed, it has departed and we are trailing it at this time.&quot; HNR concurs that TOI never landed.</td>
</tr>
<tr>
<td>07:15:10</td>
<td>A-37 first sights TOI.</td>
</tr>
<tr>
<td>07:15:20</td>
<td>HNR instructs A-37 &quot;Proceed, proceed with Phase II.&quot;</td>
</tr>
<tr>
<td>07:15:26</td>
<td>A-37 announces it is going to change frequencies to 126.9 to call TOI.</td>
</tr>
<tr>
<td>07:15:27</td>
<td>HNR requests permission from [call sign] to implement Phase II.</td>
</tr>
<tr>
<td>07:15:39</td>
<td>Phase II authorized by [call sign].</td>
</tr>
<tr>
<td>07:15:46</td>
<td>A-37 issues a radio call telling TOI to veer to Pucallpa and to avoid making evasive maneuvers.</td>
</tr>
<tr>
<td>07:16:02</td>
<td>The A-37 first becomes visible on the video, following TOI.</td>
</tr>
<tr>
<td>07:16:11</td>
<td>HNR announces that he is &quot;going to ask for Phase III.&quot;</td>
</tr>
<tr>
<td>07:16:17</td>
<td>HNR tells [call sign] &quot;He has ignored Phase II, we’ll proceed with Phase III.&quot;</td>
</tr>
<tr>
<td>07:16:20</td>
<td>A-37 says that TOI is &quot;ignoring,&quot; and requests authorization for Phase III.</td>
</tr>
<tr>
<td>07:16:26</td>
<td>HNR tells A-37 &quot;Phase III authorized, Phase III authorized, hit him.&quot;</td>
</tr>
<tr>
<td>07:16:44</td>
<td>Phase III authorized by [call sign].</td>
</tr>
<tr>
<td>07:16:48</td>
<td>HNR tells [call sign] &quot;I understand Phase III authorized, he’s ignoring, should we proceed to shoot him down? We’re close to the border, we’re 18 miles now.&quot;</td>
</tr>
<tr>
<td>07:17:02</td>
<td>[call sign] authorizes Phase III.</td>
</tr>
<tr>
<td>07:17:08</td>
<td>HNR reports to the A-37 that Phase III has been authorized.</td>
</tr>
<tr>
<td>07:17:49</td>
<td>US pilot remarks, &quot;There it is, he’s shooting.&quot;</td>
</tr>
<tr>
<td>07:17:54</td>
<td>HNR tells A-37 &quot;He’s eluding you, hit him, hit him.&quot;</td>
</tr>
<tr>
<td>07:18:08</td>
<td>TOI crashes.</td>
</tr>
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<table>
<thead>
<tr>
<th>Management Oversight</th>
<th>Identify and Sort Target</th>
<th>Congressional Notification (CL)</th>
<th>OIG Findings</th>
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<tbody>
<tr>
<td>10/06/97</td>
<td>0710Z: HNR requests VI RAT approval for Phase I. Permission for Phase I granted.</td>
<td>11/07/97.</td>
<td>(b)(3) CIA Act: In accordance with new measures to monitor intercepts, Country Team is convening team to review all information.</td>
</tr>
<tr>
<td>Country Team will meet. Country Team met to study all available information.</td>
<td>Required intercept procedures were completed.</td>
<td>Tail number never acquired.</td>
<td>(b)(3) CIA Act: Only one audible radio warning.</td>
</tr>
<tr>
<td>Phase I Radio Calls</td>
<td>Permission for Phase II requested. Narco aircraft not responding to Phases I and II.</td>
<td>Required intercept procedures were completed.</td>
<td>(b)(3) NatSec Act: No visual signals.</td>
</tr>
<tr>
<td>Phase I Visual Signals</td>
<td>Permission granted by VI RAT for Phase II.</td>
<td>(b)(6)</td>
<td>No indication of warning shots.</td>
</tr>
<tr>
<td>Phase II Warning Shots</td>
<td>0719Z: Suspect has been shot down.</td>
<td>Authorization for Phase III granted.</td>
<td>(b)(7)(c)</td>
</tr>
<tr>
<td>Phase III Shootdown</td>
<td></td>
<td>(b)(6)</td>
<td>HNR tells A-37 to proceed to Phase II; then asks for VI RAT authorization. Same with Phase III.</td>
</tr>
<tr>
<td>Overall Compliance with Required Procedures</td>
<td>Initial indications are that all intercept procedures were followed to the letter.</td>
<td></td>
<td>(b)(1)</td>
</tr>
<tr>
<td></td>
<td>Concluded that all proper intercept procedures were followed.</td>
<td></td>
<td>(b)(3) NatSec Act: Failure to identify TOI. Inadequate radio calls.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No visual signals. Inadequate warning shots, if any. Phases ordered before they were authorized.</td>
</tr>
</tbody>
</table>

This table is classified Secret.
171. (S) **Country Team Review Process.** The new Country Team review process, created by _______ in the wake of the 17 August shootdown, failed to provide effective oversight.

Several Country Team participants told OIG that _______ these meetings walked the group through the process without significant questioning being permitted. _______ the Ambassador would have endorsed anything _______ told him regarding the ABDP.

172. (S) **In viewing the videotape with OIG, several Agency officers readily identified violations:**

- _______ the Program Manager _______ said she did not see visual signals being conducted; she said that was a violation and should have been reported. Upon reviewing the 6 October and 17 October cables, _______ said that the claims that all procedures had been followed were false.

- _______ the _______ officer in Juanjui, said the fighters obviously did not do any kind of visual signals and that the target was never identified; he said these violations should have been reported. He told OIG _______ reporting that all procedures were followed was inaccurate and constituted a false report.

- _______ the OIC in Pucallpa, told OIG that visual signals were not performed in any intercept while he was OIC. (This included both October 1997 shootdowns). He claimed that _______ had briefed him and had not told him that there was a requirement if radio contact failed.

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36 (S) **Upon reviewing pertinent portions of this report in draft, _______ stated that if visual signals were not done, it should have been reported. _______ said she was always assured in aircrew debriefings that the visual signaling was performed.**

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Approved for Release: 2017/06/29 C06659602
173. (S) In interviews with OIG:

- He did not remember observing or hearing about anomalies with the 6 October 1997 shootdown. He probably drafted the 6 October cable, but he probably would have read it.

- She did not specifically remember the 6 October shootdown. She said she based her cables on reports provided by CIA officers in Juanjui and Pucallpa and on all possible information sources and that she never changed the substance.

- He said it would have been based on the consensus of officers involved.

174. (S) Headquarters Review and Oversight. There is no evidence that Headquarters played any oversight role, in spite of the activity that had followed the shootdown of 17 August 1997.
reported to Headquarters that only 76 seconds elapsed from the Peruvian fighter first sighting the target to shootdown authorization, indicating the physical impossibility of conducting the required procedures. Yet, the Congressional Notification of 7 November 1997 repeated the claim that, "it appears all intercept and warning procedures were followed to the letter" in the 6 October shootdown. Discussing the procedures, it said that, "When the suspected drug aircraft failed to acknowledge the identification and warning Phases of the intercept procedures, the Commander of the Peruvian Sixth Air Defense Region (VI RAT) authorized FAP pilots to shoot it down." the Peru Desk Officer who drafted this Congressional Notification, told OIG that he based it only on the cables reporting that all procedures had been followed. He stated that the report of the Country Team conclusion that the FAP had used the appropriate warning procedures was enough to satisfy him that procedures were followed. He used the information in the cables as the material for a Spot Report to the DDO and, later, for a Congressional Notification.

175. (S) Responsible Officers. In Peru, the responsible officers included:

- OIC in Pucallpa.
- Officer in Juanjui.
- Program Manager.

In reviewing pertinent portions of this report in draft commented that she had no reason to believe in November 1997, or now, that falsely reported that the October 1997 shootdowns complied with the intercept procedures, knowing they did not. By own statement, she knew intercept procedures. She knew a potential target plane had to be identified as reasonably suspect of being engaged in narcotics trafficking, after which radio calls, visual warning signals such as flying in front of the target, and warning shots all had to be executed before requesting and receiving permission to shoot the target. OIG believes it would be clear to any reader of reporting that it was impossible to conduct the required intercept procedures in 76 seconds.
176. (G) At Headquarters, responsible officers included:

♣ Peru Desk Officer.
♣ LAD.
♣ Legal Adviser to LA Division.

(U) Thirteenth Shootdown, 12 October 1997

177. (U/FOUO) Violations of Intercept Procedures. This shootdown occurred in the morning. The review of the videotape by OIG revealed the following violations:

♣ Problems with identification: Warning shots were authorized before the target's registration was identified. The target plane did not try to evade.
♣ No visual signals: Some were ordered, but none were performed.38
♣ No evidence of warning shots: If they were fired, target may not have been able to see them in daylight.

178. (S) Violations in Reporting. The FAP rider requested and received permission for Phase I and subsequently Phase II. The target did not respond during Phases I and II and attempted to evade. . . . Finally, the VIRAT Commander gave authorization for Phase III. [Emphasis added.]

The cable reported that the Country Team would convene a board to study all information to validate the mission. Subsequent reporting indicated that, "After fully complying with appropriate Phase I-III procedures . . . a FAP A-37 fired on the aircraft . . . " [Emphasis added.]

38 (U/FOUO) The Peruvian co-pilot told OIG that visual signals were done, although at a distance because the weather was bad. The HNR, on the other hand, told OIG that pilots on his shootdowns "never did visual signals like wing wagging—doing those things is crazy and dangerous."
No subsequent reporting mentioned the results of a Country Team review. There is no indication in the reporting that anyone raised concerns about this shootdown.

179. *(S) Country Team Review Process.* [Redacted] briefed the Country Team review panel and advised them that all of the required intercept procedures had been followed. Several interviewees said [Redacted] played the videotape at the Country Team meeting and [Redacted] supplied language for [Redacted] cables that described compliance with procedures.

180. *(S) In discussing how [Redacted] explained the lack of visual signals in the 6 and 12 October 1997 shootdowns [Redacted] told OIG that the limitation on visual signals at night was linked to the night vision goggles (NVGs) and the fact that one cannot see a wing waggle at night. [Redacted] said it was common knowledge that the way to conduct visual signals at night was for the fighter pilot to turn on his lights. It was also common knowledge that doing so would blind the pilot. [Redacted] said he could not remember if [Redacted] explained this circumstance every time, or ever, to the Country Team review group. [Redacted] stated that [Redacted] knew that visual signals could not be done.

181. *(S) Several of the key Agency officers in Peru at the time of the shootdown watched the videotape with OIG.*

- [Redacted] OIC at Pucallpa, said that this shootdown also did not implement visual signals; he said he thought such signals were optional. He claimed [Redacted] had briefed him and had not told him that there was a requirement if radio contact failed.

- [Redacted] Program Manager [Redacted] told OIG that no visual signals were executed and the cables [Redacted] were inaccurate or false.
Officer at Juanjui, said that visual signals and warning shots could not be seen on the videotape even though the interceptor pilot reported all Phases had been completed. He acknowledged that the target was not evading, although the target was using clouds as cover, and said he could not hear the interceptor pilot calling the suspect aircraft on the radio. He told OIG that these were violations that should have been reported and that the cables from were inaccurate or false.

182. said OIG that the 6 and 12 October shootdowns would have been scrutinized with particular care because they followed the bad shootdown of 17 August 1997 and occurred after creation of the Country Team review process. said that the ABDP would have been shut down had there had been another significant deviation from the intercept procedures; he said the program would not have survived two consecutive deviations.
(U/FOUO) 12 October 1997 Videotape Chronology

The tape takes place in the early morning and begins as the is tracking TOI. (The video is in Zulu time.) the VI RAT commander at call sign

11:11:46  Video begins. TOI soon becomes visible.
11:19:43  Video cuts off.
11:36:22  Video starts again.
11:37:17  Video cuts off.
11:50:38  Video starts again.
12:04:23  HNR requests authorization to initiate the Phases of the interdiction.
12:04:29  tells HNR that, during Phase I, the A-37 is to "try to pass" TOI two or three times and give it warnings over the radio to land at Atalaya. VI RAT wants the fighter "to exhaust all measures from Phase I and II."
12:05:21  HNR relays the orders to the A-37 as "approach and try to warn" TOI.
12:06:24  HNR reminds the A-37 that Phase I is to "approach and warn" TOI.
12:07:46  The A-37 becomes visible on the FLIR behind TOI.
12:07:54  The A-37 identifies TOI's registration number and claims that TOI is not responding to the instructions. (No radio calls are heard on the tape.)
12:08:14  HNR relays TOI's registration number to .
12:08:23  A-37 says he "crossed" TOI and that TOI is not responding. (The video shows the A-37 behind TOI the entire time.)
12:09:09  A-37 requests authorization for Phase II.
12:09:22  authorizes Phase II.
12:09:38  HNR relays to the A-37 order to fire warning shots "passing through his [TOI's] side."
12:10:47  A-37 says he executed Phase II and received no response. (Warning shots are not visible on the tape and no one in the remarks seeing them.)
12:11:20  HNR requests authorization for Phase III.
12:11:42  Phase III authorized by Colonel .
12:12:06  The order "QAP" from negates Colonel authorization of Phase III, causing HNR to exclaim, "Damn!"
12:13:22  orders that Phase II be repeated.
12:13:56  HNR instructs the A-37 to "get beside" TOI and fire more warning shots. (Warning shots cannot be seen on the tape and A-37 remains behind TOI.)
12:14:55  The A-37 issues another radio warning to TOI.
12:15:19  HNR says, in English, "If we don't do it now, we're gonna lose it."
12:15:29  The A-37 reports that TOI is not responding.
12:16:02  HNR requests authorization for Phase III.
12:16:29  Phase III is authorized.
12:16:45  HNR relays the Phase III authorization to the A-37.
12:17:03  TOI is visibly smoking from gunfire it has sustained.
12:19  TOI crashes during this minute. (The crash is not visible on tape.)
12:22:47  The crash site becomes visible.
12:23:45  Video ends.

This box is classified U/FOUO.
### Thirteenth Shootdown Reporting: 12 October 1997

<table>
<thead>
<tr>
<th></th>
<th>10/13/97</th>
<th>10/23/97</th>
<th>11/19/97</th>
<th>11/07/97</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Management Oversight</strong></td>
<td>Country Team will convene a board to study all information to validate the mission.</td>
<td>No mention of Country Team review.</td>
<td>No mention of Country Team review.</td>
<td>Country team board will review all information to verify that all procedures were followed.</td>
</tr>
<tr>
<td><strong>Identify and Sort Target</strong></td>
<td>1017Z: Transferred, acquired, suspect aircraft, identified it as twin-engine Seneca.</td>
<td>(b)(1)</td>
<td>(b)(3) NatSecAct</td>
<td>(b)(1)</td>
</tr>
<tr>
<td><strong>Phase I Radio Calls</strong></td>
<td>HNR requested/received permission for Phase I and subsequently Phase II. Target did not respond during Phases I and II and attempted to evade by ducking into clouds to hide from A-37.</td>
<td>(b)(1)</td>
<td>(b)(3) NatSecAct</td>
<td></td>
</tr>
<tr>
<td><strong>Phase I Visual Signals</strong></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td><strong>Phase II Warning Shots</strong></td>
<td>Finally, VI RAT Commander gave authorization for Phase III. 1225Z: Target was down.</td>
<td></td>
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<tr>
<td><strong>Phase III Shootdown</strong></td>
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<tr>
<td><strong>Overall Compliance with Required Procedures</strong></td>
<td></td>
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</table>

#### Congressional Notification
- OIG Findings
  - (b)(3) CIA Act
  - (b)(6)
  - (b)(7)(c)
  - Warning shots authorized before registration sorted.

#### VI-RAT
- Aircraft failed to respond to identification and warning and took evasive action.
- No indication of warning shots—if fired, difficult to see in daylight.
- After completing the required intercept procedures, authorization for Phase III was granted by VI RAT Commander.
- VI-RAT Commander authorized interception and the A-37 shot plane down.

No visual signals. No indication of warning shots.
183. (S) Headquarters Review and Oversight. There is no evidence of Headquarters review of this shootdown. The Congressional Notification of 7 November 1997 reported that the suspect aircraft had failed to respond to identification and warning and had taken evasive action. It said the VI RAT Commander had authorized the interception. The notification also said that, in accordance with newly established measures to monitor such intercepts, the Country Team would convene to verify that all procedures were followed. As discussed in the previous shootdown, the Desk Officer who drafted this Notification based his conclusions entirely upon reporting. When asked how he was told to ensure the required procedures had been followed, responded, "We didn't review the tapes." He added that he took at its word and he "hoped" that the responsibility to review the tapes was not his alone. believed Congress would assume that CIA management had verified what had happened in the shootdown.

184. (S) Responsible Officers. In Peru, the responsible officers included:

- OIC in Pucallpa.
- officer in Juanjui.
- Program Manager

185. (S) At Headquarters, responsible officers included:

- Peru Desk Officer in LA Division. At Headquarters, LA Division Desk Officer prepared both the initial and revised Congressional Notification that was released on 7 November 1997. After reviewing a videotape of this shootdown told OIG he did not know why he
did not notice that the procedures had not been followed and did not know why this problem was not brought to his attention.

186. (U/FOUO) Following the two shootdowns in October 1997, no shootdowns occurred for two and a half years. The penultimate shootdown of the ABDP occurred in the day of 17 July 2000. The videotape revealed procedural violations very similar to those of the past.

187. (C) Violations of Intercept Procedures. Violations of procedure include:

- Failure to identify suspect plane: never obtained target’s tail number, radioed description of target, or gave coordinates to determine whether target was on valid flight plan.

- No visual signals: fighter aircraft did not even appear on videotape until after shootdown had been authorized.

- No evidence that warning shots were fired. In his OIG interview he considered the shots that hit the target plane to be the "warning" shots.

- Lack of reasonable time for suspect plane to respond: only 45 seconds elapsed between authorization for Phase I and the HNR’s authorization of Phase II—not enough time for visual signals. Less than two minutes elapsed between authorization of Phase I and authorization of Phase III.
Chain of command issues and US intervention: US crew repeatedly directed the HNR to seek authorization for the next Phase.

188. (S) Violations in Reporting. reported that, and the Tucano crews implemented the three phases of the shootdown procedure and on the authority of . . . VI RAT, the Tucano shot down the suspect aircraft. An e-mail to Headquarters on the day of the shootdown stated that, "All intercept steps were taken." In a follow-up cable three days after the shootdown, stated that, "The Country Team confirmed that all the established procedures were correctly followed." "The aircrews quickly, efficiently, and correctly complied with all Phases of the rules of engagement."

189. (S) Two of the reporting cables, which provided the chronology of the shootdown, clearly reveal that there had been no time for the performance of required procedures. In his OIG interview, Program Manager stated that he did not question the amount of time between phases; he merely forwarded the information in the cable. He also explained that the wording "three phases" in the first reporting cable meant that there had been identification, warning, and then shootdown; it did not mean visual signals were done. In fact, said that at that time, it was understood that visuals were not done.

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(U//FOUO) 17 July 2000 Videotape Chronology

The interdiction takes place during the day. The video begins with the US crew tracking TOI and discussing whether they should let it land before starting the intercept. (The video is in Zulu time. Local times are five hours earlier.)

16:15:50 Tape begins.
16:21:35 US pilot instructs HNR to request authorization for Phases I and II.
16:22:05 US pilot repeats his instruction to HNR.
16:29:26 Tucano can be seen briefly flying by. TOI is still on the ground.
16:30:57 US pilot notes that TOI has taken off, saying, "He's on the move."
16:31:06 US pilot instructs HNR to "Request authorized—1 and 2."
16:32:00 TOI becomes visible on the tape.
16:32:54 Tucano confirms that he sees TOI.
16:33:20 HNR issues first radio warning to TOI.
16:33:29 Phases I and II are authorized by VI RAT.
16:33:40 HNR again issues radio warning to TOI.
16:34:14 After TOI fails to respond to radio calls, HNR authorizes Phase II.
16:34:20 Tucano confirms he has received the order from HNR to go to Phase II.
16:34:44 US crew announces "Area free." [This signals that the Tucano can now maneuver freely to begin the intercept.]
16:34:54 HNR repeats to the Tucano that Phase II is authorized.
16:35:10 Tucano confirms that he heard HNR's order to go to Phase II.
16:35:10 Tucano states that Phase II has been completed. (Warning shots are not seen on the tape; the Tucano itself is not yet visible on the tape.)
16:35:12 US pilot tells HNR, "OK, we need Phase III approved. Request Phase III."
16:35:17 HNR requests authorization for Phase III.
16:35:25 Phase III authorization is granted by (b)(3) NatSecAct
16:35:32 US pilot says, "Okay, I heard it... authorized... tell the Tucano--authorized Phase III." HNR informs the Tucano Phase III authorized.
16:35:49 Tucano confirms that he has heard the order to move to Phase III.
16:36:04 US pilot says to HNR, "Tell him authorized—I don't think he heard it."
16:36:07 US pilot notes that the Tucano is "a long way behind" TOI.
16:36:17 FAP OIC asks three times if the Tucano fired warning shots.
16:36:20 US pilot repeats to HNR, "Tell him right now--authorized Phase III."
16:36:38 The FLIR perspective zooms out for two seconds, allowing a viewer to see more of the airspace around TOI. The Tucano is nowhere in sight.
16:36:57 US crew says the problem is that the Tucano can't keep up with TOI.
16:37:30 Tucano becomes visible on the video, following TOI.
16:37:54 Tucano passes over TOI in a firing pass. TOI begins smoking.
16:38:18 HNR affirms to FAP OIC that Tucano fired warning shots.
16:39:44 TOI crashes.
16:42:34 Tape ends.
(G) Fourteenth Shootdown Reporting: 17 July 2000

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<th>7/17/00</th>
<th>OIG Findings</th>
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<th>7/26/00</th>
<th>7/31/00</th>
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Management Oversight

(b)(1)
(b)(3) NatSecAct

Identify and Sort Target

(b)(1)
(b)(3) NatSecAct

Phase I Radio Calls

(b)(1)
(b)(3) NatSecAct

Phase I Visual Signals

(b)(1)
(b)(3) NatSecAct

Phase II Warning Shots

(b)(1)
(b)(3) NatSecAct

Phase III Shootdown

(b)(1)
(b)(3) NatSecAct

Additional Issues

Overall Compliance with Required Procedures

Country Team confirmed all established procedures correctly followed.

Chief, MSP "congratulates all hands." Recently received video shows solid team effort between crew, HNR, and Tucano pilot.

Tail number never acquired or sorted.

HNR gives two radio calls then immediately orders warning shots.

No indication of warning shots—if fired, difficult to see in daylight.

Less than two minutes between authorization of Phase I and authorization of Phase III.

crew repeatedly directed HNR to seek authorization for next phase.

VI RAT authorized Phases I and II simultaneously.

Failure to identify TOI. No visual signals. Inadequate warning shots.

Failure of Peruvian chain of command. US interference. Insufficient time to conduct phases and allow TOI to respond.
190. (S) **Country Team Review Process.** The review process established after the 17 August 1997 shootdown was ineffective. Several participants discussed the process in OIG interviews.

- A representative of DEA said he watched the videotape of the shootdown, but did not look to see if procedures had been executed because it was not his bailiwick. While he admitted that he did not see warning procedures, such as visual signals, on the videotape, he said he had never questioned CIA on its protocols and would not want CIA to question him on his.

- One of the US pilots said he had attended a review meeting and that the videotape of the shootdown had been shown. He said had provided a quick introduction, mentioning that the videotape had been reviewed and that no issues had been identified. No one had any questions about the procedures.

- Himself recalled that he had briefed the Country Team representatives. He said he could not recall if he mentioned to the Team that phases one and two were authorized simultaneously, or if it would have meant anything to them if he had. In retrospect, he said, this was a problem and violated the procedures and that the Country Team should have been as knowledgeable as anyone about these issues.

- Another DEA officer said he had watched the videotape with the review team, but that the only thing the team was interested in was seeing the target plane exploit.

191. (S) **Headquarters Review and Oversight.** reported that 2 minutes elapsed between authorization to make radio calls and reported completion of visual signals and warning shots. The timing specified in the cable should have prompted responsible officers
to look more closely at the incident, since it is physically impossible to conduct the intercept procedures in the time specified. However, a cable from Headquarters on 31 July extended congratulations to "all hands" from MSP. It stated that, "The recently received end game video reflects a solid team effort between the crew, the HNR, and the FAP Tucano pilot." In actuality, the videotape revealed the multiple violations of the procedures.

192. Program Manager told OIG that there was no inquiry from Headquarters regarding the lack of any mention of visual signals in the shootdown reporting cable. OIG found no record to indicate that officers at Headquarters raised questions about the reporting that revealed there was insufficient time to conduct the required procedures, either. OIG also found no record to indicate that Headquarters prepared a Congressional Notification to report this shootdown.

193. Responsible Officers. In Peru had been serving as Program Manager since July 1998.

knew the program, its required procedures, and past violations from his previous job in Headquarters. He helped prepare the new set of SOPs with the VI RAT in March 1999 that did not include the requirement to perform visual signals. also reviewed the videotape of the July 2000 shootdown and approved reports submitted to Headquarters indicating that all required procedures had been conducted. He told OIG that he probably wrote the 21 July 2000 cable reporting that the fighter plane made visual contact with a passenger in the target aircraft prior to Phase III. He said that the purpose of this cable was to report the recovery operations, not the Tucano pilot's claim of making visual contact. He added that, with the benefit of "20/20 hindsight," he had a duty to report the lack of visual signals. He said that he never intended to lie.
Diesen W said that as he recalled, and as reported in cable traffic after the 17 July 2000 shootdown, all intercept steps were taken. This included the firing of warning shots. The target was attempting to conduct evasive action and headed for the Brazilian border. There was also no valid flight plan submitted for this aircraft. did not recall if any visual recognition signals were conducted but said that the tail number of the aircraft was not obtained. He was not sure if one was clearly visible.

At Headquarters who had served as the Legal Adviser to LA Division since August 1997, knew what had occurred in 17 August 1997 and knew the remedial steps to scrutinize shootdowns more closely that had been implemented in the wake of the August 1997 incident. After the shootdown of the missionary plane in April 2001, Agency officers with long involvement in the ABDP discussed the program in a series of e-mails. These officers sought to explain and justify events that had occurred in the past, including the shootdown of July 2000:

In an e-mail of 22 April 2001 justified the speed of the conduct of the 17 July 2000 interception, saying that, "Each event is different and dependent on a number of variables to include how suspect is the suspect aircraft, is it taking evasive action, how close to the border, etc., etc. It would also depend on what happened [in Phase] I and how much signaling was done, etc."

served as the Counterproliferation Center from September 1999 to September 2000. served as of the Office of Congressional Affairs from 1998 to October 2000.
An e-mail from discussing the 17 July shootdown, stated that, "There was, for example, little if any preoccupation with the tail number of the aircraft shot down on 17 July 2000; there was simply too much additional information available proving it to be a narco flight to have been a major factor."

An 8 May 2001 e-mail from stated that:

In the 17 July 2000 shootdown the suspect aircraft never got above tree top level and was conducting evasive maneuvers. . . . Due to the low altitude and evasive maneuvers of the suspect aircraft, explicit visual signals such as is the intent of ICAO was simply not possible in that it would endanger the safety of all aircraft. That said, an Embassy review determined that all Phases had been properly implemented.

also noted that there were no revisions to the SOPs concerning the use of ICAO visual warnings when the A-37s replaced the Tucanos and there was no perceived relaxation of intercept procedures over time.

(U) Fifteenth Shootdown, 20 April 2001: The Missionary Plane

195. (U/FOOU) The repeated flaws in the operation of the ABDP, beginning in early 1995, set the stage for the final shootdown. Most of the violations, which had become common practice in the six previous years, were repeated in the shootdown of the missionary plane. The intercept and shootdown occurred in the daytime and began after the tracker aircraft detected the plane while on patrol. There was no intelligence indicating the presence of a narcotrafficker.

196. (U/FOOU) The interception and shootdown of the missionary plane occurred over a period of 13 minutes—longer than many of the previous shootdowns. The plane was detected on radar by the tracker aircraft during a patrol. The FAP OIC was
unable to identify a flight plan for the plane, and the A-37 launched at 1020 local time. The fighter first sighted the missionary plane at 1035. For the next two minutes, the HNR issued three radio warnings on three different frequencies. The missionary plane did not respond and continued flying on the same heading, which was into Peru, not toward the border. At 1038, the A-37 obtained the registration number of the missionary plane. One minute later, the HNR informed the FAP OIC that Phase I had been completed and that Phase II would be implemented; then he ordered the A-37 to proceed with Phase II warning shots. Fourteen seconds later, the A-37 pilot reported that the missionary plane was not responding; eight seconds later, he requested approval for Phase III shootdown. At 1040, the HNR requested authorization from the ground for Phase III, and within a minute, the FAP OIC authorized Phase III for the first time.

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40 (U/TOUQ) One of these frequencies reportedly had been retired from service by the Peruvian civil aviation authorities about four years before the shootdown. The ABDP SOPs still listed this retired frequency as one of its key contact frequencies.
20 April 2001 Missionary Shootdown Videotape Chronology

The missionary plane intercept lasted 13 minutes—longer than many previous shootdowns. It was detected on radar by the tracker aircraft during a patrol. The FAP OIC was unable to find a flight plan for the plane, and the A-37 launched at 10:20 a.m. local time.

10:35:12 A-37 sights the missionary plane (TOI).
10:36:37 HNR issues three radio warnings on three different frequencies.
10:38:08 A-37 identifies TOI as OB-1408.
10:39:13 HNR informs FAP OIC that Phase I is complete and he is going to Phase II.
10:39:31 HNR orders the A-37 to proceed with Phase II warning shots.
10:39:45 A-37 reports that TOI is not responding.
10:40:35 HNR requests authorization from the ground for Phase III.
10:41:32 FAP OIC authorizes Phase III for the first time.
10:43:18-34 A-37 calls TOI three more times on 126.9 at US crew’s request.
10:44:18 HNR informs FAP OIC that TOI is OB-1408 and simultaneously requests authorization for Phase III.
10:44:27 FAP OIC once again authorizes Phase III.
10:44:37 A-37 reports "He's seen me, he's seen me too, but he isn't doing anything."
10:44:47 HNR informs the A-37 that Phase III has been authorized.
10:45:00 HNR confirms to A-37 that Phase III is authorized.
10:45:18-21 A-37 flies around to the left and back behind TOI. Appears to be firing pass.
10:45:24 First radio call from TOI to Iquitos tower.
10:46:36 US pilots first remark that TOI is talking to Iquitos tower.
10:46:46 TOI says to Iquitos, "The military is here. I don’t know what they want."
10:46:57 A-37 reports, "We’re firing at him; we’re firing at him. He’s reducing his speed."
10:47:02 TOI continues to talk to Iquitos, calmly relaying route information.
10:48:00 A-37 flies around to the left and back behind TOI. Appears to be firing pass.
10:48:03 TOI pilot shouts on Iquitos tower frequency, "They’re killing me! They’re killing us!"
10:48:15 HNR tells A-37 "Stop! No more! No more! No more, Tucan! No more!"
10:48:17 A-37 tells HNR "Roger, we’re terminating. He’s on fire."
10:50:32 A-37 reports that TOI has landed in the river.

This box is classified U//FOUO
197. (U//FOUO) At the urging of the US crew, who were not confident that the plane was a narcotrafficr, the HNR ordered the A-37 to attempt to communicate by radio with the missionary plane.41 The A-37 attempted radio calls and reported that the missionary plane was not responding. At 1044, a [redacted] pilot commented that the A-37 could fly in front of the missionary plane so it could be seen. The A-37 did not do so.

198. (U//FOUO) At 1045—seven minutes after it was obtained—the HNR passed the registration number of the missionary plane to the FAP OIC, along with another request for Phase III authorization. Three seconds later, the FAP OIC again approved Phase III. Ten seconds later, the A-37 reported that occupants of the missionary plane saw the A-37, but that the plane was not responding.42 Ten seconds later, for the first and only time, the HNR informed the A-37 that Phase III had been authorized. Several seconds later, the A-37 made the first firing pass at the missionary plane.43 At 1048, the A-37 made its second firing pass on the missionary plane. Three seconds later, the missionary plane reported that it was hit and it subsequently landed in the river. Veronica Bowers and her infant daughter had been shot and killed and the plane's pilot, Kevin Donaldson, had been shot in the leg. Jim and Cory Bowers, Veronica's husband and son, were not physically injured and survived the shootdown.

41 (U//FOUO) At 1039-1040, the US crew in the tracker plane expressed uncertainty about whether or not Phase II had been executed. They also informed the US OIC that the target aircraft was not taking evasive action and recommended that the plane be followed and Phase III not be implemented at that time. At 1042, after the FAP OIC had relayed Phase III authorization, a [redacted] pilot asked if the A-37 had pulled up in front of the target aircraft to attempt to identify the plane.

42 (U//FOUO) At 1045, a [redacted] pilot commented that the occupants of the missionary plane were not aware of the A-37's presence.

43 (U//FOUO) About this time, the pilot of the missionary plane made his first recorded radio call to Iquitos tower. At 1046, he said that he had seen the Peruvian A-37 fighter, but did not know what it wanted. Eleven seconds later, the A-37 reported firing on the missionary plane. At 1047, the pilot relayed his route information to Iquitos Tower.
199. (U//FOUO) Violations of Intercept Procedures. OIG identified the following violations:

- Failure to identify the suspect plane: OB-1408 was owned by the Association of Baptists for World Evangelism and was transporting the missionaries to their home in Iquitos, Peru. No attempt was made to determine the status of the target plane before executing the intercept Phases. The HNR acquired the registration number of the missionary plane at 1038, but did not pass it to the ground until 1045 along with his second request for authorization to go to Phase III shootdown authorization. The FAP OIC had approved the first request to go to Phase III two and a half minutes before he received the tail number. Finally, as noted by the crew, the missionary plane was not trying to evade; it was flying straight and level, which was unusual for a narco aircraft, and it was heading into Peru, not toward the border. There was no intelligence on the flight and there was no evidence it was engaged in narcotrafficking.

- No visual signals: The A-37 never came close to or flew in front of the missionary plane or made any attempt to visually signal it, in spite of suggestions by the crew that it do so.

- Failure to fire warning shots: There is no indication that warning shots were fired. The crew said they neither heard nor saw warning shots, nor did they hear the FAP report firing them.

- Failure of Peruvian chain of command: The HNR ordered Phase II before receiving authorization.
Lack of reasonable time to conduct procedures or for the missionary plane to respond to instructions or signals: This is demonstrated in the chronology above.

**SUMMATION**

200. *(U//FOUO)* The violations of intercept procedures that occurred in the shootdown of the missionary plane had occurred in many of the previous shootdowns. They included:

- Failure to acquire reasonable assurance that the suspect aircraft was a narcotrafficker before shooting it down. This violation had occurred in eight previous shootdowns.44

- Failure to conduct visual signals, designed to make the suspect aircraft aware that it was the target of an interception so it could follow instructions to land. This violation had occurred in all previous shootdowns.45

- Failure to fire warning shots. This violation had occurred in at least eight previous shootdowns.46

- Failure of the Peruvian chain of command. Some breakdown in the Peruvian chain of command had occurred in 13 of the previous 14 shootdowns.

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44 *(U//FOUO)* The shootdowns of 14 July 1995 and 27 November 1995 were not based on accurate intelligence lead information and that of 17 August 1995 was based on faulty lead information. In the shootdowns of 13 November 1995 and 23 March 1997, shootdown was authorized before TOI’s tail number was even acquired. In the shootdowns of 17 August 1995, 4 August 1997, 17 August 1997, 6 October 1997, and 17 July 2000, the TOI’s tail number was never acquired.

45 *(U//FOUO)* NatSec Act 45 reported that visual signals had been conducted in several shootdowns (16 May 1995 and 4 August 1997) and Congressional Notifications stated that visual signals had been conducted in the shootdowns of 17 August 1995 and 13 November 1995. The OIG review of videotapes revealed that visual signals had not been implemented in any of the shootdowns.

Lack of reasonable time to perform all required procedures and for target aircraft to respond. This had occurred in nine of the previous shootdowns.  

201. (U/FOUO) Some violations that had occurred in previous shootdowns did not occur in the missionary shootdown. For example, improper interference on the part of the US crew had occurred at least five times and usually involved US officers encouraging the Peruvians to accelerate the intercept phases. In one instance the US crew encouraged the Peruvians to fire on a plane that had already been shot down. Strafing a downed plane is a violation of both US and Peruvian law.

202. (U/FOUO) All of the key Agency participants in the ABDP who have been identified in this Report were aware that the ABDP was not being conducted in accordance with the requirements of PD 95-9 and the MOJ. This awareness was demonstrated in the details provided in reporting cables, videotape reviews, and reports from pilots. Visual signals were required by the MOJ, but had not been conducted in any of the ABDP shootdowns. Between March 1995 and April 2001, however, each of these Agency officers failed to report violations of this requirement or any of the others. Instead, they consistently and falsely reported the opposite—that the program was being operated in full compliance with the requirements.

203. (S) The transmission of inaccurate information began on the ground in Peru with Agency officers stationed at the Pucallpa and Juanjui air bases. These officers drafted, reviewed, and released cables containing false information. Agency officers in Headquarters condoned and repeated the inaccurate information; they reviewed the cables, many of which contained

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48 (U/FOUO) In contrast, in the shootdown of the missionary plane, the US crew was concerned about the failure to identify the plane as a narcotics trafficker and was urging caution rather than acceleration.
detailed and inconsistent information and had the ability to review the videotapes of the shootdowns, which did not demonstrate evidence of the intercept procedures being conducted. These officers forwarded inaccurate information to senior management of the Agency and then on to Congress in the form of Congressional Notifications with their supporting background papers.

**INTERVIEWS WITH KEY AGENCY PARTICIPANTS**

204. (S) Between 1995 and 2001, 15 interceptions resulted in the shooting down of aircraft in Peru. During this period, occupied positions responsible for managing or overseeing the operations of every shootdown but one, that of 17 July 2000.49

- From March 1995 to mid-1996, CNC’s Linear Program and CNC’s Interagency Linear Committee he was directly involved in discussions about establishment of the ABDP and the rules governing its operation as laid out in the 1994 PD and MOJ.

- From July 1996 through September 1999, he was responsible for managing, implementing, and overseeing the ABDP. prepared and released reports to Headquarters on the procedures followed in shootdowns and on the overall operation of the ABDP knew that this information was transmitted to senior Agency officials and became the basis of reports prepared for Congress and the NSC.

49 From September 1999 to September 2000 served the Counterproliferation Division.

(U//FOUO) The Linear Committee was comprised of several government agencies that had a role in US counternarcotics policy, including the Departments of State and Defense, DEA, and the Office of National Drug Control Policy.
From September 2000 to 2004 served as LA Division, responsible for oversight of programs and activities, including the management and operation of the ABDP. His responsibilities included ensuring the accuracy and completeness of information that provided the basis for Congressional Notifications and briefings as well as for information provided to the NSC on the program's performance.

205. Knowledge of Required Procedures. discussed ABDP procedures during interviews with OIG. He stated that intercept procedures did not change at any time during his involvement with the ABDP. Obtaining a tail number, identifying the suspect aircraft, visual signals, and radio communication were all "drop dead" requirements that had to be done.

explained that the purpose of the ABDP was to stop the movement of drugs through the air, not necessarily by shooting down aircraft, but rather by forcing them down. In particular, noted that the PD required that the Peruvian Government have procedures in place to minimize the risk of loss of innocent life. Fulfillment of the required procedures exempted US personnel from the law that criminalized shooting down civil aircraft. said that he, along with officers involved in the program, understood both the Presidential-mandated procedures and their obligation to report procedural deviations.

207. Actual Conduct of Procedures. Despite accurately identifying the Presidential-mandated intercept procedures and characterizing them as "drop dead" requirements described the actual practice followed in Peru to OIG differently:

Radio Calls. said that radio contact had to constitute more than one call; one call to the target could not be presumed to mean contact had been made. said that all ABDP participants knew that FAP aircraft had to
identify and contact the target aircraft; maybe visual signals like wing waggling were not necessary, but it was necessary to try to raise the suspect aircraft on the radio.

- **Visual Signals.** said an attempt should be made to contact the suspect aircraft by conducting visual warnings to ensure the suspect aircraft saw the FAP fighter. If there was no response to radio calls, most often, the FAP tried to conduct visual signals. described the ICAO visual signals as including possible actions such as flying alongside the suspect aircraft, lowering landing gear, wing waggling, and using hand signals. commented, however, that turning on landing lights or lowering landing gear to signal the target plane had the effect of slowing down the FAP aircraft.

While said he understood the FAP had to do everything it could to communicate with the suspect aircraft, he recalled that the radio and visual communications were done simultaneously. He also noted that attempts to communicate with the suspect aircraft were not necessarily followed in chronological order. characterized the intercept process as a "holistic" package to ensure the FAP did not shoot down the wrong aircraft. explained that there had to be room for pilot judgment as to which procedures to do and how. He said the concept of safety of

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51 description of the actual conduct of visual signals is consistent with a 20 April 2001 cable he sent as LA Division following the April 2001 missionary shootdown. In that cable, he stated that "... depending on the circumstances of the intercept, the [Peruvian] pilot should attempt to use a series of internationally recognized procedures to make visual contact with the suspect aircraft ...." This statement is inconsistent with the requirements of the PD and MOJ, however, and also differs from statements made in 2001 Congressional briefings in which participated. These issues are discussed in greater detail in Part II of this Report.
flight was always a consideration. The FAP had to do everything within the realm of safety of flight to warn the target.

stated that visual signals, though encouraged when feasible, were treated as superfluous when it was clear that the target plane was aware of the interception and evading pursuit. said this view was uniformly held by those associated with the program.

**Warning Shots.** If there was no response to radio calls, the VIRAT commander made a judgment call to go to Phase II—firing warning shots—based on various factors, to include intelligence information and input from the HNR.

**Evasion.** explained that, if a suspect aircraft began to evade, it was assumed to be a "bad guy" and could be shot down. described evasion as occurring when a suspect plane moved to a lower altitude or flew at a slow rate of speed. Radio calls were made and warning shots were still fired to give the suspect the option to land. According to if a suspect aircraft crossed over the Brazilian border, it should be let go and not shot. As an example, said, if the suspect aircraft in a night intercept mission started to evade after radio calls but before visual signals, and the FAP had done all it could to communicate with the target, it was okay to go to Phase II without visual signaling. In this instance, believed, procedures had been followed. told OIG that, at night, if a suspect aircraft fled after radio calls, there was no need to do visual signals and Phase II warning shots should be fired. added that, if the suspect aircraft headed toward the Brazilian border, that action also constituted evasion, so no visual signaling had to be done.
Time to Complete Intercept Phases. [redacted] said the
length of time taken to complete an interception was
considered in determining whether procedures had been
followed. If the intercept phases had been conducted too
fast, it was questionable that all procedures had been done.
[redacted] told OIG, "If everything happens in a minute and a
half, you’ve got a problem."[52]

Threshold for Reporting Procedural Deviations. [redacted]
told OIG that, if a question arose concerning a shootdown’s
compliance with required procedures, he would have looked
at the videotape to determine if there was a problem. If he
determined that a problem existed, he would have reported
it to Headquarters after checking the facts. [redacted] noted
that he had personnel [redacted] who were more expert
than he, so he relied upon them to identify problems. In any
event, [redacted] said he would not cover up a problem.

208. [redacted] described issues that would have prompted
him to report a possible deviation in the conduct of intercepts as
follows:

- Failure to identify the suspect aircraft as a
  narcotrafficker.
- Failure to see evidence of visual communications on
  the videotape.
- Failure to try to communicate by radio or very terse
  communications with the suspect aircraft.
- Failure to fire warning shots.

[52] In the 4 August 1997 shutdown, 90 seconds elapsed from the attempt to make radio
contact to shooting down the suspect plane. In total, there was a lack of reasonable time to
perform all the required procedures and for the target aircraft to respond in nine of the
29 shutdowns. Despite this, [redacted] reported that all procedures were complied with, and all
personnel working on the program "understood and rigorously enforced compliance with
all international procedures."
Firing warning shots in a manner in which the suspect aircraft would obviously not observe them.

A very short period of time between phases.

209. **Oversight of 1995 Shootdowns as Headquarters Manager.** As a Headquarters manager responsible for ABDP oversight in the 1995 to mid-1996 period, **told OIG that he reviewed shootdown videotapes. He explained that, after the OIC and officers reviewed the tapes, they were sent to Headquarters, with CNC as one recipient.** watched portions of the videotapes to see what had occurred. He said that neither he nor anyone else at Headquarters reviewed the tapes to verify the accuracy of reporting from the field or to see if the Peruvians were complying with the Presidentially-mandated procedures. He said that the tapes were not reviewed critically and that he did not recall who was responsible for ensuring that required procedures were followed. Rather, it was assumed everything in a shootdown was done correctly, unless someone said it was not, and reporting was taken at face value.

210. **As he prepared for the assignment in Peru,** said he was told to keep the ABDP, which was considered a success, on track. **told OIG that he understood that the ABDP was a lethal program that needed to be conducted properly.**

211. **Oversight of Shootdowns as 1996-1999. OIG provided a hypothetical scenario of an intercept and asked him to comment on the actions he would take as** The following scenario was presented:

Intelligence has been received that a suspected narco airplane will fly into a particular airfield at night. The US tracker aircraft is launched and locates a suspect aircraft. The suspect aircraft circles

The details of the scenario match the actual events and procedures conducted in the 4 August 1997 shootdown, which occurred while did not report any anomalies in cables to Headquarters at that time.
the airfield in question but does not land. It then sets a course for the [Brazilian] border and generally maintains that heading without making any dramatic turns.

Intercept procedures conducted after the [missing vector] vectors in an A-37 [FAP fighter]:

- The A-37 does one apparent radio warning but no apparent visual signals.
- Warning shots are probably fired.
- The suspect aircraft is then shot down.

said that a scenario such as this would have raised questions about compliance with intercept procedures. He would have asked the aircrew, the OIC, and the FAP whether visual signals had been accomplished. If he still did not know after asking, said he would have reported the issue to Headquarters.

212. told OIG that he reviewed the shootdown videotapes in Peru and that he had no concerns about compliance with required procedures in any shootdown other than that of 17 August 1997. With respect to that shootdown, said he was concerned about possible corruption in the FAP and lack of English language skills on the part of the FAP.

he was responsible for the accuracy of reporting to Headquarters. Following the 17 August 1997 incident, he introduced a formal evaluation of intercept procedures. Had anyone seen something wrong, he/she would have reported it. added that, while the ABDP was the number one counternarcotics priority with respect to resources and visibility, he had relied on program managers as well as the OICs and aircrews to be the "eyes" on the ABDP.

said he had no doubt that the FAP went directly from a radio call to shooting the
plane in the 17 August 1997 incident. said he had told FAP Commander that he would close the program if the mistakes that had led to the incident were not fixed.

215. In early September 1997, LA Division traveled to Peru to conduct a program review and to make sure adequate intercept procedures were in place. According to the review also was to determine whether or not the ABDP should continue. characterized as a "fact finder" who wanted to determine had done enough to prevent a recurrence of the 17 August shutdown. The review concluded that adequate intercept procedures were in place.

216. Following the 17 August incident, the Country Team, reviewed shootdowns in "excruciating detail." Thereafter, interagency reporting cables laid out all the intelligence that led to the endgames, including what information was known, the circumstances surrounding the event, and a judgment regarding the procedures followed based on input from the US OIC and aircrews.

217. If there had been another significant deviation after the 17 August 1997 shutdown, the ABDP would have been shut down. the program would not have survived two deviations in a row from required procedures.

218. everyone involved in the ABDP understood the intercept procedures. In particular, everyone directly involved should have understood the rules of engagement, command and control, the role of the United States, the role of the Peruvians, and also the concept that, if an interception cannot be done properly, one should come back the next day to try again.

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219. (S) *Signing the 1999 Standard Operating Procedures.* NACI emphasized that neither the intercept procedures nor the role of the US aircrews changed from the time he began working in the ABDP in 1995. He said he could not explain why the SOPs he signed in March 1999 did not include a complete description of required procedures. He did not catch it at the time the SOP documents were prepared and said that the omission was not intentional.

220. (S) *Missionary Shootdown.* In explaining distinctions between the procedures conducted on 20 April 2001 and what had transpired in previous shootdowns, NACI said that the focus of the ABDP had not been on daytime intercept missions until the 20 April shootdown; almost all previous shootdowns had occurred at night when there was a presumption that suspect planes were illegal. In fact, 11 of the 15 shootdowns occurred in the daytime. During the day, he said, there was enough time to conduct the procedures. He added that the US and the FAP had to be extraordinarily careful during daytime shootdowns. Because the missionary aircraft was flying during the day, NACI said, even more should have been done to comply with the spirit of the required procedures. Given that the missionary shootdown was a daytime event, there should have been a presumption of innocence, and procedures should have been conducted more slowly.

221. (S) added that, on 20 April 2001, there was great uncertainty regarding the identity of the suspect aircraft. He noted that even one of the US pilots at some point indicated that maybe the missionary was a "bad guy." NACI said he did not fault the intercept procedures, however, and emphasized that it was up to

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those involved to be sure they complied. said that the FAP had not followed the intercept procedures sufficiently to meet the requirements mandated by the Presidential Determination in the 20 April 2001 shootdown.

222. deployed to Peru in 1993 in support of the Peruvian air interdiction program and served as the Agency OIC at Following resumption of US activities in the ABDP in early 1995 served two 60- to 90-day temporary duty tours in 1995 as the OIC at the air base in Pucallpa, replacing Following those assignments, she became the in Military and Special Programs Division, which provided direct support to the program. In October 1996, returned to Peru as the Program Manager where she served through October 1998. As ABDP program manager, reported to Nine shootdowns occurred during tours in Peru—five during her 1995 tours as an OIC and four during her tour as Program Manager.

223. Responsibilities as OIC, 1995. told OIG in interviews that she held the record among OICs for the number of targets shot down and stated that such shootdowns were "huge" events. explained that, as OIC, she served as the main US communications link in the ABDP. She made sure the Peruvian Air Force (FAP) followed intercept rules and that launch orders were relayed properly. During the intercept, she monitored the radio traffic between the FAP operations center in Juanjui and the FAP OIC in Pucallpa, said she also relayed information to the US aircrews when phases had been authorized. If intercept procedures were not followed during an intercept, said, she would have reported it immediately to . She did not report a single failure of procedure during her tours as an OIC.
224. (b)(3) NatSecAct According to the OIC, the OIC ensured that copies of shootdown videotapes were made and sent to the FAP in Juanjui, and at CIA Headquarters. At the conclusion of an OIC’s tour, she said, it was normal practice for the departing OIC to hand carry the tapes to where they were kept. She recalled carrying tapes to after her OIC tours.

225. (b)(3) NatSecAct Shootdown Reporting as OIC, 1995. As the OIC, watched and reviewed the videotapes after shootdowns with who was the US at Juanjui, and the US and Peruvian aircrews. She noted that the most important part of the debriefing was confirmation that the target aircraft was a narcotics trafficker. She claimed that there was never a discussion about whether or not visual signals had been implemented. provided input for cables on the event and forwarded it, with the videotape, to who was the from 1993-96. She said that never questioned her about a shootdown. She recalled reading some of her reports in after she returned from Peru and noted that the input she had provided as OIC remained unchanged in the cables sent by to Headquarters.

226. (b)(3) NatSecAct said that a US pilot could not tell a host nation rider (HNR) to shoot at a target. said that she, as the OIC, would have had to report this if it had happened. Had she observed this situation on the tape, she would have reported it to her boss and then questioned the pilot. Had a US pilot repeated this behavior, he could have been relieved of duty.56

227. (b)(3) NatSecAct Responsibilities as Program Manager, 1996-98. As program manager for the ABDP, annual performance evaluation states that she was:

56 (b)(3) NatSecAct served as OIC at Pucallpa during the shootdown of 14 July 1995, when a US pilot twice instructed the HNR to order the FAP fighter to strafe the target after it landed.
explained that she met with the Sixth Territorial Air Defense Command (VI RAT) commanders and discussed interdiction procedures. She also supervised the OICs, served as with the US aircrews at Pucallpa, maintained daily contact with FAP Headquarters in Lima, and ensured that intercept training was conducted.

228. (§) briefed incoming OICs and discussed the required procedures for each phase of an interception. She said that she told the OICs that all the phases had to be accomplished in intercepting a suspect aircraft. She also told incoming OICs to read the Standard Operating Procedures (SOPs) spent at least one day a week at Pucallpa Base.

229. (§) Shootdown Reporting as Program Manager, 1996-98. told OIG that as program manager, she typically notified after a shootdown, then drafted the reporting cable to Headquarters. Sometimes, she flew to Juanjui to pick up the VI RAT commander and then on to Pucallpa to debrief the aircrew and review the videotape. Whether or not she made that trip, the OIC and aircrew had reviewed the tape and discussed the event at Pucallpa within a day of the incident and had provided input on the shootdown

230. (§) said that she and maybe usually reviewed the videotape of the shootdown in order to double check the intercept phases. Given his native language skills, could pick up things on the videotape that no one else could. Sometimes, even with both the audio and visual parts of the tape, there still was not enough information to
determine that procedures had been followed. Sometimes the FAP’s visual communications efforts with the target aircraft were visible on the radar and sometimes not. If visual signals were not apparent, she tasked the OIC to ask the US aircrew, the HNR, or the FAP aircrew what they saw. As program manager, did not always have the opportunity to speak to the aircrew, but she expected the OIC to do so. She did not report when visual signals were not visible.

231. Normally, after a shootdown, said, she drafted the reporting cable to Headquarters.

She said reporting cables were sent to LA Division, CNC, and

232. told OIG that she had watched all the videotapes of endgames that occurred when she was in Peru. With the exception of the 17 August 1997 shootdown reported as a problem, none of the reporting cables prepared concerning a shootdown reported any violations of intercept procedures.

233. Knowledge of Required Procedures. described the intercept procedures as including multiple radio calls, visual signaling, warning shots, and lastly, shootdown. She said that the ICAO visual signaling requirement in the MOJ provided no leeway or authority to deviate from those procedures. While Agency officers did not discuss skipping any phases, said they might have discussed "abbreviating" the phases. Nevertheless, said she knew that the phases still had to be conducted.

Not one of the more than ten US pilots and OICs interviewed by OIG stated that he/she had ever received such questions from about a shootdown.
She explained that the purpose of the intercept procedures was to avoid shooting down an aircraft not engaged in drug trafficking.

234. [\(\text{She said that she}\)](b)(3) CIAAct (b)(6) (b)(7)(c) "absolutely" understood that they had to report problems or failures to follow the intercept procedures to Headquarters. It was her duty and obligation as an operations officer. [\(\text{believed that, if they had reported deviations in procedures, however, it would have resulted in the shutdown of the ABDP.}\)](b)(3) CIAAct (b)(6) (b)(7)(c)

235. [\(\text{Recalled discussing intercept procedures with the}\)](b)(3) CIAAct (b)(6) (b)(7)(c) in Pucallpa in 1995, was assigned to at the time and was the first OIC in Pucallpa. The procedures included radio warnings, visual warnings, and warning shots. [\(\text{wrote the SOPs based on ICAO procedures and the PD and accompanying MOJ. did not recall reading the PD or MOJ, however, nor was she certain that the SOPs she saw in 1995 included a requirement for visual signaling. The requirement to conduct visual signals was part of briefings, however. said the SOPs did not change during her time as OIC in 1995 and remained the guidance in 1997.}\)](b)(3) CIAAct (b)(6) (b)(7)(c)

236. [\(\text{Actual Conduct of Procedures. said the tail number of the suspect aircraft was checked against aircraft for registration records to determine if the flight was illegal. The Peruvian fighter aircraft was not launched until a flight was determined to be illegal.}\)](b)(3) CIAAct (b)(6) (b)(7)(c) [\(\text{Radio Calls. said there was no set amount of time for the FAP to wait for the target plane to respond to a call on the radio; she thought one minute might be reasonable. As it might take a few minutes to switch to different frequencies, however said a couple of minutes also might be reasonable to complete the calls and wait for a response.}\)](b)(3) CIAAct (b)(6) (b)(7)(c)
Visual Signals. said visual signals always had to be conducted, but the location of the target plane determined the extent of the signaling. If the target plane was close to escaping across the border or was evading, the process moved "faster." did not recall any discussions about how long the FAP should wait after visual signaling. It was harder to conduct visual signals at night, but there was still a requirement to do them. When a target aircraft began to evade, visual signals could not be skipped, according to but the location of the target determined the extent of those signals. Under all circumstances, the fighter had to employ visual signals of some sort in an effort to get the target to land, even if the target aircraft was near the border.

Warning Shots. said warning shots were required and could only be authorized by the VI RAT commander or his deputy. She said warning shots could not be seen during the day, but that the target aircraft could hear them. At night, the target could see warning shots because tracer ammunition was used.

Time to Complete Intercept Phases. did not know how much time was reasonable to conduct the three intercept phases, since each incident was different. She said 10 minutes might be reasonable, but emphasized that what was reasonable depended on the circumstances of each mission.

237. Review of Videotapes. When she viewed selected shootdown videotapes during an OIG interview admitted that several of the videotapes showed obvious violations of intercept procedures, including failure to identify the target and failure to do all the required intercept phases. She made the following specific observations:
4 August 1997 Shootdown: __________ said it should have been reported that no visual signals were conducted and that the suspect aircraft was never identified. Conducting all the phases in 90 seconds was also a problem that should have been reported, according to __________ She recalled reviewing this videotape with __________ said she probably wrote the initial cable on 5 August 1997, using input from OIC __________ did not recall the Headquarters response later that day inquiring whether all required intercept phases had been conducted, but said the appropriate response was for her to ask the OIC or aircrews what happened and for the tape to be reviewed again. __________ also did not recall the response on 6 August 1997, stating that "All international warning procedures were complied with . . ." She did not think she drafted the 6 August cable because the text included a word with which she was not familiar. __________ said it appeared that someone had questioned the OIC, but noted that the answers did not seem to track with what the videotape showed. __________ believed that discrepancy should have been noted in the cable to Headquarters. She said __________ might have drafted the cable and that __________ edited it, adding the paragraph identified as __________ and releasing it.  

6 October 1997 Shootdown: __________ said that visual signals and warning shots were not conducted and that fact should have been reported. __________ said that statements in __________ cables reporting that all procedures were followed "to the letter" were false, and she described management’s failure to investigate after reviewing the

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58 The __________ stated that all who work with the program "understand and rigorously enforce compliance with all international procedures that must be followed prior to any use of force. This is a given in the work that is done here."
6 October videotape as a "breach" of duty. reviewed report to Headquarters and said it looked like her style of writing.

**12 October 1997 Shootdown:** said that report to Headquarters claiming that all procedures had been followed "to the letter" was inaccurate, and it was "obvious" that procedures had not been followed. She saw no indication that visual signals had been conducted, although there was no apparent reason why they could not have been. also noted that the target was not identified before it was shot. These issues should have been reported to Headquarters. Neither nor raised any questions with her about this shootdown.

In those instances in which she recalled preparing cables to Headquarters that contained inaccurate information, told OIG that she was unable to reconcile the fact that her reporting directly contradicted the facts evident in the shootdown videotapes.

During his assignment to the ABDP from 1995 to 1999, served as officer to the FAP VI RAT Commander at Juanjui. His initial supervisor came to Juanjui periodically to check on progress and go over the required intercept procedures with the FAP. also visited Juanjui regularly. succeeded and overseeing ABDP activities.  

served two tours as OIC in Pucallpa in 1995, and became Officer in 1996.
239. (__) told OIG that, when he arrived in Peru in 1995, he was told to monitor shootdowns in Juanjui, while monitored them in Pucallpa. He told that, if he saw something wrong during an interception, he was to report it to the VI RAT, which would take appropriate action. said his job was to "look over the commanding general's shoulder" and provide "adult supervision" to make sure the ABDP ran according to required procedures. reminded all FAP personnel in Juanjui to follow those procedures. He also participated in the annual re-training of all Juanjui personnel.

240. (__) was at Juanjui for many shootdowns and told OIG that, if a shootdown occurred while he was in Peru in the 1995 to 1999 period, he was involved in discussions and review of it. While in Juanjui followed intercepts over the radio with the VI RAT Commander and his staff. His responsibilities were to forward any intelligence lead information that had come from the DEA and to ensure that the VI RAT Commander did not "jump the gun" and conduct an intercept too quickly. He also made sure that the target of interception (TOI) was correctly identified as a narcotics trafficker.

241. (__) told OIG that he viewed shootdown videotapes at Pucallpa. After shootdowns, he sometimes accompanied the VI RAT Commander to Pucallpa to debrief the aircrews and review the videotape with the OIC and the US pilots. Occasionally, however, he did not watch a videotape of a shootdown until three months after it occurred. His job was to remain at Juanjui, not bounce back and forth to Pucallpa.

242. (__) sometimes watched the tapes with also watched the tapes. knew watched the tapes because they commented on them to him. It was

60 In reviewing this report in draft commented that during a shootdown, he made sure that the VI RAT commander properly authorized the intercept phases, but he did not have any general responsibility to oversee the program's operations.
243. (S) explained to OIG that he watched shootdown videotapes to see if all the intercept procedures had been followed, to understand the context of communications between the fighter and the host nation rider (HNR), and to make sure their actions occurred after the VI RAT commander’s order was given, not before. Everything said on the satellite communication system was recorded on the videotape. He recalled seeing visual signals such as wing wagging and flying alongside the target on the videos. He told OIG that every videotape he watched in 1995 mirrored what he had observed in Juanjui during the shootdowns.

244. (S) said that, after shootdowns, asked him if the VI RAT Commander had followed procedures. answered yes, then gave the details of the intelligence, the type of aircraft, and how the VI RAT Commander had authorized each phase. did not ask about visual signals because had already watched the videotapes himself.

245. (S) said he was told to report if the FAP in any way deviated from the proper procedures. stated that, sitting in Juanjui, however, he had no way of knowing whether or not the fighter had performed procedures. So, whether or not the target evaded reported that the VI RAT Commander had authorized shootdown following evasive action by the target. His report and that from Pucallpa were sent to where the incident cable was drafted. read these cables after they were sent to Headquarters and told OIG that shootdown videotapes and reporting cables were never inconsistent. Whatever happened in the intercept mission had to be reported.

246. (S) None of the cables that reviewed or helped write reported violations of required procedures. told OIG
had watched videotapes of all the shootdowns while he was in Peru between 1995 and 1999, and none stood out for not having followed procedures.\(^{61}\)

247. \(\S\) Conduct of Procedures explained that, when he began with the ABDP in 1995, the Standard Operating Procedures (SOPs) stated that maneuvering alongside the target and giving hand signals in the absence of radio communication was mandatory. The FAP, and personnel at Juanjui and Pucallpa knew these procedures and made an effort to ensure the original intent of the MOJ was followed. noted, however, that all intercept requirements were predicated on pilot safety, meaning that a pilot had discretion in performing the intercept procedures if flight safety was an issue.\(^{62}\)

Identification. The FAP fighter was allowed to approach the target aircraft while waiting to hear from the VI RAT commander, but it could not take any action until it received the commander’s confirmation of the target’s identity. told OIG that, if possible, the reported the tail number of the suspect plane; at other times, just called in a general description of the plane—at night, for example, when it was impossible to see a tail number. No non-commercial flights were to fly in a broad area east of the Andes at night, however; so all such flights were considered illegal. admitted that the tail number was the only way to ascertain that a TOI was not on a valid flight plan. said that one could not tell who was in the suspect plane or what it was carrying—money, weapons, rebels, or drugs. For the FAP, he said, it did not matter if it was a

\(^{61}\) Upon reviewing this Report in draft, stated that he did not review all shootdown videotapes.

\(^{62}\) In reviewing this Report in draft, wrote that he believes the April 2001 shootdown resulted from violations of procedures that had never previously occurred; that the failure to give visual signals when a pilot took evasive action or at night was consistent with the intercept procedures because of practical necessity; and that he was aware of no effort to conceal information and believes that the reporting cables were largely accurate.
narcotrafficker as long as it was an illegal flight. Specifically, a plane was considered "bad" and could be shot if it had a Colombian tail number, a false tail number, no flight plan, an abnormal flight path, was flying at night, was flying low and slow, was flying low and fast, or had landed and taken off from an illegal airfield.63 said he had never been told that narcotics traffickers were the only legitimate ABDP targets; in any event, he explained, anything east of the Andes is tied into drugs somehow.

recounted several anecdotes of legitimate airplanes that the FAP had difficulty identifying. The Peruvian military often took off without flight plans. "Jungle" pilots did whatever they wanted, often changing flight plans while in flight. One time, the FAP intercepted a Peruvian National Police aircraft. Another time, a legitimate flight coincided with the intelligence information they had received. The plane was flying at the "wrong" speed and in a suspicious pattern; it later turned out that this had been an attempt to save fuel. also recalled a search and rescue mission following a nighttime shootout during which he helped recover the remains of two men and a woman. This disturbed him because usually women did not fly on narcotrafficker flights. never found survivors on a search and rescue mission. In fact, no drugs were found either, but most crash sites were burned to a crisp.

Visual Signals. explained that the repeated failure to perform visual signals was emblematic of FAP policy. Specifically, by 1997, the fighter group commanders had ordered the FAP pilots not to do visual signals if they felt it was too dangerous, regardless of the VI RAT commanders’

63 defined an "illegal" airfield as one in the middle of nowhere without any authorized traffic control. He estimated that there were over 200 suspected illegal airstrips in Peru.
orders. This was common knowledge. Everyone."

She knew in 1996 that they would not perform visual signals if safety of flight was an issue and "constantly nagged" the FAP about compliance with the procedures. By the time _______ signed the March 1999 SOPs, visual signals had not been conducted for quite a while.

According to _______ as a rule, visual communication was not required during night intercepts, other than the use of landing lights. The written intercept phases were not changed in 1996, but the application of procedures changed, because, at night, the FAP interceptors did not waggle their wings at the target plane or move forward to get their attention. Instead, the FAP fighters turned on their landing lights. The FAP pilots had to be careful at night; they were using early model night vision goggles (NVGs) and could injure their eyes if they were suddenly exposed to a bright light. Therefore, they had to turn off their NVGs and turn on their landing lights to get the target's attention. While the FAP Generals said the fighters turned on their lights at night to signal, _______ did not know if they actually did.

After the 17 August 1997 shootdown identified by _______ as the one shootdown in which the procedures were

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64 (S) _______ confirmed this knowledge of FAP policy in a cable he wrote on 30 May 2001. He wrote: "There was an informal understanding between the FAP command groups that the pilots of T-27s and A-37 [Peruvian fighter planes] would comply with VI RAT interception instructions of completion of visual signals unless the required maneuver would affect the safety of their platform and/or the other platforms engaged in the interception procedure."

65 (b)(1) reviewing this Report in draft, _______ wrote that he knew visual signals were not given in _______ CIAAActnces, such as at night or when targets took evasive actions.
not followed said he reviewed the videotape with about 100 times. When came to Peru after this shootdown, said, she was adamant about standardizing language and following the three phases of interception provided her with background on the ABDP and explained how the incident could have happened. said he was present when told that there were limitations on doing visual signals. If had not known before that visual signals were not always done, said, she knew it after that briefing.

♦ Evasion. If a target plane began evading after radio calls, nothing further was required, and the VI RAT Commander could order the plane shot down, according to Evasive action meant the target was aware of the FAP’s presence. defined "evasion" as stark, not just minor flight path adjustments, and added that evasion could be clearly seen on the shootdown videotapes. There was no need to fly alongside at this point. said he understood that visual communication was required in a daytime intercept, if the target plane was not evading. explained that the purpose of visual signals was to let the target aircraft know it was intercepted. A target that did not evade could possibly be lost or just in the wrong place at the wrong time. added that heading for a border constituted evidence of evasion.

♦ Warning Shots. stated that warning shots were required if they could be seen and the target was not evading; he was not sure if warning shots could be seen during the day. If the target was evading, warning shots were unnecessary. He observed that an A-37 has "little fuel, little ammunition and little time," so the fighters did not waste any of these on warning shots at the risk of
"sacrificing" the shootdown. explained that, in situations where the target was a "bad guy" and time was of the essence, one could go to shootdown without doing every procedure.

- **Timing.** observed that, if a FAP fighter were low on fuel or close to the border, the fighter would shoot the target more expeditiously. recalled that, during the first shootdown, in 1995, the three intercept phases were followed, but there was a very short period of time between them. It scared him how quickly events happened once the US and FAP aircraft linked up. also remembered how little information they actually had at the time and that scared him too. He estimated that an intercept near the border could take ten minutes; in 1996 and 1997, when the airstrips were closer to the Brazil, it could take less than that. There was no set time to wait for a response to a radio call, but estimated that one to three minutes would be reasonable. estimated that the minimum reasonable time from when the fighter begins the phases until shootdown was 5 to 10 minutes. "If the fighter is doing what he's supposed to, he must reposition himself after flying alongside the target. That takes time." Moreover, "it would take us two to three minutes just to make a decision in Juanjui whether or not to shoot him down." But also observed that, if a target was a "bad guy" and time was of the essence, the fighter could "go to shootdown" without the intervening steps.

- **Country Team Reviews.** In Country Team review meetings, described what was happening in the shootdown as the tape was played. There was no dissent that knew of, but he explained to OIG that, in these meetings, he just answered questions about what had happened at Juanjui. There were times when someone
asked why the fighter did not come alongside the target to wag its wings, and said, "We’d say that they were too low or that it was too dark or something similar."

**248. Review of Videotapes.** When viewed selected shootdown videotapes in an OIG interview, he stated that the tapes showed obvious violations of procedures, including failure to identify the target, failure to do visual signals, failure to give the target a reasonable chance to respond, failure of the FAP chain of command, and US aircrew interference in the authorization process. Commented on the following shootdowns:

**14 July 1995 Shootdown:** The VI RAT Commander was not consulted on the strafing; in fact, US pilots gave the order to strafe civilians fleeing the suspect plane after it crash-landed. FAP policy, according to did not permit strafing. said that it was pointless to shoot an aircraft on the ground that is full of evidence and people. This was a violation and had to be reported. The reporting from was inaccurate. also agreed that it was a breach of management’s duty if nothing was done to address the US pilots’ conduct. He added, "I cringe watching this tape."

**17 August 1995 Shootdown:** recalled this shootdown, which was pre-authorized the night before it occurred, but said he was outside the Juanjui Base doing drills when it occurred. He said he watched the videotape and that nothing stood out in his mind about it. While watching the tape in his OIG interview, however noticed that the VI RAT Commander never gave the order to shoot down the target aircraft. Moreover, when the VI RAT Commander asked to speak with the HNR, the US pilots responded that the HNR was too busy. No

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visual signals were done, even though thought the fighter could have done them. The report saying that, "FAP scrupulously adhered to international and Peruvian protocols," was a false report. When asked if he thought the intercept procedures were violated in the 17 August 1995 video, responded, "Did you bring me here to be a witness for the obvious?"

speculated that, in the 17 August shootdown, the FAP Commander "jumped the gun" by giving the HNR pre-authorization to perform the phases. He said that he must have seen this shootdown video, but not until much later. He did not see the problems on the tape at the time, because this was only the fourth or fifth shootdown tape he had seen and he did not know enough yet. acknowledged that he noticed the problems right away, but explained that, by then, he had five years’ experience and had seen "hundreds" of tapes.

**4 August 1997 Shootdown:** commented that the 90 seconds that elapsed between radio calls and shootdown was "too short a time to conduct the intercept procedures." Even though the target was headed to the border, it was not taking evasive action. wondered whether or not the TOI had even heard the radio warnings. He added that it "made no sense" for the not to obtain the TOI's tail number during the daytime when it had the chance. noticed that there was a lot of information missing from this intercept regarding the identity of the TOI and added that he had no idea if the TOI had been positively identified as a narcotrafficker. said that anyone watching this tape also had to see that the fighter never got alongside the TOI or even attempted to do so. Nor did the fighter turn on his lights or fire warning shots believed the effort to
warn the target was insufficient. The reporting is false stated, because identification, visual signals, and warning shots were not done. At the end of this videotape, remarked, "That was awful."

6 October 1997 Shootdown: stated that he had never seen this videotape before watching it in his OIG interview. He observed that the fighter "obviously did not do any kind of visuals." It appeared from the tape that the target took no evasive action before being shot, but he speculated that perhaps the target was too low for the fighter to conduct visual signals. If so, this inability to do visual signals should have been reported. Moreover, the target was never identified in the first place. Therefore, the reports about this shootdown were false, stated.

12 October 1997 Shootdown: said he could not hear the fighter calling the target on the radio. He also observed that the FAP fighter never flew alongside the target, and it was not clear if the target ever saw the fighter. Although the fighter reported that the phases were complete, could not see visual signals or warning shots on the videotape. He also noted that the target "is not evading; he is using the clouds as cover;" said that reporting that the target had "evaded" was a stretch. These problems were all violations that should have been reported. The cables saying all procedures were followed were false reports.

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66 [redacted] stated at the end of this interview that, in retrospect, the 12 October 1997 videotape was less clear than the others because the planes could have been side-by-side at some point. Regardless, he reiterated that the problems evident in the tape should have been reported.

67 [redacted] speculated that reported that all intercept procedures had been allowed in cables because Headquarters already knew there were limitations on what could be done.
Program Manager was the Program Manager from the summer of 1993 through the summer of 1996. Eight shootdowns occurred during his tour in Peru. When the ABDP was restarted in 1995, worked with the FAP VI RAT Commander to develop the process for intercepting narcotics trafficking aircraft. The Peruvians developed the SOPs in coordination with Headquarters. Discussions included procedures, such as wing waggling, to be used in intercepting suspect aircraft.

According to intercept procedures were discussed at many meetings in Peru that were attended by officers and the US aircrews. said the FAP was represented and that later participated in these discussions.

said every US pilot knew the rules of engagement through briefings by the pilots they replaced, and by him. He said he tried to include the FAP OICs and pilots in the process and to ensure a good line of communication to the VI RAT Commander.

also briefed incoming US OICs and made sure they understood their responsibilities. He did not recall if he supplied new OICs with written materials such as the Presidential Determination. The OICs kept a copy of the SOPs, which at Pucallpa included the intercept procedures discussed with the FAP. He said both Headquarters and probably had copies of the SOPs.

said that the FAP did not have a problem complying with the jointly developed procedures and that the VI RAT Commander neither asked for, nor made changes in, the procedures. did not recall the FAP indicating that it was
too dangerous to conduct all the warning signals or that it wanted to take short cuts in the procedures. He said he could not recall any contention, discussions, or meetings dealing with changing the intercept procedures when he served in Peru.

254. [CIAACt] did not take a direct role in the mechanics of the interceptions and did not monitor them on a real-time basis. If he was aware of an intercept mission in progress, he said he might turn on the radio and try to monitor it. He made weekly trips to Pucallpa and Juanjui and sat in on training at Pucallpa when the US and FAP crews discussed ICAO procedures for interceptions.

255. [CIAACt] After a shootdown, expected the US OIC to review the videotape and write a report containing the details. He indicated that he had looked at most, if not all, of the shootdown videotapes at Pucallpa and/or with the Peruvians. He reviewed them to see if intercept steps had been followed. He also reviewed the tapes. asserted that the good thing about the tapes was that wing waggling was always visible and that visual signaling could be confirmed.

256. [CIAACt] With respect to observing deviations in intercept procedures, said he and other officers were responsible for making the determination that all procedures were followed. said every officer saw the tapes and that no one ever raised any concerns with him about procedures and rules. Neither his superiors nor anyone from Washington ever challenged him with respect to the legality of procedures in any shootdown. He said that he took responsibility for making the ABDP work.

257. [CIAACt] reviewed the PD and MOJ in late 1994 or early 1995. He said

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68 In reviewing pertinent portions of the draft Report wrote that he was "satisfied that the requirements of the program SOPs were completelyst satisfied with the limits of mission realities."

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the rules of engagement were "pretty clear to us" from the beginning. The rules were briefed and discussed with the Embassy Headquarters, and all participants in the program. He said that everyone clearly understood the rules and that the procedures were well known, well briefed, well discussed, and frequently trained. Everyone knew the rules and knew they had to comply with them.

258. (§) said there were frequent cables between and Headquarters concerning the SOPs. He remembered that the rules of engagement had three basic parts. The first phase involved identification of the target said part of this phase consisted of communication with the VIRAT to determine if a flight plan existed. Additionally, the tracker aircraft would try to get close to the target to obtain an identifying aircraft number. The second phase concerned attempts to make radio contact with the target. The third phase involved visual signals. If it was determined that the flight was illegal said the fighter would try to get close to the target to perform visual recognition signals.

said wing wagging, in daylight and at night, was part of the visuals as was flashing the aircraft lights at night. said radio calls and visual signals were standard requirements that had to be followed. He said that neither FAP nor US crews asked that these procedures be changed and that he never told anyone these procedures could be omitted or ignored.

259. (§) could not recall a specific incident in which he challenged the US pilots or the OICs over the conduct of a shootdown other than the incident in which the pilots had directed the FAP to "shoot, shoot," a reference to the 14 July 1995 strafing order of civilians leaving the suspect plane after it crash-landed. In that instance instructed the US pilots to let the Peruvians manage the process, because it would be a violation of procedures for US pilots to give the orders.

260. (§) understood that the PD and MOJ did not authorize any exceptions to the rules that allowed phases to be
did not recall discussions with anyone, including the FAP, regarding the fact that visual signals might not be conducted during day or night missions because it was too dangerous to do them. He did not remember ever having discussions with anyone about this or deciding that the procedures should be changed.

said he was not aware that the FAP could not conduct visual signals under certain circumstances and did not recall the FAP telling him they could not conduct visual signals. He said that, if there had been discussions indicating the FAP could not conduct visual warnings because it was too dangerous, he would have known about it. While there were discussions with the FAP regarding warning signals and dangerous circumstances, he did not recall the FAP, or anyone else saying, "We're going to leave off the visuals."

said it would have been an important matter had the Peruvians skipped an intercept procedure. Had the OIC determined that the FAP skipped an intercept step, the OIC was obligated by the PD and the MOJ to report it.

261. (C) did not think he had ever told US personnel that reporting violations would be counterproductive to the program. said there was no such pressure on US personnel.

262. (C) Actual Intercept Procedures Used in Peru.

said a flight plan had to be checked before the fighter was called out. said the tracker aircraft crew and HNR checked with the VI RAT for a flight plan to determine if a target was scheduled to be in an area at a particular time. However, Peru had a no fly policy at night, and the VI RAT would not feel it was necessary to check the flight plans at night if the target was over a clandestine airfield. said visual identification of the target entailed obtaining a tail number or a description of the plane.

Radio Calls. According to an effort had to be made to contact a target by radio on a number of
frequencies. said the fighter had to be in contact with the target. He indicated that calls were made by the FAP and maybe by the HNR was sure there were written FAP policies on how many radio calls were made and what frequencies the FAP used. He did not know if civilian aircraft flying in Peru east of the Andes were required to have radios.

- **Visual Signals.** identified waggling wings or making a right turn as methods to accomplish visual signals. He said the fighters had to be sure a target knew the fighter was there. He said that, at night, the fighter would fly next to a target or turn on its landing lights. According to if a target evaded, there was probably still a requirement to conduct visual signals. He also said, however, that if a target evaded, it was evidence that the target had been duly signaled.

- said visual signals had to be conducted even if radio communications were successful. He said they had to be conducted in a situation where the target began evading following radio calls. recognized that this was a problem now, but said it had not been during the time he was

- **Warning Shots.** According to the fighter first ordered the target to comply by using radio communications and visual signals. Following that, he said, the VI RAT Commander or his deputy, had to authorize the firing of warning shots. The VI RAT Commander could authorize warning shots when a target began taking evasive action. said it was always a requirement to fire warning shots. did not know if the fighters could differentiate between firing to disable and firing to destroy.
Time to Complete Intercept Phases. said the time involved in performing the intercept phases could vary dramatically depending upon the circumstances. He said he did not know how long the phases should take and noted that proximity to the border could be a factor. He claimed that the rules and procedures for engagement necessitated giving the target a reasonable time to respond. was presented with a hypothetical situation in which 90 seconds elapsed between initiation of the intercept procedures and shootdown and asked if that would have been a reasonable amount of time between the required phases. He responded that 90 seconds did not seem reasonable because it was a relatively short time to determine that all critical things had been done. Asked if, in the same hypothetical scenario, visual signals were absent from the videotape of the shootdown, would that have to be reported to Washington as a violation of procedures, responded, "I think so."  

Shootdown Reporting. stated that he was in the chain of command for the shootdown cables that were sent to Headquarters. In fact, he said, he wrote most of the cables regarding shootdowns. Referring to cables reporting that, "all procedures were followed," said the OICs drafted those reports and he did not change the verbiage. said released cable traffic and that he had not released many cables.
263. (8f) Review of Videotapes. made the following observations after reviewing tapes of four of the shootdowns that occurred during his tour.

- **16 May 1995 Shootdown:** believed he wrote the shootdown report stating that all procedures were followed because the writing appeared to be his style.

- **14 July 1995 Shootdown:** saw a problem with US pilots ordering the FAP to strafe the target, but said, "We don’t know" whether there was actual strafing. told OIG that he was always trying to stop US pilots from giving instructions to the FAP. He also said, however, that he should have conducted a review of any reported strafing incident. believed that he and personnel, together with the FAP, had reviewed the incident based on the tape. He told OIG he believed the events as seen on the tape required to take action. said the US pilots' order to strafe constituted a violation of intercept procedures. did not know how he did not recognize it as a violation at the time; in retrospect, he recognized it as a violation. He then stated that back then everyone was "caught up" in the ABDP. He could not explain how he could have signed off on the cable that stated all procedures were followed but failed to report on the strafing order. theorized that the phrase—all procedures were followed—may have become a type of mantra or boilerplate used to prepare shootdown cables. said he wished that someone had written that the intercept procedures had not been followed.
21 July 1995 Shootdown: said the issue of US pilots giving direction to the FAP was identified as a problem, and he tried to address it through discussions with US and FAP personnel. did not remember discussing this problem with anyone in Washington.

17 August 1995 Shootdown: said it was not clear looking at the tape whether or not visual signals were done and it was "hard to say" if there should have been further reporting.

said it was clear to him now from reviewing the videotapes that the intercept procedures were not being precisely followed back then, but he claimed that it had never dawned on him that the procedures as conducted could potentially violate US law. understood the Presidential Determination required that certain procedures be followed. He said that he now believed the procedures conducted in the ABDP did not comply with the PD from the beginning of the program. He said he could not explain how he did not recognize back then that failure to conduct visual signals was a violation of required intercept procedures. He stated, "We did not see it then," but he saw it now. stated, "I always believed we were in good compliance with procedures." In retrospect, was surprised that more people from Headquarters did not come to Peru to oversee the program. now wished everyone had read and signed some type of document indicating understanding of procedures.

told OIG that the practical realities and legal requirements of the program may have been in conflict from the beginning. He was not aware that anyone else involved in the ABDP at any time recognized the reality that the FAP could not conduct all the intercept procedures. After seeing the videotapes again, said he had thought about the procedures and felt that he and the other ABDP participants must have been "hypnotized"
back then. He could not recall any of the participants recognizing a difference between the required intercept procedures and the procedures actually conducted in endgames.

266. (☑)

joined CIA in 1994 and was assigned to Latin America Division in the DO. From January 1995 to July 1996, she served as LA Division. From July 1996 to June 1998, she served as LA Division's became of the Office of Congressional Affairs (OCA) in June 1998, and, in October 2000, was of CNC. role in the ABDP was primarily that of oversight. In 1997, she went to Peru to conduct an investigation into reported deviations from required procedures in the 17 August 1997 shootdown.

267. (U//FOUO) told OIG that she learned of the authorities for the program—the Presidential Determination and Memorandum of Justification when she reviewed relevant documents after becoming in July 1996. She was not fully aware of the legislation that led up to the PD and MOJ, but she recalled that the documents were very explicit. She remembered specifically that the PD stated that: (a) the President certifies that drugs are a threat to the national security of the host country, and (b) adequate procedures are in place to protect against the loss of innocent life.

268. (U//FOUO) Knowledge of ABDP Requirements. said she fully understood the required intercept procedures. The procedures in the MOJ, which were based on Peruvian law, contained four steps. These were: (a) detection of aircraft, (b) identification of aircraft, (c) interdiction/interception of aircraft, and (d) use of weapons. The procedures required that an attempt be made to identify the aircraft and determine whether it had a legitimate flight plan. If no flight plan had been filed, both radio and visual warnings were given in order that the aircraft could identify itself or land. If there was no compliance at this point, a formal request was made to the VI RAT
Commander for additional authorization to fire warning shots. If the warning shots were not heeded, a request was made for additional authorization to fire disabling shots into the aircraft, with the understanding that this could destroy the airplane. If that failed, the aircraft could be destroyed.

269. Visual warnings were implemented in accordance with International Civil Aviation Organizatio (ICAO) procedures, which could include the FAP fighter flashing its landing lights at night. In daylight, the fighter’s landing gear could be lowered or it could waggle its wings. The FAP pilots were required to follow explicit ICAO procedures. did not know whether all or some of the ICAO procedures were required. She was aware of ICAO procedures in general terms when she was prior to the missionary shootdown. The objective of the procedures was to ensure that the suspect plane was aware of the fighter plane’s presence.

270. Regarding the phases, said, had to be sure that there was some attempt at visual signals. If the FAP went directly from radio calls to firing warning shots that would constitute a deviation that had to be reported. Both and Program Manager understood that as well. said she was told during her trip to Peru in September 1997 that there probably was an acceptance in the field of conducting phases two and three at the same time since a suspect aircraft might be maneuvering to escape in a dramatic fashion. recalled no discussions with personnel about the procedures being too hard to follow. knew that a deviation from the procedures during an interception had to be reported.

271. As had a formal responsibility to report ABDP shootdowns to the NSC and to Congress. When a shootdown took place, the information was turned into both a Spot Report for the DDO and a Congressional Notification. also would pick up the telephone and call Rand Beers and Mary

SECRET//NOTORI
McCarthy at the NSC. If she had any questions regarding the manner in which an intercept had been conducted, she acknowledged that she had a responsibility to question on the issue.

272. Officers on the Peru Desk read incoming ABDP cables and typically alerted when there had been an interception. There was no formal procedure for this, however, usually read the cable traffic from to know what was going on and to review activities, but noted she could have missed some cables. When reviewing reporting cables, looked for whether the cable noted that the procedures had been followed during an endgame.

273. As made sure that Spot Reports on shootdowns documented the use of the intercept procedures. She said that she did not have a way of double checking how a shootdown had been carried out, however. She stated that tapes of the shootdowns were kept at and that none was sent to If there was any question about whether a cable had adequately outlined the facts of a shootdown, sent a follow-up cable

274. Shootdowns of August 1997. recalled two instances in which raised questions regarding the adequacy of shutdown reporting. In early August 1997 felt that a cable did not adequately report what had taken place during a shutdown. The cable from provided little detail regarding what steps had taken place during the interception, prompting a Headquarters cable requesting more information. said she drafted the questions that were

70 (U) Beers served as Senior Director for Intelligence Programs at the NSC until late summer 1997, at which time he was succeeded by McCarthy. McCarthy had served as Director for Intelligence Programs since 1996.

71 (U) comment that the videotapes were not sent to Headquarters is contradicted by a number of officers who specifically recall carrying the tapes back to Headquarters. may not have shared the tapes with LA Division, however.
The cable from [redacted] added that everyone associated with the program was aware of the procedures and, according to [redacted], was a little defensive. [redacted] response was emphatic and reported that the aircrews and other relevant personnel had been interviewed. [redacted] said she had no reason to believe that they were making it up.

The second event occurred later in August 1997, when [redacted] alerted Headquarters that a problematic shootdown had taken place. [redacted] added that Headquarters was dependent upon evaluation of what had happened. [redacted] was comfortable that [redacted] understood what the intercept procedures required and that [redacted] was reporting the information honestly.

In response to this second August 1997 event, [redacted] traveled to Peru with [redacted] in MSP. [redacted] recalled that she and [redacted] met with embassy officials and advised them that her trip was the result of possible Congressional interest following the 17 August 1997 incident. [redacted] discussed the required ICAO procedures and was given assurances regarding their use. [redacted] believed [redacted] personnel were knowledgeable of the procedures, but was not sure if [redacted] Embassy personnel knew of them.

During her September 1997 trip to Peru, [redacted] met with the VIRAT Commander Colonel [redacted] and with some of the FAP pilots at Pucallpa. She said she wanted assurances that the FAP had the best possible practices in place to ensure against the loss of innocent life, and she was reassured that the Peruvians knew about the required ICAO procedures, including visual warnings. The FAP also told her that shooting down an airplane was the last resort.
278. (S) told OIG that she did not believe that she interviewed personnel regarding the incident during her trip because already had clearly documented what had happened.72 reiterated that she never saw the 17 August 1997 shutdown tape nor did she look at other shutdown tapes during her September 1997 visit.

279. (S) had received a cable from the Embassy regarding the 17 August 1997 incident prior to the trip made to Peru. That cable provided the substance of what would be incorporated into the Congressional Notification and was based largely upon the meeting following the incident. said she viewed that cable as satisfying the MOJ’s requirement for a US Government review of the program if a deviation in the intercept procedures occurred.

280. (S) During her visit laid out additional measures they had taken as a precaution against future accidents. These included keeping ABDP aircraft below the altitude used for commercial aircraft, not firing at any aircraft on the ground that was partially hidden, and letting any plane go if it had not been established that it was a narcotrafficker.

281. (S) prepared a report following her trip said that, when she drafted the report, she sent it to via e-mail for coordination, but she did not recall receiving any comments. She was "99.9 percent sure" that a copy of the report went to LA Division. She did not think her report went to the

72 (S) In reviewing pertinent portions of this report in draft, commented that during her September 1997 trip to Peru, she . . . spent hours over a period of days discussing the incident and the ABDP in general with Embassy officials, and the Peruvians. While I would not characterize this as an "interrogative interview" I spent hours informing myself of procedures and practices through briefings, as well as asking questions of a wide range of people, including Embassy personnel. All were emphatic that they understood the required procedures and that these procedures were being followed.
DDO, but she probably circulated it within the. She did not know if got a copy of her report. did not believe the report was sent outside of CIA.

282. (b) said she had made some recommendations in her report and that she followed up on them with LA Division management. acknowledged that she had the authority to implement some of the recommendations since she had program management authority.

283. (b) was particularly interested in the country team review cables for the October 1997 shootdowns. She recalled that the Embassy sent a cable for each of the shootdowns, although she is not sure how long after each shootdown. also said that, as she did not look at shootdown tapes for those shootdowns that took place after the 17 August 1997 incident. She also did not recall anyone at Headquarters reviewing the tapes of those shootdowns. said she expected to do a thorough job of documenting the reviews. When asked how she ensured that program requirements were being met, said her trip to Peru served that function.

284. (U/FOUO) did not recall seeing a copy of the 17 July 2000 shootdown videotape during her OCA assignment. Although this shootdown tape subsequently was obtained to show President Bush when he visited CIA in early 2001, the tape was not shown due to lack of time. The one tape she acknowledged watching on several occasions was the 20 April 2001 missionary shootdown tape.

285. (U/FOUO) Immediately following the missionary shootdown, there were several meetings with senior Agency officials regarding the incident. participated in these meetings because of her involvement with the counternarcotics program.
286. [¶] joined CIA in December 1995 and was assigned to DO/MSP. On 1 August 1997, he moved to the Latin America Division to prepare for his upcoming assignment to Peru. replaced Officer in July 1998 and served in that capacity until the summer of 2001. As reported to who was replaced in the summer of 1999 by recalled that both emphasized that he had to ensure that all intercept procedures were followed.

287. [¶] Two shootdowns occurred during the 17 July 2000 event and the missionary shootdown of 20 April 2001. Additionally, during his tour, signed two successive SOPs that did not include the requirement to perform visual communications with the Peruvian Air Force in preparing those documents.

288. [¶] Knowledge of Required Intercept Procedures told OIG that he recalled that a Presidential Determination, which included ICAO procedures for the interception of civil aircraft, provided authorization for the ABDP. He said that, in early 1998, in preparation for his move he spent a few days at the US Embassy in Lima and also visited Pucallpa. There was a three-ring binder at Pucallpa that contained documents pertaining to the ABDP, including ICAO procedures and the history of the ABDP. While in Pucallpa, said, he observed day-to-day operations, training, and flight and aircraft safety matters. The aircraft was still there, but the was being transitioned into service, and the pilots were training the pilots. The procedures that the pilots taught the crews had been following; the only changes were aircraft specific. The pilots told the pilots that there was a requirement for visual communication with target aircraft in the event that radio communication failed.
289. [redacted] said that there was a briefing book for incoming crews and OICs that, as Officer, he had updated. Although a copy of the PD was not in this book, [redacted] said he told the OICs to follow ICAO procedures, which were in the book. OICs had access to the FAP SOPs through the FAP OIC and [redacted] Intercep procedures were reviewed in both pre- and post-mission briefs, and OICs filed weekly reports, which were faxed to [redacted] He said he would put the reports into cable format without editing the content; any differences of opinions were noted in the cable. [redacted] said that everyone involved in the ABDP knew the procedures.

290. [redacted] Based on his experiences in the US Army and CIA, [redacted] said he knew that the ABDP would be terminated if the wrong plane were shot down. Every day there were both formal and informal discussions concerning the fact that, if the wrong plane were shot down, the ABDP would end.

291. [redacted] According to [redacted] the procedures for an interception in the ABDP called for the US aircraft to find and identify the target aircraft. The FAP then would try to verify whether or not the target aircraft had a valid flight plan. Next, the target aircraft would be contacted on the international emergency radio frequency and 126.9 MHz. If there was no response, a FAP fighter aircraft would try to communicate with the target aircraft using internationally recognized visual signs. If that failed, the FAP fighter would fire warning shots at the target. If that did not work, the FAP fighter would shoot to disable the target aircraft. Finally, if all else failed, the FAP fighter would attempt to shoot the target aircraft. These interception procedures were detailed in the ICAO manual, although the ICAO manual did not contemplate actually shooting down a civil aircraft. The commanding general of the FAP VI RAT had the ultimate authority to authorize the transition between phases of an interception.

292. [redacted] heard from the FAP that the A-37 fighter was too fast to fly beside a slower aircraft. Therefore, [redacted] said, the A-37.
fighter was instructed to fly around the suspect plane in order to make the pilot of the suspect plane aware of the fighter's presence. Recalled that the fighter pilots did not want to do visual signals beside an aircraft, so they were instructed to fly over and around the suspect plane and wag the fighter's wings. The fighter had to do some visuals to make sure the suspect plane saw the fighter because the US President said it had to be done.

293. (S) said his job responsibility, while on the Peru desk in __________ had been to ensure from ___________ cables that shootdowns complied with the PD and MOJ. Shortly after his arrival at the Peru Desk, a shootdown occurred where intercept procedures may not have been followed. __________ did not remember details of the incident, but acknowledged that he had written a 22 August 1997 e-mail to __________ among others, listing the interdiction phases and specifically mentioning the visual signals required by the ICAO. He also wrote a 21 August 1997 cable to __________ Legal Counsel for LA Division, __________ helped make sure he had the procedures in the cable "right under the law." __________ also recalled writing the background paper attached to the Congressional Notification for the 17 August 1997 shootdown. In the first paragraph of this paper, __________ used the phrase "subsequent warning" to indicate the conduct of visual signals and warning shots.

294. (S) in preparation for his assignment to Peru __________ said he had reviewed videotapes of previous intercepts at Headquarters because he wanted to know how they had occurred. He said that the intercepts on the videotapes absolutely followed established procedures.

295. (S) said that the PD required that, if procedures were not followed by the FAP, CIA had to report that and address the problem. The only problem __________ could recall was one instance in which a host nation rider (HNR) could not speak English.
296. (§) Actual Conduct of Procedures. While in Peru randomly reviewed ______ videotapes of previous shootdowns. In those tapes, the procedures were sometimes blurred. It was hard to tell from the videos if warning shots had been fired, although could hear the HNR saying that warning and disabling shots and the ultimate shoot-down were authorized.

297. (§) According to the FAP OIC always carried a briefcase with the flight plans for identifying target planes, but there was no way the information in the briefcase could be up to date. Identification was a major problem for the Peruvians, said the procedure was best described as "doing the best we could."

298. (§) coordinated a change in the SOPs in 1999 following either a change in command at the VIRAT or a mid-air "touch" between the ______ and the FAP fighter. He read the SOPs, saw the ICAO procedures, and passed them to ______ telling him that they looked "okay." translated at least one of the 1999 SOPs from Spanish into English. When shown the October 1999 SOPs, recalled reviewing it because he had to ensure the procedures were being followed per the guidance he received for running the ABDP. He said that ICAO interception procedures are mentioned in the October 1999 SOPs, but not in those of March 1999. did not compare either of the 1999 SOPs to the MOJ, but said the three phases in the SOPs were in keeping with the "spirit" of the MOJ.

299. (§) said he did not know why visual signals were not referred to in Phase I of the interception procedures in the March 1999 SOPs. ICAO procedures were the rule, however, and include wing-wagging and other visual signals if radio contact has not been achieved. did not recall wing-wagging in any of the videotapes of interceptions from 1995 to 1997, but stated that in all of the interceptions, the target aircraft conducted evasive maneuvers and flew at treetop level. It was difficult to do visual signals in the daytime and impossible to do them at night. told OIG that, "We were
floundering” with regard to visual signals. No one was conspiring to hide anything, but he did not know why the impracticality of conducting visual signals was not raised. Someone should have sent a "reality cable" that told Headquarters that visual signals were impossible to accomplish; Agency personnel in Peru should have indicated that the "academic" intercept procedures could not be done.

300. Country Team Review. This multi-faceted review of interceptions was a standard requirement and was in place. The review group made sure that all procedures had been followed during the interception. This was the way reviews were always done. The review group had to decide unanimously that the shootdowns complied with established procedures.

301. The Missionary Shootdown. was in Washington when this incident occurred. When he heard about it, he knew the ABDP was over. The scenario that occurred on 20 April 2001 had been particularly feared by those responsible for the ABDP. felt that the Peruvians were at fault for the incident, particularly the HNR who did not identify the target and the FAP fighter pilots who provided no visual warnings to the target aircraft after receiving no radio response. Also, the FAP OIC was on the ground plotting the path of the target aircraft and it was obvious that the target aircraft was heading into Peru, unlike a drug trafficker, which would have been heading out of Peru. Finally, the commanding general of the VI RAT just approved the shootdown without requesting additional information.

302. Comments on Shootdown Videotapes. As viewed selected shootdown videotapes during an OIG interview, he first stated that he did not remember having watched the tapes specifically, but that he "would have seen it" or "it would be logical to
assume" that he had seen it while working at the Peru desk. Before watching the third videotape, however, stated that, the more he thought about it, the more he believed that the only shutdown videotape he watched while at was that of 17 July 2000. As he viewed the videotapes in his OIG interview made the following observations regarding specific shootdowns:

1. **4 August 1997:** Although he did not specifically recall watching this videotape at Headquarters, believed that her deputy, and two immediate supervisors would have viewed it. He added that might have watched the tape with them, as well. recalled considerable discussion of shutdown procedures on the Peru Desk following the 17 August 1997 shutdown. was involved in these discussions.

2. **6 October 1997:** Visual signals were not performed, but the target aircraft was "down at the trees."

3. **12 October 1997:** did not know why he did not notice that the procedures were not followed, and he did not know why the failures were not brought to his attention.

4. **17 July 2000:** There was not much discussion of whether this was a "good" shutdown because all procedures were followed, i.e., radio warning, warning shots, then shootdown. When he watched the video in considered the shot that disabled the plane to be the warning shot and he thought that was how he had briefed it up to Headquarters as well. When OIG asked if he saw visual signals performed on the videotape said he remembered hearing references to them. He later
stated that visual signals were not possible in this shootdown and added that letting the target go was not a consideration because "everyone wanted to get the job done." He recalled that Headquarters had no problem with the videotape, adding that he received an Exceptional Performance Award for the shootdown.

303. [REDACTED] served as [REDACTED] from summer 1997 to summer 1999. He supervised [REDACTED] counter narcotics and counter terrorism officers as well as the [REDACTED] officers deployed on a temporary duty basis to Pucallpa. [REDACTED] reported directly to [REDACTED] told OIG that, as [REDACTED] his role was to collect as much intelligence as possible; ensure that all his subordinates were gainfully employed, adhered to Agency policies and regulations, and had suitable growth opportunities; and ensure that these subordinates’ accountings were in order.

304. [REDACTED] supervised several experienced program managers who were responsible for specific programs. Two of these managers [REDACTED] shared responsibility for the ABDP. [REDACTED] was permanently based in Juanjui, where he was responsible for [REDACTED] with the VI RAT. [REDACTED] was responsible for [REDACTED] with FAP Headquarters and for the oversight of the OICs who served rotations at the base in Pucallpa. [REDACTED] briefed and debriefed the OICs; [REDACTED] said he used to discuss with them "lessons learned," how they were treated, and their living conditions.

305. [REDACTED] commented that the [REDACTED] program had to be monitored, that putting it on "cruise control" or "auto pilot" would lead to problems. He had to make the Peruvians think they would be held accountable if there were problems. [REDACTED] said he conveyed the message about accountability through communications, meetings, and social events. According to [REDACTED] any ABDP action the United
States and the FAP agreed to do required a bureaucratic memorandum. He said that would draft a document and he would review it; also might review the document, depending on the substance. also reviewed any memorandum of substance. indicated that ran a tight ship. All memoranda were maintained in safe along with copies of the OIC and aircrew briefing books. said that, if he needed to learn anything about the ABDP, he could review the documents in safe.

306. In terms of how the ABDP was linked to the procedures in the PD and the MOJ, emphasized that he knew prior to his deployment that the ABDP "had to be done right," meaning according to the PD/MOJ. said the ABDP was the only lethal program LA Division was conducting in 1997. The term "lethal" was used in general discussions and noted that using such a term connoted certain responsibilities. knew he had to monitor all of the programs for which he was responsible to ensure that the rules were being followed.

307. When asked who was responsible for ensuring that intercept procedures were in compliance with the law, responded that the Agency’s role was to provide intelligence information to Peru. He said the Agency administered the ABDP, but he emphasized that the use of lethal force was ultimately a Peruvian decision. said, however, that his role was to ensure the Peruvians were doing what they were supposed to be doing. He noted that they had to be in compliance across the board, whether it concerned accountings, drug smuggling, or the use of equipment, and that he had to make sure they were in compliance.

308. Knowledge of Required Procedures. recalled that, as he prepared for his deployment to Peru, he spent several weeks at the desk in LA Division, where he read the PD. He also recalled meeting with several ABDP officers, including and
the focal point at the LA desk, who was himself preparing for a tour in Peru. In addition, received a thorough, two-hour briefing from the that included a discussion of the PD and MOJ. also met with He described as the most knowledgeable about the ABDP, and characterized as the person who really "knew" the program.

309. reviewed copies of the PD and MOJ in his OIG interview and confirmed that he had reviewed them before deploying. He cited the reference to ICAO procedures as information that would have stood out to him. recognized that ICAO procedures were the guidelines for engagement with narcotics trafficking aircraft. Based on his personal interface with US pilots, US OICs, and FAP pilots, said he was certain everyone understood the obligation to follow ICAO procedures.

310. described three phases of intercept procedures to OIG. The first entailed identifying the TOI by obtaining a tail number and a description. This information was provided to the FAP command center at Juanjui for identification purposes. Phase II was the attempt to make contact with the TOI, using two radio frequencies. If radio contact failed, the FAP fighter had to conduct visual signals to get the attention of the TOI.

311. According to the intercept procedures specifically included making visual contact with the target aircraft. He noted that there were many ways to conduct visual signals, but his recollection was that the FAP fighters dipped their wings for visual signaling. emphasized that visual signals had to be conducted. The FAP fighter could not skip visual signals and request permission to proceed to Phase III if, for example, the TOI took evasive action by heading for the trees. He noted, however, that evasion equated to the TOI being aware of the FAP's presence. emphasized repeatedly that the goal was to get the attention of the TOI.
312. If radio and visual communication efforts with the TOI failed, the intercept would proceed to Phase III, according to Only the VIRAT Commander or his deputy had the authority to order a shootdown. said the goal was to get the TOI to follow the FAP back to a designated airfield, so during Phase Three the FAP still attempted to get the TOI to follow the FAP fighter. He emphasized the importance of getting the TOI's attention—through radio communications and visual signals—so the TOI could be escorted to a landing site.\(^73\)

313. stated that intercept procedures were the same for day and night missions. He noted, however, that visibility was much improved for daytime endgames. According to going through the three intercept phases was required, even if it was a night intercept mission.

314. stated there were no alternative options concerning intercept procedures. The VI RAT Commander made the decisions, but visual signals such as wing waggling were not window dressing; visual signals were necessary to ensure a target aircraft was a narcotics trafficker. went on to say that an endgame did not require a shootdown; a successful endgame could also be a forcedown.

315. Actual Conduct of Procedures. told OIG that an attempt was made to determine the registry of a TOI and that the FAP and United States shared this responsibility. He explained that the role of the US aircraft was to spot the targets. In practice, it also had to be evident to US personnel that they had a viable target aircraft, meaning a narcotics trafficker. noted that much was predicated on DEA intelligence lead information. He said that "ideally" it should become apparent whether there was justification to

\(^73\) did not mention warning shots as a required procedure until reminded of them by an interviewer in his first OIG interview.
use lethal force and noted that, for example, night flights east of the Andes Mountains in Peru were illegal; anyone up there at night was a "bad guy."

316. [redacted] stated that the FAP fighters tried to conduct visual signals. He "guessed" that the SOPs called for "dipping wings," but said he did not know if the FAP fighter could do that at dawn or at night. In his experience, all shootdowns occurred at night. He believed it was a matter of the FAP fighter getting in front of the TOI during nighttime intercept missions. [redacted] recalled reading that this usually resulted in the TOI slowing down or dropping altitude. Nevertheless, [redacted] said, the FAP fighter aircraft was supposed to get out ahead or above the TOI.

317. [redacted] With respect to dipping wings, [redacted] wondered how much assurance there could be that the TOI pilot saw the FAP fighter, if the TOI pilot, for instance, was looking away at that time. [redacted] told OIG that there was usually no response when the FAP tried to communicate with narcotics traffickers. He also stated that there was no need to conduct visual signals if, following radio communications, the TOI evaded. He said it was the VI RAT commander’s decision to make.

318. [redacted] recalled that two or three shootdowns occurred over the period of his two-year tour.

The primary purpose of the shootdown reviews was to ensure that all intercept procedures were followed. He said, however, that the videotapes were not watched closely if there was no independent indication of a problem.

74 (U/FOUO) The shootdown of 6 October 1997 occurred at night; the shootdown of 12 October 1997 occurred in the morning.
said he relied on the aircrews to raise any problems and noted that the intercept procedures conducted were not always crystal clear on the videotapes.\textsuperscript{75}

319. (\textsuperscript{8}) said he did not recall any occurrence in which intercept procedures were not followed in a shootdown other than 17 August 1997. He added that there were never any warning signs of issues or anything wrong in shootdowns during his tour and that no one ever identified deviations in intercept procedures to him. According to a cable that reported all intercept procedures had been followed was the result of a determination reached by consensus.

320. (\textsuperscript{8}) In January 1995, was assigned to \underline{MSP}. Later that year, he was named \underline{and}, in June 1996, he became \underline{From 1997 to June 1999, he served as \underline{In August 2001, \underline{became the}}}. In March 1995 \underline{went to Peru on a 75-day temporary duty assignment to reestablish the ABDP after it had been shut down for a period of time.}\underline{traveled to Pucallpa, where he served as the initial OIC. No aircraft were shot down during time in Peru.}

321. (\textsuperscript{8}) told OIG that, during his tour in Peru, he met with and FAP officials, including VI RAT Commander \underline{General to discuss linkup and intercept procedures. When US tracker aircraft arrived at Pucallpa, US and FAP personnel

\textsuperscript{75} (\textsuperscript{8}) In reviewing this section of the report in draft for factual accuracy added that made clear that the rules pertaining to the ABDP were to be followed with the precision consistent with the difficult and dangerous mission that had been given with the PD and MOJ. \underline{stated, however, that OIG imposed, after the fact, an arbitrary and severe set of rules for the conduct of the ABDP, and, had such rules been in place that when he supervised the program, it would not have been able to function. \underline{statement captures the sense of a number of CIA officers in the field—that the program would not have been able to function under the presidentially-directed rules. None, however, had the authority to change the rules or to disregard them.}}
discussed and diagrammed the procedures to be followed once the tracker and fighter were launched. The group covered all procedures from the moment a target was detected and identified, to verification of flight plan, to linkup. These procedures, which were developed in the first four or five days of a 75-day deployment, were then passed to In his discussions with the FAP reviewed procedures in general and as mandated by the ICAO. said everyone understood that ICAO procedures were mandatory. According to the intercept procedures that were developed were based upon the PD, MOJ, ICAO requirements, and discussions with the FAP.

322. As the OIC supervised all aspects of the ABDP, with the exception of flight safety issues, which rested with the US chief pilot and the FAP. It was responsibility to communicate with the US crew. In the weekly reports that were sent to reported every mission and every target encountered. In turn notified Headquarters. said he had no control over the final report submitted by to Headquarters.

323. Responsibilities as During these time periods, told OIG that he was responsible for briefing all OICs prior to their deployment to Peru, explaining to them the required intercept procedures. No OIC was permitted to deploy without talking to He said that he had instructed the OICs to ensure that the tracker aircraft obtained a positive identification of a target by checking the target’s tail number before proceeding with the intercept. According to only the VI RAT Commander, or his deputy, could authorize a shootdown. He told OIG that OICs were not authorized to issue orders to the FAP. told the OICs that, if they became uncomfortable with anything related to the progression of an intercept, they should break off the intercept and report the issue of concern up the chain of command. For example, if visual signals were not executed in a shootdown, they
should report that, and, if warning shots were not fired, they should report that. According to OICs were expected to read the ICAO manual and cables relating to the ABDP prior to departing Headquarters. They also were supposed to speak with Office of General Counsel attorneys regarding the ABDP. As read the weekly reports from Pucallpa and maintained contact with the OICs during their tours in Peru and debriefing them upon their return to Headquarters.

324. Knowledge of ABDP Requirements. Prior to his 1995 deployment to Peru said he reviewed the ICAO manual to refresh his memory of the required procedures. He said that the PD and the MOJ referred to the ICAO requirements. In setting up the ABDP said he adhered to the PD and MOJ, which he thought he had seen in Headquarters before he went to Peru. said the PD and MOJ had been developed after the ABDP was shut down in March 1994 because questions had been raised about the possible risk of loss of innocent life. The MOJ, according to contained the nuts and bolts of the procedures for the ABDP. Although he did not have a lot of time to analyze the PD and MOJ prior to deploying to Peru said he read cable traffic concerning the PD and spoke with personnel who had served in the ABDP prior to the 1994 shutdown.

325. ABDP procedures were based on the PD and MOJ, the ICAO, the Federal Aviation Administration’s Airman’s Information Manual, discussions with the FAP, and Peruvian law, which allowed for the use of lethal force. The procedures required that the tail number of the target be checked. If the tail number or flight plan did not exonerate the target, the fighter would be launched. Upon rendezvous with the tracker aircraft and target, the fighter was to pull alongside the target, parallel to the cockpit, to make visual contact. The fighter attempted to contact the target by radio. If radio contact was unsuccessful, the fighter pilot used visual signals, such as wing waggling or hand gestures. If visual signals did not work, the fighter fired warning shots. If the
fighter’s ammunition was tracer ammunition, the target would see the firing at night. The amount of tracer ammunition available to the FAP was limited, however.

326. [REDACTED] told OIG that someone had determined that the stall speed of the FAP A-37 was too high to conduct visual signals with slow moving aircraft. That shortcoming did not, however, prevent the A-37 from approaching a slow moving target on an oblique angle and carrying out the visual communication maneuvers.

327. [REDACTED] was aware of the obligation to report non-compliance or irregularities concerning the procedures. He told OIG that common sense told him that violations of the required intercept procedures would result in the ABDP being shut down. [REDACTED] said that when he reviewed the training procedures in place at the time of the April 2001 shootdown as part of the Agency’s investigation into the incident, the procedures were significantly different from those that he had employed. [REDACTED] added that he was not aware that the Standard Operating Procedures had been revised until after the missionary shootdown.

328. (U//FOUO) Actual Intercept Procedures Used in Peru. [REDACTED] said all intercept procedures developed in early 1995, to include visual signals such as wing waggling and warning shots, were mandatory both for day and night intercepts, but effective use of procedures depended on many things. [REDACTED] noted that warning shots were not effective during the day or night due to the burn time of the tracer ammunition. He explained that the chemicals on the ammunition did not burn long enough after firing to enable a suspect aircraft to effectively observe the tracer. In addition, [REDACTED] noted that suspect aircraft would typically evade by flying at treetop level, and this would make it difficult, if not impossible, for the interceptor to accomplish wing waggling. [REDACTED] said it became a safety of flight issue at that point. According to [REDACTED] if the interceptor was unable to accomplish visual signals, either during the day or at night,
because of a suspect aircraft's evasive maneuvers, for example, the interceptor would be required to break off the intercept before shootdown.  

329. (S) As the OIC in Pucallpa, indicated, received information from DEA; this usually was based on an intercepted signal that would order tracker aircraft to be launched based upon that information. It was the responsibility of the tracker to get the tail number of the target, information that was then relayed to the FAP. Everyone acknowledged the importance of ensuring that a positive identification of a target was obtained before the intercept could proceed further. said a fighter would not be launched until the tracker had acquired the target and it had been confirmed as a "bandit." The US crew, via the host nation rider, would guide the fighter to the target and then the tracker would drop back.

♦ Radio Calls. Once radio calls were made to the target, the FAP OIC would contact the VI RAT Commander for instructions if the target failed to comply with the order to land.

♦ Visual Signals. said no US or FAP officer ever informed him that visual signals could not be executed during the day or night for any reason, including for reasons of flight safety. If someone had made such a statement, would have asked why not. would have expected the FAP to execute visual signals, day or night, and, if visual signals were not executed, to report that fact up the chain of command.

(U//FOUO) interviewed 24 Peruvian pilots and aircrew that flew on shootdown missions and all but one were not aware of a requirement to break off an interception if visual signals could not be conducted. The videotapes of the shootdowns confirm that interceptions were not halted in situation when visual signals were not performed.
command. [Redacted] told OIG that, if visual signals could not be executed, either during the day or at night, the intercept should be terminated prior to shootdown.

- **Warning Shots.** [Redacted] said warning shots were not effective due to the burn time of the ammunition. He explained that the chemicals in the ammunition would not burn long enough after firing to enable a target to effectively observe the shots.

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Comments By US And Peruvian Aircrews

General

(Pilot): In 1995 it was "basically open season" on all small aircraft flying east of the Andes in Peru.

Identification

(Pilot): Shootdown of 14 July 1995: When asked why the target was fired upon before its registration number had been checked, replied that, although the interceptor was required to get the tail number, it was not required to hold fire until it received an answer about the tail number's validity.

(Pilot): All "illegal" flights fell within the scope of the shootdown law, not just the narcotics flights. It is not possible to be 100 percent certain that a given target is a narcotics trafficker.

Crew: It was the experience of all three of these officers that the Peruvian identification procedure was not 100 percent accurate. A response could take anywhere from 5 to 40 minutes. As an example, a track was acquired for one flight and an attempt was made to get a visual identification on the suspect aircraft. Just about the time the crew had eyes on the target—which was two Peruvian helicopters—the trackers came back and reported that the suspect aircraft was a US Government air asset. This was clearly wrong. It was later learned the trackers had misidentified the helicopters and that the US air asset they mentioned was 40 to 50 miles from where they said it was.

Visual Signals

(Co-pilot): Shootdown of 17 July 2000: At the debriefing, there was some discussion as to whether ICAO procedures were followed or should have been followed with respect to visual communication with the target. The point was made that following ICAO visual communication procedures might be fatal for FAP fighters at night or at low altitudes. Everyone was comfortable with this explanation and no argument was made that ICAO visual communication procedures should be used in the future.

(Pilot): Shootdown of missionary plane on 20 April 2001: Following the intercept procedures was not a consideration in Peru. If the host countries did not want to follow ICAO procedures, they did not have to. ICAO procedures did not work because of the limited amount of time available as the target aircraft approached borders. The FAP was not likely to fly in front of the slower moving target plane as it would take too long to get back behind the plane.

Peruvian Pilots:

All two-dozen Peruvian pilots interviewed said the use of visual signals was left to the discretion of the fighter pilots. The fighter pilots said they did not attempt visual signals in six of the shootdowns; some pilots said visual signals were impossible.
Comments By US And Peruvian Aircrews (continued)

Warning Shots

Peruvian pilot: Shootdown of 23 March 1997: Firing warning shots overpowers the night vision goggles (NVGs)—blinds you.

Peruvian pilot: Shootdown of 4 August 1997: For warning shots, I believe I fired from behind and to the left of target and only fired one burst of warning shots, because the tracers blinded me through the NVGs. The burst I fired lasted 1 to 2 seconds at 20 rounds fired per second. I was about 300 to 500 feet away from the target when I fired the warning shots.

Peruvian pilot: Shootdown of 6 October 1997: We did not fire that many warning shots because we did not want to blind ourselves.

Time Compression

Pilot: Shootdown of 17 August 1995: The HNR rushed the phases and did not think there was adequate time between the phases. He admitted that he knew at the time that the Peruvians had not followed the procedures in this shootdown. He said he raised this with the officer-in-charge.

Mission Support Officer: Shootdown of 4 August 1997: The target did not get a reasonable chance to respond to the warnings.

Co-pilot: Shootdown of 4 August 1997: The FAP moved from Phase II to Phase III too quickly.

330. ( ) assigned to where he served as in 1992-94 and as in 1994-97. He was assigned to CNC in 1997. ( ) traveled to Peru on two occasions in 1995 in support of the ABDP. His first trip was a three-week temporary duty assignment beginning in February 1995 in which he accompanied the OIC, to start the ABDP program. ( ) returned to Peru during June 1995 as the OIC at Pucallpa and departed Peru on 4 August 1995.

331. ( ) old OIG that, during his assignment in at CIA Headquarters, he was responsible for supporting the ABDP. He told OIG that the hardest part of that job was to find OICs; the ABDP "ran itself" once the OICs were deployed. According to did not have responsibility over ABDP operational activities; rather, its role was to provide support,
maintenance, safety, and a "sanity check." said an example of providing a sanity check was assessing whether all legal and regulatory requirements for the ABDP were being met, such as asking whether the US aircraft was being used properly and whether its use had the required approvals.

There were three shootdowns while was in Peru during June and July 1995. could only recall one shootdown in detail, however. That aircraft was shot down less than 25 miles from the Colombian border. did not recall how the aircraft had been identified as a drug aircraft. It did not try to evade and it flew straight north toward Colombia, then went into the trees. said the suspect aircraft was shot down by the FAP, but he did not know how this occurred. recalled that, after the shootdown, a debriefing was held with the US pilots, the HNR, and the FAP pilots during which they watched the videotape. sent report based on the debriefing, crew logs, and the notes he took as the interception proceeded. His report was put on a computer disk and given to a US pilot then sent a cable to Headquarters. may have stated in his report that the shootdown went "in accordance with existing procedures." By this, he said, he did not mean in accordance with international procedures because there are no international procedures for shootdowns. No one asked him any questions about the shootdown.

recalled that there were a number of shootdowns in Peru during the time he was assigned to Headquarters, and he read all the cable traffic about the shootdowns for He noted that the only problems with regard to the ABDP that were ever raised to him while he was at Headquarters were issues involving the safety of CIA aircraft and communications nets.
334. (§) served two 45- to 60-day deployments to Pucallpa as the OIC in support of the ABDP. The first deployment took place during the summer and fall 1995 and the second in the spring 1996.

335. (§) There were two shootdowns during time in Peru. One occurred while he was serving with and another prior to his departing Peru in fall 1995. According to both took place at night and, in both, the target aircraft flew as fast as possible, low at treetop level, and landed at clandestine airfields. Radio contact was attempted in both with negative results. believed that the FAP interceptor attempted visual communication by turning on its landing lights, but he did not specifically recall that being done. Warning shots were fired. According to all phases were followed in both shootdowns.

336. (§) said that he and the aircrews reviewed the videotapes of these shootdowns. He stated that, while he did not see any attempts at visual communications on the tapes, he did hear references to them. One copy of the videos was sent and another to CIA Headquarters. No one at Headquarters ever challenged over whether the required intercept phases had been followed. said he was not aware of a requirement to report deviations in ABDP intercept procedures. He stated, however, that following shootdowns, "I reported everything that happened."

337. (§) In his OIG interview, viewed portions of several shootdown videotapes and made the following observations:

- **14 July 1995 Shootdown**: vaguely remembered being in Pucallpa listening to the during this shootdown. He said there was some confusion about whether the HNR had received authorization for the shootdown because could not be heard speculated that the Peruvian

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authorization must have come over the VHF radio frequency. _______ said that the order given by the US crew to the FAP to "continue to shoot" civilians on the ground was out of bounds. He said that making another sweep on an aircraft down in the water was "not something we were in Peru to pursue." He characterized it as an errant, inappropriate comment made in the heat of the moment, such as US crews had made in the past. _______ emphasized more than once, however, that the Peruvians were the chain of command and that it was Peru’s call on how to conduct the intercept mission. _______ said he did not recall receiving clear-cut instructions on strafing rules, so he did not know if the Peruvians were allowed to strafe aircraft on the ground. _______ told OIG that he had deferred to _______ on this shootdown because _______ was "running the operation," and _______ understanding and background were more extensive than _______. Had _______ been the only OIC, he said, he would have reported this deviation. He assumed _______ saw this videotape and that it was sent to CIA Headquarters. _______ also assumed that Program Manager _______ would have been responsible for ensuring compliance. He reiterated that it was the OIC’s duty to report the strafing, however.

**17 August 1995 Shootdown:** _______ recalled this event as the shootdown in which the target aircraft crashed in Brazil and identified himself on the audio portion of the tape. _______ said the videotape clearly does not show what he remembered as having transpired. His impression and assumption at the time were that authorization for the shootdown had been received. However, upon reviewing the tape, _______ stated that it appeared he had been
mistaken. Observing that 85 seconds elapsed from the time of the radio call to the time the HNR reported that the A-37 was firing on the target, remarked that 85 seconds was a short period of time. When asked whether the A-37 had been able to establish visual contact, responded that he could only include in his report what the crews told him, namely that the mission was conducted according to procedures. He did not recall the US aircrew expressing any concerns regarding this shootdown or mentioning the compression of the intercept phases. At the time, he said, he was focused on the fact that the target had crashed in another country, one that did not participate in the ABDP. said his assumption about this shootdown was wrong and that the shootdown was not conducted as it should have been. said that, after a shootdown, he had neither the time nor the opportunity to review the videotape frame-by-frame. In addition, he did not see the necessity to do so; someone at would review both the videotape and report. was sure would have taken a look at it if he was there. But he never received feedback from regarding this shootdown or any other shootdown in which he participated.

4 August 1997 Shootdown: observed that 90 seconds elapsed from the time Phase I began to the time shots were fired. It did not appear to him that Phases I and II were completed in this shootdown. He said maybe radio contact was attempted but from his review of this tape it did not look like visual contact was established.
338. [REDACTED] said he did not conduct a frame-by-frame analysis of the videotapes. The quality of the shootdown videotapes was not good and did not provide a full picture of the shootdown. Instead, he was trained to look at the highlights of the shootdown, not the intercept phases unless there was an indication of a problem. In addition, [REDACTED] said he did not have the time to review the videotapes so, as OIC, he took his lead from what he heard and what the pilots told him.

339. [REDACTED] told OIG that he had misgivings about how the ABDP was being run while he was in Peru. He said there are always trade offs between saluting the flag and personal beliefs, and he had saluted and carried on. He stated that there is a fine line between a person doing what he is told to do to the best of his ability and that person’s personal beliefs and proclivities. But, he said, the ABDP was extolled as a great program by Headquarters, because it kept drug prices high and kept drugs from flowing north.

340. [REDACTED] said the shootdown videotapes were viewed often, but not with a "seasoned eye." Although he had no role in briefings prepared for Congress, [REDACTED] said he heard peripherally that the tapes were very popular as visual evidence of the war on drugs. [REDACTED] said the videotapes were disturbing and, if people had taken the time, it would appear there was an issue that needed to be raised earlier.

341. [REDACTED], a native Spanish speaker, served as an OIC in Peru three times. As OIC, [REDACTED] said his job was to see that the ABDP was carried out in accordance with policy and to take care of the crew and equipment. He described his role as that of an on-scene commander, responsible for all aspects of the ABDP.

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7 [REDACTED] Agency records indicate that tours in Peru occurred in March to April 1995, October to November 1996, and July to August 1997. He also had been associated with the program before it was discontinued in 1994.
34. [X] **Identification of Target Aircraft.** said that any time there was a question about the status of a target of interest, the HNR on the US aircraft was required to call in the tail number and wait for a response from the ground. This was designed to eliminate the possibility that the target was not a narcotics trafficker. emphasized that the FAP had to wait for a response from the FAP VI RAT before engaging the target.

344. **Intercept Procedures.** Following the point at which the US aircraft vectored the FAP aircraft to the target, said US personnel had no involvement in decisionmaking. The HNR became the forward air command and took over the operation. After approaching the target, the FAP attempted radio contact. If that failed, the FAP pilot attempted contact with the target by putting its landing gear down or using a "follow me" hand signal. Another means of visual contact was for the FAP aircraft to fly by the target.
345. [redacted] explained that, if the target aircraft disregarded radio and visual communications, the FAP could fire warning shots after receiving authorization from the VI RAT commander. If the target did follow the FAP aircraft, visual signals were used to direct it to an airfield; if the target did not follow or attempted to evade, the VI RAT gave approval to shoot it down.

346. [redacted] noted that wing waggling and lowering the landing gear only mattered when an aircraft was going to follow the FAP and land. [redacted] did not recall ever seeing wing waggling or landing gear drop because he was never in Peru when a force down occurred.

347. [redacted] said he reviewed the videotapes after significant missions and shootdowns and prepared a report. As OIC, [redacted] heard the intercept phases in real-time, and the intercept phases appeared on the tape. He said the tapes show the visual communications and other attempts to make contact.

348. [redacted] In his first interview with OIG, [redacted] described the procedures as being listed in three phases:

- Phase I was the identification of the target aircraft and subsequent attempts to gain communication through radio or visual contact.
- Phase II was firing warning shots across the bow of the target after authorization from the VI RAT.
- Phase III was the shoot down of the target aircraft after VI RAT authorization.

349. [redacted] In a subsequent interview, [redacted] told OIG that the intercept phases can, but do not always, show up on the videotape; it depends on the angle. [redacted] said he had seen visual signals such as wing rocking or waggling being executed on the tapes. He
remarked, however, that whether visual signals are visible on the tapes depends on the camera angle and relative distance between the planes, noting that the planes move "pretty fast."

350. (C) stated that he and the aircrews understood that phases could not be skipped. Had a step in the intercept procedures been skipped said there was a requirement to report it, regardless of its importance. Specifically, had a mission resulted in a shootdown and had an intercept phase been skipped, there was a requirement to report specifically to the AOO.

351. (C) Radio Communication. According to the aircrews were required to contact the target aircraft by radio, to ask the target to identify itself, and to get it to follow instructions. said his experience was that the targets did not usually respond. He said it was reasonable for the FAP to issue three radio warnings over a period of 3 or 4 minutes.

352. (C) Visual Signals. Failing a response to audio communications said that visual communications with the target aircraft were required. He described visual signals as flying close across the bow, turning on landing lights at night, wing waggling, lowering landing gear to instruct the target to land, and hand signals through the canopy. said that the FAP fighters flew much faster than the target aircraft and flying by the target and coming back around also constituted a visual signal. The requirement to conduct visual signals was not negated if a target began to evade following radio calls.

353. (C) Warning Shots. first noted that warning shots were required, but he subsequently told OIG that he did not recall if warning shots were required if the target began to evade.

354. (C) According to the minimum amount of time necessary to go through the intercept phases, prior to obtaining authorization for Phase III was five or six minutes. From his
perspective, the elapsed time to complete the intercept phases also depended on the time it took for the VI RAT to respond back to the HNR on the US aircraft.

355. [redacted] In his first OIG interview, [redacted] said he believed there was only one occasion when an intercept phase was skipped. It happened during his last trip to Peru, and he said he identified the deviation when reviewing the videotape. [redacted] gave his account of what happened in the 17 August 1997 shootdown, which he described as the FAP going from Phase I to Phase III in the matter of "a second."

356. [redacted] said the 17 August 1997 shootdown at first seemed like a normal shootdown, but that it did not appear the same when he reviewed the videotape. He said that, after reviewing the tape, he concluded that neither Phase I nor Phase II procedures had been followed. [redacted] said that, when he debriefed the US crew, they were unsure. The HNR stated he was absolutely sure the FAP had conducted both phases, however, [redacted] notified the problem and subsequently wrote a report and sent the videotape to [redacted]. His report stated, unequivocally, that Phases I and II were not followed by the FAP. He said [redacted] came to Pucallpa to review the tape with him. [redacted] indicated she had doubts about his conclusion. [redacted] Spanish was not very good and [redacted] said he believed she could not understand what was said on the tape. [redacted] discussed whether [redacted] had heard what he thought he heard on the tape.

358. [redacted] said that [redacted] told him that [redacted] would rather not have problems. When [redacted] left Pucallpa, there was no agreement between them about what happened during the 17 August shootdown. According to [redacted] never
told him what her report was going to say about the shootdown, and he never saw the report that subsequently sent to Headquarters.

359. [ ] reiterated that the report he prepared stated that Phases I and II had not been conducted before the plane was shot down. [ ] emphasized that he just reported the facts and did not make recommendations.

360. [ ] said he spoke to no one at [ ] about this incident as he departed from his tour. Once he returned to Headquarters, however, [ ] said he spoke to an [ ] officer—[ ]—about the 17 August shootdown. Everyone he spoke to in [ ] told him it was all in a day's work—a regrettable mistake, but not a big incident. [ ] said he was unaware that any Headquarters report was prepared about this shootdown. Nor did he recall discussing it.

361. [ ] said he read the final copy of reports that he prepared and that had been sent to Headquarters after he returned from Peru. He said he found no substantive changes, maybe just softening of this writing or "wordsmithing" one time when the shootdown was not done according to procedures. In that shootdown [ ] said he probably was more proactive and direct in what he wrote. As an example [ ] explained that, if he had written, "yes, this happened," it may have been changed to "yes, this might have happened." [ ] knew the reports he prepared indicated that procedures were followed, but he explained he did not write that, because it was assumed. He did not remember being asked follow-up questions after he filed a report.

362. [ ] In his second OIG interview [ ] emphasized that it was not easy to reach the determination that the intercept procedures had not been followed in the 17 August 1997 shootdown. He said he had to replay the tape several times, and he spoke Spanish.
better than others. said he believed he called after determining there were deviations, but did not recall the timing or the detail of his call. Neither did recall the point at which he prepared his report. According to he called before preparing his report to say that it looked as though the FAP aircraft had violated the intercept procedures.

363. (b)6) response was, "Oh, shit, write it up," which he was already doing. came to Pucallpa that evening or the next day. noted that no one wanted problems, and explained he did not have the impression at the time that did not want him to report a problem. Rather, wanted to find out everything so that there would not be a problem afterward. According to may have said the wanted him to get all the details and write them down. said he gave his report to that day, in person, but he could not recall the details of it. He reiterated that, upon reviewing the videotape, did not immediately see the problems and they watched the tape a few times. noted again that Spanish was not strong.

364. (b) Following the 17 August 1997 shootdown said his instructions were to continue the program as usual unless otherwise instructed. He did not recall a stand down in the program. characterized the reaction from as serious and understood there was a problem. said no one from challenged him concerning the fact that he reported a deviation in procedures. Nor was he aware that had reviewed the 17 August videotape.

365. (b) The subject of problems in the 17 August shootdown did not come up again during the last few weeks of tour in Pucallpa. said he was not aware that traveled to Peru regarding the incident. He reiterated that he spoke to neither of them, and said he did not know if the 17 August shootdown was a big deal at Headquarters.
366. said he received positive feedback from and was told to "keep doing what you are doing." said he left shortly after his return to Headquarters. While he said he was probably considered "persona non grata" in the ABDP, no one directly advised him that that was the case. The impression said he had from discussions with was that he had done the right thing.

367. 4 August 1997 Shootdown. told OIG that he believed this shootdown complied with the PD and MOJ requirements. He reviewed the videotape prior to sending it and his report to said he told that, according to the US aircrew and his report notes, he had no reason to believe intercept procedures were not followed.

368. reviewed relevant portions of this videotape with OIG and reiterated that he saw no problem. He did note that the period from initiation of the intercept to shoot down seemed "really brief," but said he did not believe that constituted a deviation in procedures. He did not believe such a conclusion could be reached by simply watching the videotape as not everything can be seen on the tape said he did not recall either the failure to obtain this target's tail number or the refusal of the US aircrew to approach the target to obtain the tail number. He believed the tail number was always obtained, or else it was clear that there was no flight plan for the area in question.

369. With respect to visual communications, said he could not tell from the tracers where the fighter fired. He also said that most of the time the FAP fighters over flew the target. He suggested that talking to the US aircrew would resolve the question concerning visuals. One can see a lot more by looking out the cockpit windows, and said he recalled discussing this shootdown with the US pilots.
370. [ ] said that, while it appeared from the videotape that Phases I and II were not properly executed, he did not draw that same conclusion after reviewing the mission both then and now. He believed it was possible that the FAP fighter executed the visual signals out of FLIR range. [ ] said that, from what he saw on the videotape and based on what the US crew told him, he believed the intercept phases were implemented.

371. [ ] said proximity to the Brazilian border should not have had an impact on the mission with respect to whether or not the intercept phases were completed. He suggested that perhaps some FAP pilots may have been influenced by the close proximity to the border, but he was not certain of this theory. In this instance, as the tape indicates, the target aircraft was six minutes to the border; [ ] said that was close but not that close. According to [ ], six minutes is enough time for the interceptor to maneuver and perform the phases.

372. [ ] Upon reviewing the videotape a second time, [ ] said it was possible that the tracers could have been fired from one mile back. This was possible because a lot happens that cannot be seen on the tape. As to the conclusions he reached regarding the 4 August shootdown, [ ] said he relied on what the crews told him. If the crew had said the videotape reflected what happened and their testimony was that "no visuals were attempted," [ ] said that would be a problem, but he did not recall that happening on 4 August 1997.

373. [ ] served in DO/MSP from mid-1997 through 2000. During this time, he served two temporary tours of duty deployments in Pucallpa as an OIC, overseeing the air operations of the ABDP. [ ] OIC tours ran from 17 September through 6 November 1997 and from 21 January through 23 February 1999. There were two shootdowns during his first tour and none during his second.
374. (8) told OIG that he was briefed on the ABDP before deploying to Peru in 1997. He recalled that he was told that the Peruvian FAP could not shoot down a target unless it met the profile of a narco trafficker, was thoroughly identified, and was given an opportunity to surrender. was instructed to scrutinize the interceptions to make sure the procedures were complete before turning the process over to the FAP. told OIG that, when he arrived in 1997, also briefed him on the ABDP, including the procedures. He was given time to absorb the material and told to return the following day, at which time made sure he understood the procedures.

375. (8) said it was his responsibility, after a shootdown, to debrief the US aircrews, the HNR, and the FAP OIC to determine if there had been any problems with the linkup, whether or not radio contact had been made with the target aircraft, whether or not procedures had been followed, and the reaction of the TOI to the warnings. Following the debriefings, watched the videotape of the intercept alone, sometimes twice, before preparing his report. then forwarded the tape and his report to at Pucallpa the morning after a shootdown. OICs carried copies of tapes with them back to Headquarters, and said he remembered carrying back the tapes of the two October 1997 shootdowns. He said used one of these tapes as training for future OICs.

376. (8) Actual Intercept Procedures Used in Peru. described the intercept procedures used in Peru, stating that Phase I was identification of the target aircraft, followed by flight plan and tail number checks. The FAP waited for a response from the ground regarding the tail number "most of the time" before engaging the target aircraft. If the TOI was close to the border of Brazil or time did not permit, however, said the FAP did not have to verify the tail number.
377. (U//FOUO) Next, the FAP fighter "shocked" the TOI by appearing out of nowhere. The TOI was contacted by radio and told to break off. If the TOI did not respond, the FAP made the decision to proceed to Phase II. In Phase II, the fighter attempted warning shots. The FAP made the decision to go to Phase III if the target failed to yield. Phase III was destruction of the aircraft.

378. (CIA) In his first interview, told OIG that had told him the warnings given to the TOI were to be done mainly via radio. had said that, if radio contact failed to be established, the interception could proceed to the next phase. said that never told him that, if radio communications failed, the FAP interceptor should fly alongside the target aircraft. He understood this was optional. reiterated that did not tell him visual communication was a requirement if radio contact failed. Also, believed that visual signals could not be conducted at night.

379. (CIA) said he was familiar with ICAO procedures for the interception of civil aircraft, but he did not remember if ICAO procedures were required for the ABDP. said he did not believe ICAO procedures required visual communications between aircraft in the event radio contact could not be made. He stated that the FAP fighter used visual signals to communicate only if the TOI allowed the fighter to get close enough. said the FAP would have to get very close to communicate at night. Thus, believed that the aircrews were to use all options to contact the target aircraft, but that visual communication was not mandatory.

380. (CIA) In his second OIG interview, characterized the procedural requirements as being much more stringent. He now stated that visual signals were required, not optional. further said that there were no situations in which procedures could be skipped. Even if the target aircraft took evasive action after radio calls, visual signals were still required because there was always a chance that the target would choose to land. He noted that the ABDP
(b)(3) CIA Act (b)(6) (b)(7)(c) was a lethal program and one of the biggest things going at the time. said it was imperative that the ABDP was conducted properly.

381. stated that only narcotics traffickers were legitimate ABDP targets and that other types of illegal flights were not potential targets. He said he had been briefed on the profile of a narcotrafficker: a TOI flying at night without lights, or flying low in order to avoid radar, or coming from Brazil. If a TOI fit this profile, it was a legitimate target to be shot. If a TOI was randomly located without a tip, US personnel had to call in the target's tail number and wait for a response from the ground. If the tail number could not be obtained, they would not be able to go through with the shootdown. Instead, they were to gather information on the target with the hope of getting it another day. If an unidentified target picked up during a routine patrol began evading, however, that was evidence that it was a narcotics trafficker.

382. Review of Videotapes. During his OIG interviews, made the following comments before and after viewing videotapes of the two shootdowns that occurred while he was an OIC:

- 6 October 1997 Shootdown: In his first interview with OIG, recalled that this target definitely fit the narcotrafficker profile because it was flying low and was in Puerto Rico. The obtained the tail number, which matched the source information. recalled that, in Phase I, the HNR contacted the target via radio and gave it a long time—about four to five minutes—to respond. In Phase II, the target was given "significant" warnings and told to turn and follow the FAP fighter. noted that the FAP fighter was told to get close to the target and continue radio warnings, but that there was no response after three to five

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78 is referring to a town in northern Peru.
minutes. In Phase III, according to the target was given another warning, but there was no attempt at visual communication. The FAP gave the order to fire on the target; two bursts were fired, and the target turned into a fireball. said he and watched the videotape of the interception. When the FAP fighter aircraft separated from the the target began evading. believed this interception went "by the book and followed all procedures."

After viewing relevant portions of the videotape of this shootdown in his second OIG interview, identified several problems. He acknowledged that the target had never been identified and that the ABDP participants had relied heavily on the intelligence. He said that he had heard no request to initiate Phase I, and he remarked on the lack of dialogue between the phases. He said he believed the target heard the radio warning because it began moving erratically and changing its course. But he said he saw no indication of any attempt to conduct visual signals and noted that only a short period of time elapsed between initiation of the intercept steps and the shootdown. He said he had no answer to the question of whether or not warning shots had been fired. noted there was no time to fire warning shots since the target was close to the border. explained that, if an intercept occurred at night and the target was flying at a low level close to the border, visual signals did not have to be done. said he was told that these types of flights were narcotics traffickers and that the FAP therefore did not have to do the warning procedures, although it still tried to do them. told OIG, "We could deviate from visuals if the TOI was close to the border and might escape," since the "primary purpose was to not let the TOI escape." said he was
satisfied that the target aircraft on 6 October was a drug trafficker. He stated that neither nor anyone else had challenged him. He added that possibly they should have challenged him.

12 October 1997 Shootdown: In his first interview, told OIG that this interception had followed the same format as the previous one and that it included all three phases. The TOI was trying to and the United States and the FAP were going to have to break off the pursuit because they were getting close to the border. The TOI made a turn back into Peru and that is when the FAP fighter was ordered to fire. The TOI started to evade when the order to shoot was given, and the FAP fighter did not get close enough to communicate visually. told OIG he did not recall warning shots being fired. He said this interception happened fast and that the target had given the FAP "a run for the money." Upon reviewing the videotape of this shootdown at Pucallpa, said he had seen no surprises. He said he had told during his debriefing that procedures were followed in both interceptions and that she had asked no follow-up questions.

During his second OIG interview again watched the videotape. He repeated his previous comments that this target fit the profile of a drug flight. He said the Peruvian commander had given the TOI a long time to respond, and believed the target might have been lost because it had such a big head start. did say, however, that the US pilot’s request that the FAP fighter be launched was possibly problematic because all orders were supposed to be Peruvian to Peruvian. He also observed that no tail number was obtained and repeated that there had been no attempt
to conduct visual signals. [redacted] told OIG that he had never been challenged about the procedures conducted during this shootdown.

383. [redacted] served in Peru from July 1999 until early August 2000. Prior to his deployment to Peru, he had been in language training for almost a year. The year before that, he had been stationed in [redacted] where he was not involved in the ABDP. [redacted] told OIG that he reviewed files at Headquarters before leaving for Peru. He read the R&D and the MOJ and said those documents described how the ABDP was to be instituted. He also remembered meeting with the Military and Special Programs and with several officers. He told OIG that he did not view any ABDP videotapes before July 1999.

384. [redacted] had several telephone conversations with [redacted] and made an orientation trip to Peru before deploying to [redacted] in late July 1999; he then had three or four days of overlap with [redacted] told OIG that he and [redacted] did not discuss ABDP shootdown procedures at any time. According to [redacted] who was the Officer during his tenure, represented the expertise and continuity in the ABDP. He had the impression that [redacted] knew his job, and he had no reason to doubt the latter’s ability. He said he discussed ABDP procedures with [redacted] to confirm that they were being adhered to.

385. [redacted] stated that he was not involved in the day-to-day details of ABDP operations. He said he had met with the VI RAT Commander when he arrived in Peru, but did not recall their specific conversations. He said he did not recall having discussions with the OIC or pilots regarding whether the procedures for the ABDP were being followed. Nor did he recall ever hearing complaints with respect to safety issues or the interception rules of engagement.
386. [redacted] told OIG that he met routinely with the OICs prior to their deployment to Pucallpa as well as when they were leaving, and he assumed that he confirmed the three steps of the interception with them during these discussions. [redacted] had no recollection of OICs raising problems regarding intercept procedures on their way out of Pucallpa.

387. [redacted] was shown a document he had signed. He recalled signing the document, which was the October 1999 joint SOPs for use in the ABDP. [redacted] said he had come on his way to the airport to leave for a vacation, and he had seen the document on his desk with a note requesting his immediate signature. [redacted] said he was irritated because he was supposed to be at the airport to catch his flight. He said he called to his office to discuss the necessity of signing the document. He claimed that [redacted] told him the SOPs were nothing new, just a reiteration of the old SOPs that Peruvian officials wanted updated with the new signature. [redacted] reviewed the first few pages, but did not read the entire document. He signed it based on an assertion that it was a reaffirmation of what had gone before. He said he had not read the previous SOPs because he never brought them to him.

388. [redacted] was not in Peru when the 17 July 2000 shutdown occurred. He said he learned about it when he returned on 23 or 24 July or possibly in a phone call from his deputy. He was in the office for only a day as he was called back to Headquarters for a new assignment; he subsequently returned to Peru for a few days to pack out of the country. The deputy subsequently told him that there had been a Country Team review of the shutdown.

389. [redacted] told OIG that he did not review any tapes or information regarding previous shootdowns. He said he was on his way to a meeting at Headquarters when an unidentified LA Division/ [redacted] officer invited him to join other LA Division officers in viewing the videotape of the 17 July 2000...
shootdown. watched the video for a few minutes and then continued to a meeting. He did not recall any details about the video and had no interest in it, because he was no longer  

390. (§) had a clear understanding of the required procedures for an ABDP intercept. He stated that contact was the most important thing. He also understood that, even if the target aircraft made an evasive maneuver, the sequence of required phases still had to be followed. He told OIG that he had never heard the FAP or any US official claim that evasive action taken by a target aircraft was sufficient basis for ignoring required visual communications. He reiterated that visual signals were necessary even after a target began evading.

391. (§) In response to a question concerning whether or not the PD required that deviations in the ABDP be reported responded that deviations absolutely had to be reported since this was a National Security Council-mandated program.
PART II: CIA’S ROLE IN INVESTIGATIONS OF THE CONDUCT OF THE AIR INTERDICTI ON PROGRAM, 2001-2005

392. (U//FOUO) Introduction. Following the 20 April 2001 shootdown of the US missionary plane, investigations of the Airbridge Denial Program (ABDP) began within and outside CIA. Within CIA, DCI George Tenet established the Peru Task Force (PTF) and the Peru Senior Steering Group on 27 April 2001. Subsequently, in May 2001, Executive Director Buzzy Krongard tasked the Latin America Division’s to conduct an accountability review of the program. Finally, in October 2002, the new General Counsel initiated a review of the program.

393. (U//FOUO) Outside the Agency, the National Security Council (NSC) created an Interagency Review Group (IRG), comprised of representatives from US and Peruvian Government agencies involved in the ABDP. The IRG issued a report in late July 2001. The Senate Select Committee on Intelligence (SSCI) also undertook an examination of the program and the missionary shootdown. It issued a report in October 2001.Both groups asked that the Agency provide them with relevant materials and information developed during its internal reviews.

394. (S) CIA’s internal reviews found that the ABDP had not operated in accordance with the legal requirements set out in the Presidential Determination and Memorandum of Justification. As early as mid-June 2001, the Peru Task Force had collected sufficient evidence to determine that the program had not been in compliance since the earliest shootdown of 1995. Subsequently, in early 2003, the attorney conducting the investigation for the General Counsel

79 (U) US Assistant Secretary of State for International Narcotics and Law Enforcement Affairs Rand Beers headed the IRG; the IRG also was referred to as the Interagency Review Commission (IRC).
80 (U) A third study, conducted by retired Ambassador Morris D. Busby, focused on policy and the question of whether or not to restart the program.
reached the same conclusion. However, neither the conclusions nor the information obtained by the PTF, the Accountability Review, nor the General Counsel attorney was ever furnished to those outside the Agency—the IRG, the Congress, the NSC, or the Department of Justice.

**CIA STATEMENTS IMMEDIATELY FOLLOWING THE MISSIONARY SHOOTDOWN**

395. (G) Statements by senior CIA officers in the immediate aftermath of the missionary shootdown obscured and misrepresented the Agency's performance in running the ABDP. On 21 April 2001, LA Division and of the Crime and Narcotics Center (CNC) prepared a four-page memorandum addressing the missionary shootdown and the general conduct of the ABDP. The memorandum, which was coordinated with the Director of CNC, stated that, "Clear rules on engagement were established at the onset of the program." It described these rules as requiring that visual signals be conducted consistent with the guidelines of the International Civil Aviation Organization (ICAO). The memorandum stated that:

> If radio contact [with the target plane] is not possible, the [Peruvian Air Force] pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft. . . . [Emphasis added.]

The memorandum, by stating the rules without modification—that the Peruvian pilot must use internationally recognized procedures to make visual contact if radio contact was not possible, but not stating what happened, implied that the required visual signals had been routinely implemented in the ABDP. In fact, visual signals had not been conducted in any of the 15 shootdowns.

396. (G) This memorandum was presented to Vice President Richard Cheney on 21 April 2001. Two days later, the CIA's Chief of
Public Affairs, William Harlow, received it. Harlow made slight modifications to the introduction of the memorandum and used the text on background with the press, attributable to US officials. Pertinent portions concerning the conduct of the ABDP—the existence of clear rules of engagement at the onset of the program and the requirement to use visual signals as part of the intercept procedures—did not change.

397. (U//FOUO) Harlow attached the press background paper to an e-mail, sent on 23 April 2001, to DDCI John McLaughlin, DCI Chief of Staff John Moseman, Deputy Executive Director John Brennan, and others. Harlow informed these senior managers that the information had been used with print and broadcast media that day.

398. (U//FOUO) On 23 April 2001, the Public Affairs Office sent each Agency employee an e-mail entitled, "The Peruvian Air Bridge Denial Program and the April 20 Incident." The e-mail repeated the literally true but misleading information that clear rules of engagement had been established for the program and that intercept procedures consistent with ICAO guidelines were required. The statement that visual signals must be used remained unchanged. Director of CNC sent an e-mail to all CNC employees on the same day, asserting that the press guidance issued by Public Affairs:

... accurately reflected the role our CIA contract officers played in trying to ensure that the Peruvians properly identified and signaled the airplane before any aggressive action was taken by the Peruvians—unfortunately and tragically, they did not succeed.

OIG found no evidence that ever corrected the information provided to the Vice President, the media, senior Agency managers, the Agency population, and the public.
399. (S//NF) On 24 April 2001, (b)(3) CIA Act edited a draft statement prepared for DCI Tenet to present to the SSCI on the missionary shootdown and the conduct of the ABDP. A section in the draft provided a description of standard operating procedures for each phase of a shootdown, including the requirement that visual signals be performed. In her handwritten notes on the draft, (b)(3) CIA Act recommended deleting the statement that visual signals were required. The written testimony that Tenet presented to the SSCI, dated 25 April 2001, did delete the reference to visual signals, indicating that (b)(3) CIA Act both attended the SSCI briefing and did not offer any corrections to the record.

400. (S//NF) On 30 April 2001, (b)(3) CIA Act sent a cable to entitled, "Preliminary Information on the 20 April Shootdown Incident in Peru." Following an introductory paragraph, the cable repeated most of the language used in the media briefings and notification to the Agency workforce. (b)(3) CIA Act changed the language concerning the use of visual signals, however. The original statement to the Vice President and media had said:

If radio contact [with the target plane] is not possible, the [Peruvian Air Force] pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft. . . . [Emphasis added.]

The cable said:

If radio contact is not possible and depending on the circumstances of the intercept, the [Peruvian Air Force] pilot should attempt to use a series of internationally recognized procedures to make visual contact with the suspect aircraft. . . . [Emphasis added.]

(b)(3) CIA Act asked to review the cable before release. She offered no correction to this language.
401. (S) After reviewing the various versions of the language concerning the requirement to conduct visual signals—implemented the ABDP in Peru from 1995 to 1999—told OIG that the statement in cable to LA Division most accurately reflected the reality on the ground. He said was accurate in stating that the interceptor should attempt visual signals depending on the circumstances of the intercept. said that editing of DCI Tenet’s written testimony was inaccurate and did not reflect his understanding of the situation.

402. (S) In sum, in the immediate aftermath of the missionary shootdown, the language of Agency statements addressing visual signals obscured both the requirement that such signals be used and the fact that they never had been used, thus misleading recipients of the information. The original language—provided to the Vice President, senior Agency managers, employees, and the press—stated that visual signals were required if radio contact was not possible. This language implied that visual signals had actually been performed when, in fact, they had not been performed. removed the reference to the requirement for visual signals from DCI Tenet’s written testimony to the SSCI. This action precluded the logical follow-on question—whether or not visual signals in fact had been performed. modified the language with respect to visual signals when he cabled LA Division personnel that the Peruvian pilot "should attempt" to use internationally recognized procedures to make visual contact. His formulation came closer to the reality on the ground—and also closer to an acknowledgement that the program had been, from the beginning, in violation of the requirement to conduct visual signals.

INTERNAL CIA EXAMINATIONS OF CONDUCT OF AIR INTERDICTION PROGRAM

PERU TASK FORCE AND PERU SENIOR STEERING GROUP

403. (S//NF) Seven days after the missionary plane shootdown, DCI Tenet created two groups to review the shootdown
and the broader airbridge denial program: an investigatory Peru Task Force (PTF) and a board of senior Agency managers called the Peru Senior Steering Group (PSSG) to provide oversight. He charged both groups with multiple tasks, including:

Determining the facts of the [missionary] shootdown itself and the underpinnings of the broader so-called airbridge denial program. This includes ensuring the completeness and accuracy of the documents already produced by various Agency components.

Making recommendations to me, based on the results of the fact-finding effort, regarding any elements of the April incident or airbridge denial program that need further review.

Gathering any material that needs to be provided to the NSC-led Interagency Working Group (IWG) on Peru.

Providing daily updates to me, the DDCI, and the PSSG on all relevant issues, including any new information or facts that come to light, actions the task force is taking or anticipates taking, interactions with the IWG, and developments in Peru to include dialog with the Peruvians.

404. (S//NF) The PSSG was composed of the Agency's senior leadership: Assistant DCI for Military Support Lieutenant General John Campbell, Executive Director Krosgard, Deputy Executive Director John Brennan, DDO James Pavitt, Deputy Director for Intelligence Jamie Miscik, General Counsel Robert McNamara, Acting Director of Congressional Affairs and Director of Public Affairs Harlow. Tenet directed the PSSG officers to:

... provide guidance and support to the Peru Task Force as well as to ensure that the Agency's corporate interests are addressed in the actions we take internally, within the US Government, and within the context of US-Peruvian relations.

81 (U//FOOU) The "Interagency Working Group" referred to in the DCI's memorandum is the same as the "Interagency Review Group," the external investigation mentioned above and discussed in detail later in this Report.
405. (S//NF) Tenet appointed the Head of LA Division and the Head of CNC to lead the PTF. CNC's Chief of Operations replaced an earlier member of the PTF on the PTF in early June 2001. LA Division Legal Adviser was designated to "support all legal questions resulting from the daily meetings and efforts of the Peru Task Force."

406. (S//NF) Although Tenet had named to lead the PTF, LA Division and CNC were deeply involved in the PTF's efforts. who had had oversight responsibility for ABDP operations, either prepared or reviewed much of the substantive information used in the PTF's reporting on the conduct of the ABDP. They reviewed and provided input to PTF daily updates, draft memoranda, and responses to internal and external questions. They were included in the group e-mail address established for PTF members, ensuring that they received every e-mail message sent within the group.

407. (S//NF) told OIG that the period he served as PTF chief was awkward because, within LA Division, he was deputy to the "father" of the ABDP. confirmed to OIG that, while she had not been a formal member of the PTF, she had close contact with it in handling questions and briefings. She also said that she had received daily information regarding its activities, which allowed her to comment on certain matters when she felt it was appropriate.

408. (S//NF) Peru Task Force Findings. The PTF laid out its findings in a series of draft memoranda intended for the DCI and the PSSG. These drafts, as they evolved during the week of 7 to 14 May 2001, show changes in language that increasingly obscured the group's initial conclusion that the ABDP had not followed required
The changing language also increasingly minimized the responsibility of Agency officers for the failure of intercept procedures in the missionary shootdown.

409. (S//NF) Adherence to Intercept Procedures. The PTF’s initial draft of 7 May 2001 concluded that Peru’s intercept procedures had to be modified to bring them into compliance with international standards. The 7 May 2001 draft stated that:

A review of documentation concerning [Peruvian Air Force] FAP intercept procedures reveals a variance between international standards and those subscribed to by the FAP. Specifically, FAP written procedures do not specify internationally recognized visual warning signals to the suspect aircraft, prior to use of lethal force. All host nation intercept Standard Operating Procedures must be modified to bring them into compliance with international standards. [Emphasis added.]

After coordination among the participants listed on the PTF group e-mail address list, including [redacted] this finding was modified the next day. On 8 May, the PTF draft report concluded that:

There appear to be variances between the current jointly developed ADP intercept standard operating procedures (SOPs) [sic] and the International Civil Aviation Organization (ICAO) guidelines cited in the 1994 Presidential Determination that enabled the ADP. Over time, the original ADP intercept procedures were simplified, and certain steps omitted, at the operating level. [Emphasis added.]

After further coordination among the same participants, in the 9 May draft, the Task Force softened its language concerning the gap between ABDP and internationally recognized procedures and dropped the attribution of the change to "the operating level." The 9 May draft concluded that, "Over time, the original ADP intercept procedures were abbreviated." [Emphasis added.] The "final" 14 May draft PTF report retained the 9 May conclusion that procedures became "abbreviated" over time.
410. (S//NF) Agency Oversight of Compliance with Procedures. The PTF initially concluded that the Agency had no formal means to ensure that required procedures adhered to the legal requirements and were briefed to all new participants. The draft of 7 May said:

Ensuring ADP Legal and Policy Continuity: CIA has no formally established means for indoctrinating CIA personnel new to the ADP to ensure that any change in procedures continues to meet the legal and policy thresholds established by the 1994 Presidential Determination. Likewise, there is no accepted standard for documentation of such changes, or for Headquarters review.

This finding disappeared from the 14 May version of the PTF draft report.

411. (S//NF) Additionally, the conclusion in the 7 May version of the PTF draft that there was not a sufficient "Program Review" of the ABDP in place was modified to characterize the lack of oversight and review of the program's implementation as an Intelligence Community-wide responsibility, as opposed to an Agency obligation. Overall, the 14 May draft was weaker in its conclusions concerning the Agency's performance in the ABDP than the original version. The Task Force had softened or removed language that dealt with adherence to required procedures, training, program review, and oversight.

412. (S//NF) Non-Issuance of a Final PTF Report. The PTF never published a final report of its investigation. The 14 May 2001 draft was given to the PSSG and also was included as an annex in the Agency's Accountability Review of August 2001. OIG found no later versions, and PTF members told OIG that they believed there were no later versions. According to several PTF members, Legal Adviser had advised the PTF to keep all documents in draft form.

The rationale for not issuing a final or formal report was that the DCI had not explicitly tasked the PTF to provide a written report of its investigation, and PTF Chairman told OIG that he had never been asked to provide a final report.
One recalled that the rationale was that the PTF should not create any final documents that might influence other investigations. DCI Chief of Staff Moseman recalled that the Agency had decided to keep PTF work products in draft because of concerns about possible civil litigation. Agency officers told outside investigatory groups, such as the IRG and the SSCI, that there was no final report from internal CIA investigations. This enabled the Agency to successfully deny these groups access to the PTF's findings.

413. (S//NF) After completing its 14 May "draft" report, the PTF continued to collect and document findings concerning ABDP procedures. Although it continued to identify additional and significant problems in the operation of the ABDP dating back to 1995, the Task Force never supplemented its "draft" of 14 May. For example, OIG that the PTF determined that intercept procedures followed in the ABDP had not been as consistent as had claimed in her review of the program in September 1997. He noted that the PTF never located documentation to support statement that intercept procedures were "more stringent" than those required by the Presidential Determination and MOJ. In fact, the PTF had access to the SOPs of February 1997, which omitted the requirement that visual signals be implemented and which demonstrated that conclusions were inaccurate.

414. (S//NF) OIG that he has since concluded that the ABDP clearly suffered from more than the erosion "over time" of operating procedures, as the PTF reported. He said that some actions taken in the ABDP directly contradicted the PD and MOJ requirements. claimed that he personally discussed these problems with DCI Chief of Staff Moseman and Deputy Executive Director Brennan. He said he also had discussed the PTF findings and inconsistencies with who produced the Accountability Review.
415. (S//NF) Use Of Visual Signals And Standard Operating Procedures. The PTF had been tasked to determine the underpinnings of the ABDP and to ensure the completeness and accuracy of ABDP documents produced by various Agency components for external reviews. The Task Force did not, however, report its findings that required procedures, such as visual signals, had not been performed since the start of the program. It also found, but did not report, that both ________ in its reports to Headquarters, and Headquarters, in its reports to Congress and the NSC, had stated that all procedures had been conducted in compliance with presidential requirements while knowing this to be inaccurate. The PTF also failed to include in its draft report the evidence it collected that ________ memorandum of 1997 was inaccurate and misleading.

416. (S//NF) Instead of addressing the broader program and its prolonged failure to adhere to required procedures, the PTF focused in its "draft" report on a less incriminating issue—changes to the written Standard Operating Procedures (SOPs). The PTF stated that, although the legal requirements in the PD and MOJ continued to govern the program, the US and Peruvian air crews relied on written SOPs for specific guidance with respect to ABDP intercepts. It then noted that the written SOPs in effect on 20 April 2001 were dated October 1999 and had been signed by ________. It said that, while the preface to the SOPs referred to the ICAO procedures mandated by the MOJ, the detailed intercept instructions for the pilots did not include the ICAO requirement to conduct visual signals.  

417. (S//NF) The PTF acquired, but did not pass on in written form, other relevant information concerning the fact that visual signals had not been performed in shootdowns from the beginning of the program. On 10 May 2001, PTF member ________ met ________ (U//FOUO). The PTF failed to note that neither an earlier version of the 1999 SOPs, signed by ________ in March 1999, nor the 1997 SOPs contained the requirement to perform visual signals as part of the intercept procedures.
with members of the tracker aircraft from 1998 to 2001. According to memorandum of the meeting, these personnel reported that the Peruvian crews never attempted visual warning signals. They claimed that the only visual signals they knew of were warning shots, but that they had never seen them used. told OIG that the US crews reported that warning shots had not been routinely fired during intercepts, although they had heard Peruvian pilots claim over the radio that they had fired warning shots.

418. (S//NF) On 14 May 2001, sent an e-mail to the PTF and appended the memorandum describing his meeting with the crews. This information was not included in the PTF "draft" report sent to the PSSG and later to DCI Tenet, however.

419. (S//NF) On 30 May 2001, met with members of tracker aircraft from 1995 to 1997. memorandum for the record states that, "Only one pilot could recall a Peruvian interceptor using visual signals to warn a target aircraft." The crews reported, as had the crews, that they had never seen the FAP fire warning shots during an intercept, but they had heard the fighter pilots state on the radio that they had done so.

420. (S//NF) On behalf of the PTF, questioned CIA officers who had run the program in Peru to determine why the actual procedures used differed from PD and MOJ requirements. He raised the issue with and Their responses were contradictory. who was directly involved in the program in Peru from 1995 to 1998, wrote that visual signals were mandatory:

In 96-October 1998 the A-37 [FAP] aircraft were directed to make visual signals, including wagging their wings and lowering their landing gear. This was never/never left to the discretion of the pilots, nor the HNR.
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

sent a follow-up request:

Have read your comments . . . and need some clarification. We have the Feb 1997 jointly signed SOP which doesn’t provide for visual warning signals being utilized by the intercepting aircraft. . . . Can you please clarify, as it appears we might have a disconnect between the written SOP’s and what you indicate was actually being done in country.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

responded:

I confirm that in-country visual recognition signals were emphasized while I was there, both as an officer-in-charge in Pucallpa (This basically covers the period of 1993 – Oct 1998.) I thought that this was still in the SOP, but haven’t seen it in a few years. Each time we met with the FAP for discussions of the SOPs, we discussed the need for visual signals. Visual signals were quite difficult at night, but at night the interceptor aircraft turned on all their lights to ensure that the target knew they were there. At night, visual recognition signals were often moot due to safety, this is why the interceptor always lit up. Training that [ ] and I took part in also included visual signals. This ICAO requirement was also reiterated after the 1997 shootdown. The night/day visual requirements may be where the disconnect is.

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)

421. (S//NF) [ ] told OIG that he could not reconcile the information from [ ] that visual signals were always required with the statements of the US aircrews that they had never seen them done and with the fact that the February 1997 SOPs did not require them. When questioned about this contradiction [ ] told OIG that her statement in the e-mail to [ ] was true because she had emphasized the requirements of the rules.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
422. (S//NF) also contacted who had served as Officer from 1998 through the 2001 missionary shootdown. He asked when did the procedures change as far as providing visual signals to a target by the intercepting aircraft, vice attempting contact exclusively by radio as provided in the 1999 SOP? [W]hen did the procedures change as far as providing visual signals to a target by the intercepting aircraft, vice attempting contact exclusively by radio as provided in the 1999 SOP?

presented this question to in writing three times, but did not respond. finally responded to fourth request of 8 May 2001 by focusing only on the 17 July 2000 shootdown:

Due to the low altitude and evasive maneuvers of the suspect aircraft, explicit visual signals such as is the intent of ICAO was simply not possible in that it would endanger the safety of all aircraft.

423. (S//NF) The statement by contradicted information provided in three cables reporting on this shootdown. The first cable, on 17 July 2000, reported that, "[C]rews implemented the three phases of the shootdown procedure." A second cable on 20 July 2000 stated, "The country team confirmed that all the established procedures were correctly followed." The final cable, prepared by on 21 July 2000, reported that the FAP pilots had confirmed making visual contact with a passenger in the narco aircraft prior to Phase 3 shootdown action."

424. (S//NF) told OIG that none of these statements in the cables meant that visual signals had been conducted. Rather, the references to "three phases" meant that there had been identification, warning, and shootdown. At that time, according to all CIA personnel involved in the program understood that visual signals were not done. noted that there was no inquiry from Headquarters regarding the lack of visual signals in reporting of the event.
425. (S//NF) also contacted [redacted] who had served in the program in Peru from 1995 to 1999. He responded via cable on 30 May 2001, stating that:

There was an informal understanding between the FAP command groups that the pilots of [Tucano-27] and A-37 [aircraft] would comply with VIRAT interception instructions of completion of visual signals unless the required maneuver would affect the safety of their [aircraft] or the other [aircraft] engaged in the interception procedure. At this point, the [FAP pilot] would immediately report his inability to perform visual signals to the VI RAT Command.

In the early years the visual signals were not an issue because most of the interceptions were performed at night and on the majority of interceptions the suspect platforms would take harsh evasive action and non-compliance with VI RAT instructions. Under these circumstances said, the FAP was not required to perform visual signals.

426. (S//NF) told OIG that he had learned from overhearing FAP pilots talk among themselves that FAP Commanders had told their pilots not to risk their lives or aircraft just to follow orders to conduct visual signals. According to and the OICs in Pucallpa were aware that Peruvian commanders had told the pilots not to do visual signals if doing so was too dangerous.

427. (S//NF) OIG found no evidence that the PTF reported or forwarded to senior Agency officers the information it had received from the US aircrews on the actual

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84 (U/FOUO) As previously noted, 11 of the 15 shootdown interceptions occurred during the day.
conduct of interceptions. As detailed in Part I of this report, however, Agency records indicate that these same officers had reported that all required procedures were followed in the shootdowns for which they had reporting responsibility—with the exception of the 17 August 1997 shootdown. In some instances, these officers had highlighted the fact that visual signals were conducted.

428. {S/NF} Thus, by the end of May 2001, the PTF had acquired clear and convincing information that procedures required by the PD and MOJ had not been followed in the ABDP from the beginning of the program and that Agency officers in Peru had consistently misrepresented that fact in their reports to Headquarters. The PTF did not amend its "draft" findings of 14 May 2001 to include this conclusion, however. Nor did it provide its findings to the outside groups (e.g., the IRG and the SSCI) that had tasked the Agency to provide them with all relevant information.

429. {S/NF} DCI's Knowledge of PTF Findings. On 25 May 2001, in anticipation of the release of the Interagency Review Group's (IRG) report of its investigation into the ABDP (issued in late July 2001), an Executive Assistant to DCI Tenet sent to the PTF more than a dozen substantive questions related to the operation of the program. The questions covered adherence to ICAO procedures, procedures actually conducted during intercepts, and the SOPs. The Executive Assistant stated that Tenet wanted to "nail down all the facts regarding the training manual(s) and standard operating procedures." [Emphasis in original.] She sent the list of questions to senior PTF members, as well as to Moseman, and Brennan.

430. {S/NF} On 30 May, Senior Deputy General Counsel John Rizzo reacted to the DCI's questions with a recommendation:

These are all appropriate and important questions for the DCI to pose, but as we discussed we need to be careful about what is committed to paper at this juncture when it is uncertain how things
will evolve in terms of potential litigation or outside legal scrutiny. Thus, I recommend that these questions be addressed via ORAL briefings of senior Agency management vice some written product that may be subject to legal discovery down the road. [Emphasis in original.]

The Agency’s concern about the civil litigation growing out of the missionary shootdown also was reflected in PTF Deputy Chief handwritten notes from a 31 May 2001 PTF meeting. Under a note referring to one of the attorneys for the two families of those on the missionary plane who had been killed or injured had written, "knows about task force/SSCI" and "all discoverable if not in draft."

431. (§) On 15 June 2001, the PTF produced a document titled, "DCI's Questions Regarding the Peru Airbridge Denial Program." Apparently in deference to Rizzo’s advice, it again stamped the document, "DRAFT." Among the items of information provided to Tenet was the "key point" concerning visual signals, taken from the procedures mandated by the MOJ:

[I]f the FAP is unable to contact a suspect aircraft on the radio, the FAP interceptor pilot "must use a series of internationally recognized procedures [that is, ICAO guidelines] to make visual contact with the suspect aircraft and to direct the aircraft to follow the intercepting aircraft to a secure airfield for inspection."

The document explained that the SOPs dated October 1999:

... requires only attempted radio contact before moving to the second phase of intercept – i.e., warning shots... [Emphasis in original.]

The PTF noted that it had:

... determined that the three phases of interception in the October 1999 SOP were not consistent with the 1994 MOJ.
The PTF attributed this "dichotomy" between the October 1999 SOPs and the MOJ to "a schism between [Headquarters] and Embassy oversight of the program." The PTF said that, "Washington-level reviews did not focus on the details of procedures and training" because the main focus at Headquarters had been the strategic impact of the program. On the other hand, it said:

... the Embassy’s Country Team and program participants focused increasingly on flight safety and apparently did not compare the revisions of SOPs to the language of the original MoJ.

The PTF explained that the change in SOPs was due to a change in focus that inadvertently allowed the SOPs to be inaccurate.

432. (S//NF) The document the PTF provided to Tenet also stated that:

... the substance of the three phases of intercept has been consistent in Peruvian Air Force SOPs and training since at least 1997 and probably since 1994.

The Task Force then cited, without comment, the finding of September 1997 program review that the intercept procedures in effect were both sufficient and consistently followed.

433. (S//NF) The PTF, in its 15 June 2001 document, provided misleading information to Tenet. It implied that required procedures had been conducted until 1999 and treated the SOPs of October 1999 as the anomaly. In fact, the SOPs of February 1997 also had contained no reference to the requirement to conduct visual signals. The PTF and subsequent inquiries represented the 1999 SOPs as the first inconsistency with the requirements of the MOJ and indicated that this had been caused by an increased emphasis on the safety of flight after the mid-air "touch" and near collision of a Peruvian fighter and an American tracker plane in February 1999. In fact, the
1997 SOPs also contained the deviation from the required intercept procedures of the MOJ, and program participants—both US and Peruvian—told OIG that visual signals were optional from the beginning.

434. (S//NF) The PTF provided Tenet with some of the information that had acquired from the US aircrews, but misrepresented what the aircrews said. While indicating that the air interdiction procedures in practice were different from those mandated by the MOJ, the PTF obscured the fact that visual warnings had never been done by implying that radio contact had sufficiently alerted the target aircraft and that visual signals had never been necessary:

The aircrews have stated the issue of visual warnings by the interceptor aircraft was very rarely called for during interceptions. In their recollections, the US aircrews said when interceptors would warn target aircraft on the radio the target aircraft would either immediately respond on the radio or quickly begin evasive maneuvers.

435. (S//NF) The PTF directed the DCI to another key part of the MOJ—the reporting requirement:

The MOJ requires official United States government personnel in jointly manned facilities and platforms to "regularly monitor compliance with agreed procedures and immediately report irregularities through their chain of command."

The PTF did not take the next step of telling the DCI that these reporting requirements had never been met; that Agency officers had failed consistently to report irregularities; and that the Agency had misrepresented the state of compliance in its reporting internally and to Congress and the NSC.

436. (S//NF) PTF Review of Shootdown Videotapes. The Peru Task Force collected and examined all available videotapes of
shootdowns and forcedowns. A detailed report of the videotape examination stated that the PTF reviewers found no videotape that showed all of the required intercept procedures being performed. The PTF's review found violations of required procedures in multiple shootdown videotapes. PTF Chief told OIG that the results of the video review were discussed by the full PTF. OIG found no evidence that this information was shared outside the Agency with either the IRG or the SSCI, despite the tasking from these groups for all relevant information.

437. (S//NF) Search for a "Good" Videotape. In late May 2001, the IRG asked the CIA for an intercept videotape that showed compliance with the intercept procedures. The PTF identified the 6 and 12 October 1997 shootdowns as likely candidates and asked to review them to see if they showed that procedures had been "followed to a T." responded on 30 May 2001 that one of the two was a night intercept, "that does not define well the first and second phases and would not be a good example of what an end game is supposed to look like." Apparently the other October shootdown did not prove suitable either, because, on 19 June, the Task Force expressed hope that the videotape of the 16 May 1995 shootdown might reflect the affirmative statements in reporting. The reviewers responded, however, that they were not able to see that the A-37 had given any visual warnings during that shootdown.

438. (S//NF) Ultimately, the PTF was not able to identify any videotape that showed all procedures being conducted as required by the PD and the MOJ, according to records of the PTF and statements of its members, including PTF Chief OIG found no evidence that the PTF communicated this determination to the IRG or to anyone else outside the Agency, however. A PTF member recalled that, at the time, Legal Advisor instructed the PTF to be careful about making any judgments because the
missionary shootdown matter could become a legal issue. Thus, the
Task Force never published the fact that it had failed to identify a
shootdown that adhered to all required procedures.85

439. (S//NF) PTF's Comprehensive Videotape Review. In
early June 2001, after failing to find a "good" example of a shootdown
for the IRG (showing the procedures were followed), the PTF
commissioned a thorough review of the shootdown videotapes it had
collected from offices at Headquarters and overseas locations. E-mail
between PTF members indicates that the purpose of this review was to:

... insure that each tape was in fact a legitimate tape, accurately
labeled, and that the Standard Operating Procedures for
Surveillance and Control of Air Space was followed.

440. (S//NF) An officer from the Directorate of Intelligence
(DI), assisted by a DO operations officer serving on the PTF,
reviewed all of the videos collected by the Task Force. Their notes
stated that they saw no visual signals on any videotape. Moreover,
they observed that US personnel in some of the incidents had given
improper orders to the Peruvians. For example, the DI reviewer
noted in e-mail that, on the 21 July 1995 video, [REDACTED] told the host nation rider to conduct Phases I and II as "warning
shots, then shoot." Apparently, he said, the FAP followed these
orders because the video did not show the Peruvian A-37 fighter
attempting to use visual signals.

Commenting on the 14 July 1995 video, the DI reviewer noted that
[REDACTED] ordered the FAP to "continue to shoot" and "shoot
again" at the target after it had crashed in a river; the HNR relayed

85 [REDACTED] In reviewing this Report in draft, the Director of the NCS, Michael Sulick, commented
that, "Even if no one explicitly told the IRG that the Agency was unable to produce a videotape
that demonstrated complete compliance, the fact that one could not be produced in response to
the request should have put the IRG on notice that none existed."

SECRET//NOFORN

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those orders to the A-37. The video showed the A-37 as it came out of a dive and climbed rapidly, from which the reviewer concluded that it "appears that the A-37 strafed the target while in the water." The PTF member's handwritten notes also reflect his observations that, "A-37 apparently strafing downed aircraft. Order passed by American crew." 86

442. (S//NF) The video reviewers stated, and PTF records confirm, that they brought their assessment of the 14 July 1995 video to the attention of the entire PTF because of concern about the instruction to strafe people trying to flee the plane. A subgroup of Task Force members then viewed the tape and agreed with the reviewers' comments. Contradicting the reviewers' conclusions that the fighter had been ordered to strafe the target aircraft after it crashed, Legal Adviser recommended that the PTF state that:

Endgame video dated 7/14/1995 contains an audio track reference by flight crew members to possible strafing or shooting activity by the A-37 pilot after the successfully engaged target plane had crash landed in a river. Review by Peru Task Force members was inconclusive in determining if these are out-of-context comments. No strafing activity against any ground target was captured on the videotape.

443. (S//NF) Three days later, the PTF member responsible for drafting and circulating the daily updates wrote to and others that the Task Force had agreed to review the 14 July videotape one more time and would, "hold off on that entry to the daily update until we can come up with language all are comfortable with."

444. (S//FOUO) told OIG that approximately nine permanent PTF members engaged in a "very robust discussion" of the July 1995 tape that focused on whether it showed the strafing of a

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86 (U//FOUO) The PD and MOJ did not authorize strafing of civilians fleeing a downed plane, nor were US personnel allowed to issue orders to the FAP. Strafing in this context is a violation of US and Peruvian laws.

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downed aircraft. According to the members of the group wanted to know if they had an obligation to report what they observed on the videotape as a potential crime. said he told them that that was a policy decision. He said that his advice had been that, if the PTF concluded there was strafing, it had to be referred as a potential criminal matter; if the group decided there was insufficient evidence of strafing, there was no reporting obligation.

445. (S//NF) Ultimately, the 28 June 2001 PTF daily update contained this entry on the strafing incident:

Peru Task Force and LA/LGL reviewed an endgame video dated 14 July 1995 that contains audio track references by flight crew members to strafing or shooting activity against the target aircraft by the A-37 pilot, after the successfully engaged target plane had conducted an emergency landing in a river. No strafing activity was visible on the videotape.

The Agency did not refer the strafing incident to the Department of Justice for review as a potential criminal matter.

446. (U//FOUO) The Report of Shootdown Videotapes. In a 2 July 2001 e-mail to the DO PTF member, the DI video reviewer summarized his review of the shootdown videos:

Compliance of phase 1, 2, and 3 under the Standard Operating Procedure was carried out by the [Host Nation Rider] but typically in a rather hurried manner that almost always failed to utilize signals as described by the International Civil Aviation Organization (i.e. move wings or flash navigating lights). Even though the phases were communicated and approved accordingly, the A-37 neglected to take extra steps in identifying or communicating with the target of interest (TOI). [Emphasis added.]

Having prior intelligence on a TOI's flight or the TOI taking evasive maneuvers also would explain a quick run through the phases. In several instances such as in the 4 August and 6 October
1997 shootdowns, proximity to the Brazilian border appeared to be a determining factor in acting quickly through each phase.

Only in the 14 July 1995 shootdown did the TOI apparently turn on his navigation lights but did not communicate via radio with the A-37 pilot. In no other instances did a TOI signal with navigation lights or wing movement.

Once the A-37 pilot was given authority to proceed with phase 1 and 2, it was not possible to hear his radio contact often times due to the way the recording was done. In some of these instances the [Host Nation Rider] did confirm Phase 1 and/or 2 were complete.

Typically warning shots fired during Phase 2 were not visible due to coloring of FLIR recording, however in most instances the [Host Nation Rider] can be heard talking to the US pilot or to the ground Command Post confirming that shots were fired.

Communications between the [Host Nation Rider] and the pilots of US aircraft was never hindered due to poor language skills, even though the [Host Nation Riders] had the burden of communicating with their US pilots in English.87

447. (S//NF) In addition to the report the DI officer prepared, information from interviews and records reveals that PTF members documented the procedural deviations in detail for each shootdown tape reviewed. In fact said the PTF concluded that the tapes showed a tremendous inconsistency in the way procedures were conducted.88

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87 (U//FOOU) - The CIA's primary public explanation for the missionary shootdown was poor communication between the US crew and the FAP HNR due to the language barrier.

88 (U//FOOU) - As discussed later in this Report, shortly after the PTF video reviewers completed their report and provided it to the PTF, the SSCI staff—which was conducting its own investigation into the missionary shootdown—requested to see shootdown videotapes. The PTF did not give the SSCI staff any of the information from its own review or any guidance about which tapes to review. Instead, the PTF suggested that the SSCI staff choose which videotapes they wanted to see.
448. (S//NF) *Reporting the PTF's Findings.* By July 2001, the PTF had reported in memoranda produced by the Task Force new findings in four areas:

- The PTF's review of videotapes revealed that what happened during every shootdown beginning in May 1995 differed from reporting cables, which had claimed that all intercepts complied with required procedures. The videotapes also contradicted the statement in September 1997 program review that procedures followed in the program were "more stringent" than the PD/MOJ required.

- The PTF learned, from interviews of US and Peruvian aircrews, that the requirement to visually warn suspect aircraft had not been conducted in shootdowns from 1995 through 2001.

- The PTF had determined that neither the February 1997 nor the two sets of 1999 SOPs instructed aircrews to conduct the required ICAO visual signals as part of intercept procedures.

- The PTF had received written statements from a program officer stating that everyone understood that required visual signals could be omitted if the maneuver would affect the safety of the aircraft, and from who said that ICAO visual signals were not attempted in the 17 July 2000 shootdown, even though cable reporting stated they had been conducted.
OIG found no evidence that the PTF formally reported these findings to senior Agency managers or outside review groups.89 DCI Tenet had specifically instructed the PTF to ensure "the completeness and accuracy of the documents already produced by various Agency components." In spite of this instruction and its own findings, the PTF never addressed the consistently inaccurate reporting in cables and in Congressional Notifications to Congress. Nor did the PTF take any action to correct false statements made by the Agency in the wake of the missionary shutdown to Congress, the NSC, and others that claimed the program had been run in full compliance with Presidentially-mandated procedures.

449. (S//NF) Comments. PTF Chief told OIG that he briefed DCI Chief of Staff Moseman and PSSG member and Deputy Executive Director Brennan on 30 July 2001. He said he told them that the videotapes showed that intercept procedures used in the ABDP had not been in full compliance with the "regulations." said he told Moseman and Brennan that it was questionable whether the procedures conducted in the field fully complied with the legal requirements of the program.

450. (S//NF) said he did not recall if the PTF informed the ongoing SSCI investigation or IRG of its findings. He said, however, that he was fairly confident that he personally, or the PTF as a body, had discussed concerns about the videotapes with the DO's who had been tasked to conduct an accountability review of the ABDP. was formally assigned as the sole CIA member on the IRG and was responsible for conveying pertinent Agency information to the IRG review. said he expected that would have informed

89 In reviewing this report in draft, OGC commented that DOJ was aware, in June 2001, that the PTF had developed information that visual contact procedures may have been deleted in the 1997 and 1999 SOPs. The Acting General Counsel commented that this fact showed that information was shared. In actuality, what the PTF had determined was broader—that no shutdown from 1995 onward fully complied with the intercept procedures required to be followed before it could be shot. OIG found no evidence that this conclusion was conveyed by the Agency to the outside investigations.
DDO James Pavitt of the PTF's findings that intercept procedures were not followed in some, and perhaps most, of the ABDP shootdowns.

451. (S//NF) DCI Chief of Staff John Moseman told OIG that he was aware that Agency officers were not authorized to change the procedures specified in the MOJ. Moseman said he had no recollection of any discussions about a PTF review of shootdown videotapes. Nor did he recall that had raised the fact that the PTF could not locate any shootdown videotape that showed compliance with intercept procedures. Moseman said he would have expected to inform him of such a finding. Moseman said he and had talked frequently while the PTF was functioning.

452. (S//NF) Moseman recalled that "bottom line" was that there had been deviations from the rules governing the ABDP. Moseman said this had surprised him because he had thought the ABDP was a well-run program. He indicated, however, that he was not sure he had the impression the program had never been run in compliance with the MOJ. In any event, Moseman did not remember taking any action based on concerns.

453. (S//NF) Moseman assured OIG that no guidance had been given to not to provide senior Agency managers the details of what he found to be wrong with the ABDP. Moseman emphasized that Tenet was interested in knowing the facts. Moseman recalled that was not happy with what he was finding and did not pull any punches in reporting that there were problems with the ABDP.

454. (S//NF) Deputy Executive Director John Brennan told OIG that he did not recall the specific findings of the PTF nor did he remember hearing about a review of shootdown videotapes. Had there been such a review, Brennan said he would have expected the PTF to report its findings to someone in the chain of command, but not necessarily to him. He said the individuals who should have
been informed included Tenet and Krongard. Brennan said he did not take away from the PTF review the conclusion that the Peruvians had not complied with the MOJ. Rather, Brennan’s impression was that the ABDP was in compliance with the MOJ, but that oversight of the program had not been as good as it could have been. Brennan said that Krongard made adjustments to the Review process to deal with oversight issues.

455. DDO Pavitt told OIG that he did not recall that the PTF had been unable to find a videotape that showed all intercept procedures being followed. Nor did he recall being advised of the findings of the PTF, although he was a member of the PSSG. Pavitt said that, if the PTF had notified the State Department and the NSC that procedures had not been followed, he should have been notified too. He said such findings also should have been passed to the IRG and the SSCI. Pavitt said he was not aware of how the PTF findings reached Congress.90

CIA’S INTERNAL ACCOUNTABILITY REVIEW

456. (S//NF) In a 21 May 2001 memorandum, Executive Director Krongard directed who was serving as the DO’s to "conduct a complete and comprehensive program review" of the ABDP and prepare a written report of his findings and recommendations.91 told OIG he served as the "de facto interface" between the PTF and the IRG, often having daily contact with the PTF. He served as the sole Agency representative to the IRG.

457. (S//NF) prepared a report for Executive Director Krongard dated 10 August 2001, titled, "The Peru Shoot-down: An

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90 In fact, the PTF findings did not reach Congress.
91 told OIG that his responsibilities as included providing oversight to the review process in the Agency. Specifically, he served on the and was Executive Secretary to the.
Internal Program Review. Agency records confirm that it was sent to Tenet, Krongard, and Pavitt told OIG that either Pavitt or his deputy also had instructed him to provide a copy to the Office of General Counsel (OGC). In its key findings, which focused on an evaluation of procedures at the time of the shootdown of the missionary plane, the report stated that a "safety of flight" focus in the aftermath of the February 1999 mid-air touch between a Peruvian and an American aircraft had resulted in an abbreviation of operational procedures delineated in the PD and MOJ. It went on to say that the training curriculum reflected these abbreviated procedures. The report also cited language deficiencies, technical communications problems, and inadequate Peruvian command and control as contributing to the environment on 20 April 2001. The report was more specific than the 14 May PTF report had been in describing the omitted visual signals, but it still attributed the omission to a "safety of flight" concern that had emerged in early 1999. reported that:

The focus on flight safety following the February 1999 midair "touch" led to an abbreviated form of the procedures mandated by the 1994 Memorandum; the abbreviated procedures were inconsistent with the ICAO's recommended aircraft alignment positions during intercepts.

SOPs dated from March and October 1999 did not include the ICAO requirement for visual signals.

The training did not include ICAO procedures.

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92 [NF] The 10 August 2001 report included a number of appendices, one of which was marked "Tab C" and identified as the PTF's 14 May 2001 "draft" report. The Agency was unable to locate and provide OIG with a formal record copy of the report that included all appendices.

93 [NF] In February 1999, a Peruvian fighter and a US tracker aircraft almost collided; in fact, the aircraft touched in the air. There were no injuries or damage. After the crash of the missionary plane and others attributed the abbreviated intercept procedures to safety concerns raised by this near miss. They knew, however, that the abbreviated procedures had been present since the start of the program and had been reflected in the 1997 SOPs, two years before the near collision.
PTF Chief told OIG that he and other members of the PTF had informed of their concerns stemming from the PTF videotape review. PTF Deputy Chief also recalled that he discussed the PTF review and the inconsistencies between the SOPs and the legal requirements with Despite having had access to the ongoing work of the PTF and being advised of its findings—including the fact that there were deviations from the required procedures in shootdowns dating back to 1995 and the fact that the 1997 SOPs also failed to include the ICAO requirement for visual signals—made no note of these issues in his report to Tenet, Krongard, and Pavitt. Instead, as in the PTF response to the DCI’s questions, report identified 1999 as the beginning of the procedural omissions.

459. (S//NF) told OIG that the written SOPs dated 1999 formed the basis for his determination that the procedures had slowly eroded. He said he had accepted without question the conclusion of September 1997 report that the program had complied with required intercept procedures. He said he did not obtain SOPs dated earlier than 1999. could not explain to OIG why his own conclusions had not been affected by his knowledge of the PTF’s findings.

460. (S//NF) report discussed specific problems in the missionary shootdown. It reported that Phase II warning shots on 20 April 2001 were deficient because they were done from behind and to the right of the target. Specifically reported that, "From such a position, there is little likelihood that warning shots—even with tracers—could be seen by [missionary plane’s] pilot, particularly given that the shootdown occurred during daylight hours." also reported to Tenet that:

Inadequate Peruvian Command and Control led to the false and/or premature sense of urgency on 20 April and the increasing presumption of guilt by the FAP.
There is no indication that senior program managers at NatSecAct Headquarters were guided by – or focused on – Presidential Determination 95-9 and its Memorandum of Justification after a 1997 program review. Nor was there interagency focus on the Memorandum of Justification.

461. (S//NF) In the recommendation section of his report, emphasized that the 1994 PD and MOJ provided explicit policy and operational guidelines for the ABDP; he noted that, "the procedures listed are rigorous and comprehensive." While he did not raise the PTF’s documented findings that deviations had occurred in earlier shootdowns recommended that, "There must be a formal written agreement that explicitly accepts these [MO] procedural requirements."

462. (S//NF) told OIG that he recalled PTF Chief telling him that there was no videotape that showed all the intercept procedures being conducted. explained that he did not include this information in his report because he had been examining "program accountability," not personal accountability. said that, if none of the tapes reviewed by the PTF showed procedures being followed cables reported that all procedures had been followed, "then there’s a disconnect," and "a line of inquiry" upon which follow-up should have been done.

463. (S//NF) Agency Response to the Internal Accountability Review. Tenet, Krongard, Pavitt, and the General Counsel’s office responded by focusing on overall management of covert action programs and on oversight accountability. In a 15 August 2001 memorandum to Tenet, Krongard proposed the following "next steps:"

(b)(5)
That you concur with the attached tasking regarding a comprehensive, immediate review of the Agency’s management and oversight of Covert Action (CA) Programs.

That you ask the General Counsel to consult with the Department of Justice regarding potential litigation before moving ahead with an internal accountability review board.

464. (S//NF) Krongard told Tenet that the Agency needed to overhaul its internal management of covert action programs. He attached to this memorandum both internal review and the proposed tasking to DDO Pavitt, suggesting a number of specific actions concerning covert action oversight. Tenet concurred with Krongard’s recommendations on 22 August 2001 and asked the General Counsel to:

... consult with the Department of Justice regarding potential litigation on the Peru shoot-down to determine the advisability of moving forward with an internal accountability review board.

OIG has found no evidence concerning such a consultation with DoJ.

On 31 August 2001, however, OGC attorney documented the results of a 28 August 2001 meeting with Tenet that stated, in part:

The DCI determined not to go forward with an AAB (Agency Accountability Board, per new regulation AR10-37).

465. (S) Senior Agency officials—Pavitt, Moseman, and Counsel to the DDO—told OIG that they had no recollection of any particular action taken by Tenet or Krongard to address the fact that the Agency’s internal reviews had determined that the ABDP had not been conducted in adherence to presidential requirements throughout the entire period of its operation. Pavitt recalled only that found that the ABDP had not been run as carefully as possible and that intercept procedures had not been followed in most shootdowns. Moseman told OIG that he would not...
have recommended an accountability board be convened for those involved, when there was an ongoing criminal investigation, noting that he had not thought that failure to follow the procedures had been intentional.

CIA REPORTING TO CONGRESS AND THE NSC

466. (U//FOUO) CIA is required by law to keep the Congress and the NSC currently and fully informed of significant activities it undertakes. In the case of the ABDP, the MOJ included a specific requirement to report irregularities to those institutions through the Agency’s chain of command. Part I of this report details the reporting the Agency provided to the Congressional Intelligence Committees and the NSC regarding specific shootdowns. The Agency also reported on the management and oversight of the program through regularly scheduled reviews of intelligence activities, including Congressional quarterly reviews of covert action programs and the NSC’s annual covert action review.

467. (S) Between 1995 and 2001, the Agency consistently told Congress and the NSC that the ABDP was operating within the laws and policies governing it. In particular, the Agency reported that its internal program reviews ensured compliance with relevant legal and policy guidelines. For example, in November 1998, following an internal program review, CIA reported to the NSC that the air interdiction program "operates under strict procedures to ensure protection against loss of innocent life as stated in PD 95-9."

468. (S) In the week following the missionary shootdown, the HPSCI and the SSCI asked DCI Tenet to brief them on the events that led to the mistaken shootdown, as well as on the overall conduct of the ABDP. Agency records show that and directly supported Tenet in these briefings, and that, in

94 (U//FOUO) The lone exception was its reporting of violations in the 17 August 1997 shootdown.

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Approved for Release: 2017/06/29 C06659602
addition, they personally briefed the Intelligence Committees more than ten times between 24 April and 1 August 2001, and managed the information provided to the Committees and served as the primary briefers, presenting comprehensive reviews, analysis, and conclusions regarding what transpired in the 20 April missionary shutdown. In these communications, they repeatedly claimed that, between 1995 and 2001, the program had operated according to the requirements laid out in the PD and the MOJ.

469. (S//NF) Agency and Congressional records indicate that, in almost a dozen Congressional briefings and hearings in 2001, and emphasized that the missionary shootdown had been an aberration and that the speed with which the intercept phases were conducted had been unexpected. These claims remained unchanged even after June 2001, when the PTF internal review had documented the fact that procedures conducted in shootdowns dating back to 1995 had deviated from the requirements and that the phases of previous intercepts had been conducted in even shorter periods of time than in the missionary shootdown.

470. (S//NF) DCI’s 24 April 2001 SSCI Testimony. DCI Tenet appeared before the SSCI on 24 April 2001 to testify about the conduct of the air interdiction program and the missionary shootdown.

Tenet submitted a written statement for the record and made an oral presentation. had reviewed the draft written statement and several changes to its substance were made in her handwriting. There were two key deletions, including:

- The statement that visual signaling was a required procedure during Phase I of the intercept, according to the standard operating procedures.

95 (S//NF) According to a member of the Peru Task Force, the PTF probably provided information to the DCI’s speechwriter who drafted the statement.
The statement that the videotape of the missionary shootdown confirmed that the required procedural step of hailing the aircraft with international recognition (visual) signals had not been done.

The deletions eliminated any reference to visual signals as a required part of the intercept procedures. All of the proposed changes in handwriting were incorporated into Tenet’s formal testimony. As a consequence, Tenet provided misleading testimony to Congress. He did not provide a full, factual, and accurate accounting with regard to either the intercept procedures required by the MOJ or the procedures omitted in the missionary shootdown and in previous shootdowns. Neither corrected Tenet’s statement when he presented this testimony orally before the SSCI on 24 April 2001 or at any other time.

471. [Redacted] told OIG that she did not recall why she had recommended the changes to the DCI’s testimony. She explained that she might have been confused about which phase of the requirements included ICAO procedures for visual communications. She maintained that she had not deleted visual signals from the DCI’s statement in order to imply that visual warnings were not required. In reviewing pertinent portions of this report in draft for factual accuracy provided additional information. She described herself as the notetaker at a coordination meeting held in Tenet’s office on 24 April 2001 when the changes were made to the DCI’s written statement. said that Moseman, Rizzo, and others were present. denied that the changes in the DCI’s statement were made by her; rather, the changes were in her handwriting because she was the notetaker. said that the draft DCI statement set forth the procedures as outlined in the MOJ accompanying the PD and contained the same language as used in

96 [Redacted] During her OIG interview, after acknowledging that she had edited Tenet’s draft testimony and saying that she did not recall why she had done so, stopped the interview on the advice of counsel.
the three previous days in preparing materials for press release, responses to Congressional oversight committee questions, and other inquiries. said that at the coordination meeting in Tenet’s office, there was discussion that the information provided by the aircrew on the 20 April 2001 shootdown differed from the procedures in the MOJ and PD. stated that one of the participants recommended that, in light of the differences between the procedures outlined in the MOJ and the crew’s statements, the language in the testimony should reflect exactly what the crew said they understood the procedures to be on the day of the shootdown.

472. (S//NF) **Visual Signals.** The issue of the requirement to conduct visual signals surfaced during the SSCI hearing on 24 April, when engaged in an exchange with Senator Fred Thompson who was trying to pinpoint the exact procedural failings in the missionary shootdown. After discussing the possibility that no warning shots were fired, Senator Thompson observed that, even if they had been fired:

... that still doesn’t alleviate your concern, and that would mean that the failure, if you’re strictly looking at the procedure, the failure would have been in failing to visually try to contact the plane.

responded, "At the very least, sir."

473. (S//NF) Later in the hearing, SSCI Chairman Richard Shelby engaged in a meticulous accounting of the exact events of the missionary plane shootdown. Immediately after description of the attempted radio calls, the Chairman asked, "Then what happened? Did he ever try to fly around him or warn him?" answered that the fighter plane had not done so. Thus, although none of the CIA officers testifying at this hearing listed visual signals among the required procedures, at least two Senators understood that visual signals should have been performed.
474. (S//NF) Mid-way through the hearing, Chairman Shelby asked whether, other than the missionary shootdown, the Peruvians had ever failed to perform the intercept procedures agreed to by the Peruvian and US Governments. __________ responded that the 17 August 1997 shootdown was, "the only incident in which they failed to follow phases one, two and three." This response was clearly misleading, as __________ knew that visual signals had not been performed throughout the life of the program.

475. (S//NF) Missionary Shootdown as an Aberration. During the 24 April 2001 SSCI hearing, __________ portrayed the missionary shootdown as a deviation from the usual conduct of an interception. In particular, he focused on how quickly Peruvian personnel had moved through the phases of the intercept. He stated that, "even having seen hundreds of intercept tapes and seeing [the 20 April 2001 videotape] four times," he was still surprised that the shootdown "could have occurred so fast." This testimony also was misleading. The elapsed time between Phases I and III of the missionary shootdown was more than 10 minutes. The elapsed time between Phases I and III in each of the five shootdowns that occurred while __________ was less than six minutes.

476. (S//NF) __________ told the SSCI that no more than three minutes elapsed between the HNR's report of the target's tail number and the order to shoot the plane down. He said that he did not believe that proper identification of the tail number could be done in only three minutes. __________ also testified that the missionary shootdown happened so fast he was not sure if warning shots had been fired, and that the short period of time between Phases II and III suggested that warning shots would have had to happen very rapidly. He added that he could not discern whether the shots he saw on the videotape were warning shots or actual shooting at the plane.
477. (S//NF) In fact, records from previous shootdowns and documented PTF findings confirm that, once the phases in an interdiction began, the elapsed time between the start of the first phase and the authorization to shoot down a target aircraft ranged from less than 60 seconds to about six minutes. As discussed in Part I of this report, the videotapes of the shootdowns on 4 August and 6 October 1997, when [redacted] show that less than two minutes elapsed between the FAP sighting the target to begin the procedures and the authorization to shoot the target down.

478. (C) DCI's 25 April 2001 Testimony to HPSCI. Tenet testified before the HPSCI on 25 April 2001, as he had the previous day to the SSCI, concerning the shootdown of the US missionaries and the overall conduct of the air interdiction program. OIG was denied access to HPSCI records and was unable to review the formal transcript of this hearing. Agency records indicate, however, that accompanied Tenet and that Tenet submitted the same written statement he had given the SSCI the previous day.

479. (U//FOUO) Legal Counsel to the DDO [redacted] told OIG that he reviewed the written statement submitted by the DCI to the SSCI and HPSCI on 24 and 25 April 2001. After being shown a copy of this testimony during his OIG interview, [redacted] agreed that there was a variance between the testimony and the procedures set forth in the MOJ. [redacted] said he had not picked up on this fact when he reviewed the testimony in 2001. [redacted] added that, if he had reviewed the testimony with a view toward the MOJ,

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97 [redacted] In a letter to the Inspector General of 28 April 2004, the Chairman of the HPSCI, Porter Goss, denied OIG access to the Committee's documents concerning the ABDP. Goss stated that the Committee had been informed fully about the conduct of the program and that any possible inconsistencies were inconsequential. He further said that he was certain the Committee had received honest testimony and had not been "aggrieved." Therefore, he said, the HPSCI would not provide OIG access to the documents.
he would have corrected the omission of a reference to visual signals. asserted that anyone who was aware that the testimony was inaccurate had a responsibility to so advise the DCI.

480. (S//NF) SSCI Briefing, 10 May 2001. On 10 May 2001, showed SSCI members and staff the videotape of the missionary plane shootdown and briefed them on the transcript of the incident and the Agency’s analysis of it. also attended the briefing. In explaining the shootdown, highlighted particular elements, such as communications problems. She noted:

There are a number of concerns expressed by US personnel about whether or not the Peruvians had properly identified the aircraft and were moving too fast through the phases.

At no time did explain that the phases in this shootdown actually had been executed more slowly than in previous shootdowns.

481. (S//NF) stated that the target aircraft was:

... on a path and flying at an altitude and taking no evasive action that makes it very clear there was not a lot of reason to expect or conclude that this was a narcotics trafficking airplane, other than the fact that no flight plan had been located for it.

Again, neither told the SSCI that targets in earlier shootdowns had been shot down without being identified, without being described in intelligence, and without an attempt being made to identify their flight plans.

482. (S//NF) HPSCI Briefing, 26 July 2001. With press coverage surrounding the issuance of the IRG’s report on the ABDP in late July 2001, the HPSCI asked that CIA again brief the Committee on the conduct of the ABDP. In preparation, on 21 July 2001, e-mailed to PTF members a draft statement he planned to present to
the HPSCI on 26 July 2001. Again, failed to describe any of the deviations from the procedures that occurred or that the PTF, by this time, had uncovered and documented. Instead, he focused on the fact that CIA had "continuously" supported reviews by the SSCI, the IRG, the NSC, and DoJ, including "retrieving and reviewing official and unofficial Agency correspondence dealing with the ABDP." did not indicate that the support CIA had provided to these external groups did not include providing the findings of the PTF. In fact, Legal Adviser, advised him not mention the PTF review.

483. On 23 July 2001, appended a revised version of proposed testimony to an e-mail he sent to the officer who was coordinating briefing. advised the

The comments below came from various element[s] of OGC. has seen this revised document and generally has no issue, other than his continued (and correct) assertion that there should be no reference to the internal CIA task force [the PTF]. [Emphasis added.]

proposed statement to HPSCI was revised as follows to eliminate any reference to the PTF internal review:

... CIA participated in an interagency review of the incident [the Beers IRG]. We find nothing inconsistent in the conclusions drawn by the interagency commission [Beers] with our own understanding of the facts surrounding the tragic shootdown on 20 April and the overall ABDP.

484. also prepared a statement on the interdiction program for DDO Pavitt to present to the HPSCI on 25 July 2001. Again, in the final version of this statement,
failed to include information regarding the repeated violations of procedures that had occurred during the program. Instead, [redacted] made the following point: "was there ever an intention to undermine the program or not fully comply with the stated requirements—no." [redacted] added that there could have been better and more aggressive training and oversight, but he said:

\[\ldots\] In my view none of these factors, while all important, would have avoided the tragedy that occurred that day, in the absence of the Peruvians following long established, well known procedures.

485. [redacted] Following the HPSCI briefing, [redacted] reported to senior Agency management. In a 27 July 2001 e-mail to Executive Director Krongard, Chief of Staff Moseman, DDO Pavitt, General Counsel McNamara, Senior Deputy General Counsel Rizzo, [redacted] characterized feedback from the hearing as positive and stated, in part:

Rand Beers' presentation was balanced. Really, nothing new was presented that had not been brought to the committee’s attention in the past through our various briefings of members and staffs. As for program deficiencies: language problems, communication architecture, the USG role in the decision making process, chain of command and lack of complete adherence to ICAO procedures were highlighted as areas where improvements were needed. It appeared that the general sense of the committee was that while the Peruvians acted in haste and incorrectly, there are several systemic problems in which we share a level of responsibility. Again, nothing particularly new in that as our earlier briefings to the members and staffs had already highlighted areas where there were potential deficiencies.
EXTERNAL EXAMINATIONS OF CONDUCT OF AIRBRIDGE DENIAL PROGRAM

THE INTERAGENCY REVIEW GROUP

486. (B) In his 21 May 2001 memorandum to DDO Pavitt, Executive Director Krongard had tasked [redacted] to serve as the Agency member to the NSC-directed IRG, which was headed by Assistant Secretary of State Rand Beers. Beers told OIG that he would have expected to be notified if the Agency had done an internal review or if it had reviewed videotapes of shootdowns and been unable to identify any examples of shootdowns in which intercept procedures were followed. Beers said that, during his investigation, he had dealt with both [redacted] and Senior Deputy General Counsel John Rizzo. He said that he had never been told about the Agency’s internal review of the ABDP, however. Beers also said that after the IRG asked the Agency for an example of a videotape of a shootdown showing compliance with the procedures, he was not aware of the PTF’s unsuccessful effort to identify such a shootdown videotape.

487. (U//FOUO) Beers told OIG that the 1994 MOJ governing the ABDP was not open to interpretation. Noting that there was no exception "built-in" to the visual contact requirement in the MOJ, Beers said there was a requirement to report if no visual procedures were done. Beers said a judgment would have had to be made as to how high up the chain of command to report the problem, taking into consideration the seriousness of the deviation. At a minimum, Beers said, he expected the Agency ultimately would have reported deviations to an official not directly involved in the program. He emphasized that he had never been notified of any problems with the shootdowns, either on a contemporaneous basis or as a result of the PTF review.
488. (U/FOOU) The report released by the IRG in late July 2001 followed the basic storyline as established by CIA and reflected in the PTF “draft” report and the internal accountability review provided to the Executive Director. It indicated that, by the late 1990s, references to the full range of required procedures had become less detailed and explicit. It noted that the use of this abbreviated set of procedures was the result of an increased focus on safety resulting from the near collision of a Peruvian and a US plane in February 1999. The IRG reached its conclusions without access to all relevant information from CIA—such as the PTF videotape review; PTF interviews with ABDP participants; and the PTF’s findings that the required intercept procedures and the reporting requirements had not been met. As the Agency’s sole representative to the IRG, failed to provide the group with any of this relevant information.

THE SSCI INVESTIGATION

489. (N) The SSCI also conducted an investigation into the conduct of the ABDP. The Committee sent requests to CIA for documents and information and heard testimony from CIA officials regarding the conduct of the program. Committee staff members visited Headquarters to review records of the program’s operation as well as material provided by the Peru Task Force. Staff members interviewed ABDP participants, including and selected members of the US aircrews; they also traveled to Peru to conduct interviews and gather information. 99

490. (N) On 26 April 2001, DCI Chief of Staff John Moseman and an officer from Congressional Affairs discussed the fact that the SSCI team had been tasked to complete an "historical review" of the

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99 (U/FOOU) This Report focuses only on the representations CIA made to the SSCI investigation team. The SSCI team collected information from a number of sources, including the Departments of State and Defense, US Customs Service, DEA, Office of National Drug Control Policy, Peruvian Government and Air Force personnel, and the Association of Baptists for World Evangelism.
ABDP. In support of that investigation, Moseman recommended that the SSCI team come to Headquarters to discuss the terms of reference and other personnel deemed appropriate by the SSCL team. In response to requests for information, the Agency made two notebook binders of materials available to the staff members. The binders, compiled by the PTF, did not contain all relevant material, however. Specifically, the records did not include the PTF's documented findings regarding violations in procedures that had occurred throughout the entire period the program had operated.

491. (U//FOUO) Three SSCI staff members responsible for conducting the investigation separately told OIG in April 2004 that they had been unaware that the DCI had established a group identified as the Peru Task Force. Recalling approximately 12 trips to Agency Headquarters to review ABDP records, including some shutdown videotapes, each staff member told OIG that he had not been advised of the results of the Agency's review of shutdown tapes. Nor were the SSCI staff members made aware of the fact that the Agency could not identify a single shutdown tape that showed full compliance with the intercept procedures.

492. (U//FOUO) In July 2001, shortly after the PTF's videotape review was completed, SSCI staff members asked to view some shutdown videos. PTF Chief told OIG that he did not recall if the PTF provided SSCI the conclusions of its videotape review. said the SSCI staff members did not ask for the PTF's analysis, and he did not recall meeting with them to discuss the Task Force's findings. Agency records confirm that the PTF, by this time, had documented the results of its videotape review, which had found procedural deviations in previous shutdowns.

493. (U//FOUO) In late July 2001, the SSCI sent a draft of its report to CIA for review. On 2 August 2001, the CIA Office of Congressional Affairs (OCA) sent a fax to the SSCI outlining CIA's comments. Specifically, the Agency asked that the SSCI replace its conclusion
that ICAO procedures had been "abandoned" with the assessment that implementation of ICAO intercept procedures had "eroded." CIA also objected to the inclusion aircrews in the SSCI conclusion that there was an "operational mindset" in the interdiction program that a target plane was a narcotics trafficker unless proven otherwise.

On 9 August 2001, the SSCI sent its final draft report to CIA for classification review only. On 14 August 2001, each sent e-mails to OCA, again objecting to the language in the draft. took issue with the word "abandoned" in reference to the ICAO procedures, because only part of the procedures had been abandoned—the visual signals. argued that other parts of the ICAO procedures—identification, radio contact, and so on—remained. In contrast objected that:

ICAO procedures were never abandoned, certainly there has been some erosion over time and on that score I might add that the erosion was not intentional. The word abandoned suggests a conscious act, which was never the case.

OCA notified the SSCI of CIA's objection to the word "abandoned." The SSCI ultimately conceded the point, and the change is reflected in its final report issued in October 2001. 100

DCI Chief of Staff Moseman told OIG that he assumed CIA had provided the SSCI investigation team and the IRG with all relevant information, to include the results of the PTF findings and the internal accountability review. He said he did not know if this had occurred, however, and stated that had been the Agency's focal point for these outside groups. With respect to whether the Agency should have volunteered this information to the

100 (U) The unclassified SSCI Report, A Review of United States Assistance to Peruvian Counter-Drug Air Interdiction Efforts and the Shootdown of a Civilian Aircraft on April 20, 2001, can be found online at http://intelligence.senate.gov/107149pt. The report concluded that there was erosion over time of the use of ICAO procedures. The committee said it could not determine why the procedures changed.
SSCI or the IRG or waited for specific requests, Moseman said it would have constituted a problem had the Agency withheld the information. He stated that it was difficult for him to say if Agency personnel should have just turned over the findings without waiting for a request, although turning over the findings appeared to be the right thing to do. Moseman emphasized, however, that the SSCI and Beers commission were conducting their own reviews and had access to the same material as the PTF. He added that he assumed the SSCI and the IRG had come to the same conclusions as the PTF.

496. (C) Deputy Executive Director John Brennan told OIG that he would have expected the PTF to report its findings to someone in the chain of command. He also said that there should have been a notification informing Congress and the NSC. Brennan claimed that he did not recall being informed that the Peruvian Air Force considered any of the intercept procedures to be discretionary or optional under certain circumstances. Had the Peruvian Air Force, in fact, considered an intercept procedure optional or discretionary, Brennan said the PTF should have captured that information. Brennan asserted that the PTF findings should have been reported to as high a level as necessary to ensure that corrective action was taken. These findings also should have been reported to the SSCI if the findings rose to the level of being considered a significant intelligence activity.

CIA REPORTING TO THE NATIONAL SECURITY COUNCIL

497. (S//NF) Agency records reflect several instances in the aftermath of the missionary shootdown when Agency officials were asked to inform the NSC about the conduct of the air interdiction program in Peru. At no time did CIA officials provide full or complete information on the operations of the program to the NSC.

National Security Adviser Steven Hadley, concerning the missionary shootdown and the ABDP. The memorandum stated that, "Clear rules on engagement were established at the onset of the program." It described the phases of an interception as requiring visual signals consistent with ICAO procedures. The memorandum was circulated to John Moseman, and others in advance of its delivery to Hadley. OIG found no record that or Moseman suggested any changes to the memorandum.

499. (S//NF) Agency records indicate that Hadley provided this memorandum to the Vice President on 21 April 2001. Tenet, DDCI John McLaughlin, Krongard, Pavitt, and others were informed that the Vice President had been briefed and that the key points of the memorandum had been emphasized.

500. (S//NF) Discussion with National Security Advisor, 23 May 2001. Tenet, McLaughlin, and Moseman met with National Security Advisor Condoleezza Rice on 23 May 2001 to discuss a number of issues, including the ABDP. According to a memorandum for the record written by Moseman the next day:

**Peru Incident:** Dr. Rice asked about the modifications of training procedures, which may have contributed to the shooting down of the missionary airplane in Peru. [Moseman] noted that training issues (including revision of manuals that may have eliminated details of the steps involved in air interceptions) are under review at CIA.

501. (S//NF) Questions from National Security Advisor, 30 July 2001. As noted above said he discussed the PTF’s videotape review findings with Moseman and Brennan in a brief meeting on 30 July 2001. About 15 minutes after the meeting started, Moseman sent an e-mail to Brennan, McLaughlin, and regarding National Security Advisor Rice’s reaction to the IRG report.
that had just been issued. Moseman related that the NSC Senior Director for Intelligence Programs had contacted him and reported that:

Dr. Rice was "angry" after being briefed by Rand Beers on the Peruvian shoot down incident. She is asking who gave the approval for CIA to "change the procedures" that were so clearly required by the Presidential decision when the program was initiated. She is also asking about the oversight of the program, both at Headquarters and in the field. Dr. Rice also asked if the CIA IG or General Counsel were examining these issues.\(^{101}\) [Emphasis added.]

502. (S//NF) In the same e-mail, Moseman said he had responded that Tenet had commissioned an internal review of the program, its management and oversight. He included information that he conveyed to the NSC Intelligence Programs Director, stating, in part:

I also reminded [the NSC Senior Director for Intelligence Programs] that the issues relating to procedures, and training (and what actually happened during endgames) are complicated (and noted the most recent training focused on safety between us and the Peruvians after a near collision in 1999).

Moseman further noted that Deputy National Security Adviser Hadley would be briefing the President on the IRG report the following day and that Moseman would provide Hadley a copy of the DCI tasking memorandum and an estimate that the DCI's internal review would likely be completed at the end of the following week. In fact, the PTF's report, kept in draft status on the advice of OGC, had been completed on 14 May. OIG found no evidence that Moseman or any other Agency officer subsequently informed Hadley of the PTF's findings concerning failures in the conduct of the program.

\(^{101}\) (U//FOUO) CIA OIG began its examination of the ABDP in late December 2001 at the request of the Department of Justice.
503. (S//NF) OIG also found no evidence that senior Agency officers specifically answered Rice’s question about who had authorized CIA to change the intercept procedures. PTF Chief told OIG that he had briefed Moseman and Brennan on the findings of the Task Force, and was well aware of those findings. According to these individuals were aware that training had changed; that SOPs signed by two successive did not include all the required procedures; and that the conduct of the program had violated presidential requirements. Moseman told OIG that, upon receipt of the 30 July 2001 query from Rice, he did not ask anyone in the Agency to explain who had changed the procedures.

504. (S//NF) Agency records reveal that, by at least 1 August 2001, Brennan, and members of both the PSSG and the PTF had reviewed the Agency’s proposed responses to questions regarding the IRG report. These records indicate that the Agency’s responses were to be passed to press offices at the NSC and Department of State. One of the questions was almost identical to that which National Security Advisor Rice had asked on 30 July regarding who changed the procedures and who authorized the changes.

505. (S//NF) Agency records show that the initial response to the questions concerning the IRG report was drafted and then revised following concerns raised by Brennan in an e-mail he sent on 1 August 2001 to a PTF member; he copied Krongard, Pavitt, ADDO and numerous other senior officers on the e-mail. The question and Brennan’s revised response state:

Q: Is it true that operating and training procedures were changed from those approved by the President? Who changed them and with what authorization? Why wasn’t Washington informed? Did the U.S. Ambassador know?

Over time, references to the full range of procedures, there was a gradual erosion of the procedures which formed the basis for the
Presidential decision to approve the airbridge denial program for Peru in 1994, became less detailed and explicit in implementing documents agreed to by representatives of both countries. Operating and training procedures used an abbreviated set of procedures and had an increased focus on safety of flight between Peruvian interceptors and U.S. tracking aircraft after a mid-air collision in 1999. There were no implementing procedures to ensure routine interagency or bilateral review of the program, unless a problem was identified. This is one of the areas we are investigating as we take a broad look at the overall air interdiction program.\textsuperscript{102}

At the time of this response, senior Agency officers were aware that the procedures had not been fully implemented since 1995 and that the NSC had not been informed.

506. \textit{Question from National Security Advisor, March 2002.} In March 2002, National Security Advisor Rice again asked about the Agency's findings concerning the conduct of the Peru program.\textsuperscript{103} According to an 11 March 2002 e-mail written by OGC's Chief of Litigation,\[
\text{wrote that he did not recall the specifics of this issue and asked his associates to pull the relevant language from the Beers and SSCI reports.}\] added:

I don't think, in light of the DoJ inquiry, we want to create new information or new analysis, but if there is already an "official" view from Beers and/or SSCI, we need to provide it to...the DDCI.

\textsuperscript{102} (U) Brennan's editing marked deletions by striking through the word. He made additions to the draft text using italics.

\textsuperscript{103} (U//FOUO) At the time of Rice's query, the Department of Justice was finalizing a civil settlement with the families of the missionaries who were shot. These negotiations resulted in a US Government payment of $8 million to the families. This topic is discussed further in the next section of this Report.
sent a copy of this 11 March e-mail to PTF Legal Adviser and other OGC attorneys.

507. [S] Ten days later, described his discussion with NSC Legal Counsel John Bellinger in an e-mail message to Senior Deputy General Counsel John Rizzo:

Mr. Bellinger pressed me on whether and when the CIA would conduct its own internal review into why the shootdown procedures changed from when the President approved the program. I told him that CIA could not conduct any review until the DoJ criminal inquiry was completed. Mr. Bellinger stated that National Security Adviser Rice had asked him this question. It became clear that Mr. Bellinger did not really know what in the procedures is alleged to have "changed." So, I faxed him a copy of the public SSCI report.

As previously discussed, Rizzo was knowledgeable of the results of both the PTF review and the accountability review, each of which documented the fact that the procedures had changed and that conduct of the ABDP had not complied with presidential requirements.

**ROLE OF THE OFFICE OF GENERAL COUNSEL IN CIA’S EXAMINATIONS OF THE AIR INTERDICTION PROGRAM**

508. (U//FOUO) Attorneys in CIA’s Office of General Counsel (OGC) supported the internal and external investigations into the conduct of the ABDP and led efforts to limit potential civil and criminal action against the Agency and its officers. In advising CIA’s internal investigations, OGC became knowledgeable of the findings of the Peru Task Force and the requests from the outside investigatory agencies for pertinent information.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>May 2001</td>
<td>The US Government received notification that the survivors of the missionary shootdown, and the Association of Baptists for World Evangelism that owned the missionary plane, intended to sue for civil damages.</td>
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<tr>
<td>May 2001</td>
<td>DoJ's Criminal Division initiated a preliminary review of the procedures employed in the ABDP as a result of questions arising from the 20 April 2001 shootdown of the missionary aircraft; DoJ's purpose was to determine whether a criminal investigation was warranted.</td>
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<tr>
<td>June 2001</td>
<td>Two DoJ attorneys from the Criminal Division came to CIA Headquarters to review documents made available by OGC. OGC provided the same information that the PTF had compiled for the DCI and the SSCI investigation team. OIG reviewed this briefing material, comprised of two binders of documents that were assembled for the DCI to prepare him for his 24-25 April 2001 testimony to the SSCI and HPSCI. None of the information evaluated the conduct of the ABDP; it would not have been possible to complete such an evaluation within four days of the missionary shootdown.</td>
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<tr>
<td>August 2001</td>
<td>DoJ asked the FBI to conduct a preliminary criminal inquiry of the ABDP procedures used in Peru.</td>
</tr>
<tr>
<td>November 2001</td>
<td>A DoJ Criminal Division attorney and an FBI agent visited OGC; they were presented with material previously shared with DoJ in June 2001. This information did not contain any reference to the results of the Agency's review that found that the program had never fully complied with the required Presidential procedures from 1995 onward.</td>
</tr>
<tr>
<td>December 2001</td>
<td>DoJ requested that CIA/OIG join with the FBI in conducting this investigation.</td>
</tr>
<tr>
<td>March 2002</td>
<td>Congress passed an $8 million private relief bill to pay for the settlement with the victims of the shootdown. OIG found no evidence that OGC informed DoJ of the Agency's findings concerning the non-compliance with the ABDP procedures.</td>
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509. (CR) OGC Participation in Peru Task Force, May to August 2001. Latin America (LA) Division Legal Adviser involvement with the Peru Task Force (PTF) is discussed in an earlier section of this report, "Peru Task Force and Senior Steering Group." As noted there, advised the PTF to keep all documents in draft form in order to avoid creating formal documentation that might influence other investigations or have an impact on civil litigation. He instructed the PTF to be careful about making judgments because the matter could become a legal issue.

also took the lead in reversing the PTF videotape review team's tentative conclusion that US officers had instructed the Peruvian fighter pilot to strafe a target aircraft after it crashed in July 1995. By modifying the language regarding this incident, enabled the Agency to avoid making a criminal referral to DoJ concerning the actions of aircrew in that shootdown.

510. (CR) Counsel to the DDO who supervised told OIG that he met with every week so that could share the PTF's findings with him. told OIG that he remembered someone, probably telling him that the review of shootdown videotapes had revealed violations of required Presidential procedures. also recalled that told him that unspecified senior Agency managers had been briefed on the results of the PTF's videotape review.

511. (CR) said that, although he did not recall specifically, he could have discussed with the fact that visual procedures had not been implemented. He said he had discussed with such systemic failures in the program as how the Standard Operating Procedures (SOPs) had gotten "a little off track" in the 1998-99 timeframe because they omitted the visual signal phase. told OIG that the PTF had conducted a

104 (U) As noted in previous sections, the SOPs had dropped the requirement for visual signals as part of the intercept procedures at least as early as 1997.
thorough investigation of the air interdiction program and that he had relied on other PTF members to uncover any deliberate actions that would have warranted a criminal referral. He emphasized that, at no point, did ever say that the PTF had discovered any potential criminal conduct or deliberate intent to mislead.

512. (C) PTF Chief told OIG that the Peru Task Force deferred to determine how best to report the deviations in intercept procedures it had discovered. said had the legal responsibility to report deviations, but that he did not know if had done so. In regard to the videotape of the 14 July 1995 shootdown in which instructions to strafe civilians fleeing the crashed plane are heard, recalled that had discussed this tape with other OGC officers, including . According to "someone in OGC" (he did not know who) told to delete from the PTF's findings the comment regarding the apparent strafing on the videotape.

513. (S//NF) Senior Deputy General Counsel John Rizzo also participated in the effort to ensure that information documented by the PTF did not become part of the official record. As discussed earlier in this report, in responding to DCI Tenet's request for "all the facts" regarding aspects of the ABDP, Rizzo advised in an e-mail of 30 May 2001 that it was important to be careful about committing the

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answers to paper because of possible legal scrutiny from outside the Agency. Rizzo recommended that senior Agency management be orally briefed to avoid producing written documents.  

514. (U//FOUO) OGC Representations to DoJ Concerning Civil Settlement, May 2001 to March 2002. The survivors of the missionary shootout—James Bowers, his son Cory, and pilot Kevin Donaldson—joined with the Association of Baptists for World Evangelism, which owned the missionary plane, in retaining a law firm. In early May 2001, the law firm notified the US Government of the survivors' intent to sue for civil damages arising from the accident. The firm indicated its willingness to negotiate a settlement and, on 8 June 2001, submitted the first proposal for compensation.

515. (U//FOUO) During the summer of 2001, and then serving as Deputy Chief of OGC’s Litigation Division, reviewed and edited language being used by Agency officers in their statements about the shootout. Their stated goal was to avoid language that might prove incriminating in future litigation. also attended several meetings with attorneys from DoJ’s Tort Branch, OGC’s point of contact regarding a civil settlement with the victims of the missionary shootout. OIG found no evidence that OGC ever informed DoJ of the findings of the PTF—that the PD/MoJ procedures had never been fully implemented since 1995.

105 (U//FOUO) As the Acting General Counsel, John Rizzo commented, in reviewing this report in draft, that OGC’s instruction to keep documents relating to the Agency’s internal reviews of the ABDP in draft form was not designed to obfuscate but to mitigate the Agency’s and the government’s potential civil liability. He stated that marking documents in draft “does not prevent access to relevant documents or information by our [Congressional] overseers or to DoJ in performing their criminal investigative responsibilities [because] . . . Congress [has the authority] to obtain those documents through [the] judicial process.” OIG notes that the information OGC advised to keep in draft form discussed the findings by the Agency internal reviews after the missionary shootout that the presidentially-required intercept procedures had never been fully implemented since 1995. This information was pertinent to both potential civil and criminal liability and to Congressional and Executive Branch investigations that were ongoing at the time.

106 (U//FOUO) had served as Legal Adviser to CNC from 1998 to early 2001 and was knowledgeable of the ABDP and its operations.
516. (U//FOUO) In a January 2002 e-mail to Rizzo and others, an OGC attorney reported the results of a meeting he attended with three DoJ officials, the Chief of the Civil Torts Division, a Deputy Associate Attorney General, and an Office of Legal Counsel attorney. According to the OGC attorney's e-mail, the Chief of Civil Torts was presented with,

... a couple of hypotheticals that shook his earlier view (which he attributed to a degree to initial GC representations) that available defenses were air-tight and that litigation risk was extremely low. .

[The hypotheticals stemmed from scenarios] examined by various investigating bodies (Beers, Busby, SSCI). . . [and] under those alleged fact patterns (that any competent plaintiff's attorney would raise), the prospect of USG liability appeared far greater.

OIG again found no evidence that OGC officers informed DoJ of the Agency's findings concerning the non-compliance with the ABDP procedures. In March 2002, Congress passed an $8 million private relief bill to pay for the settlement between the US and Peruvian Governments and the victims of the shootdown.

517. (U//FOUO) OGC Efforts Regarding Potential Criminal Charges Against Agency Officers, 2002 to 2004. OGC led the Agency efforts to head off a DoJ criminal investigation and possible indictments of Agency officers as well as to help defend those officers. Senior Agency managers, particularly Deputy Director for Central Intelligence (DDCI) John McLaughlin, General Counsel Scott Muller, and Senior Deputy General Counsel John Rizzo made direct representations to DoJ, the NSC, and Congress. At the behest of Muller, OGC prepared a legal defense of Agency officers. OGC attorneys also assisted Agency officers in obtaining defense counsel and hosted Agency meetings of defense lawyers to prepare the defense case.107

518. (U//FOUO) In an e-mail to DDO James Pavitt in early July 2002, Rizzo noted that:

For the past year, we have tried at various levels at DoJ (led by the DDCI continually raising it in meetings with Deputy AG [Attorney General] Thompson) to focus on the corrosive implications a long, drawn-out investigation has on the morale of the entire DO. . . . Furthermore, the DDCI raised this early on with Condi Rice, who asked Bellinger to follow up. . . . Finally, within the past couple of weeks a written notification was sent to the intelligence committees laying out exactly, in a straightforward way, what DoJ has done and is doing. We hope it will prompt one or both of the committees to summon DoJ for an explanation.

Rizzo went on to note that the DDCI had "pushed the envelope" with DoJ Deputy Attorney General Larry Thompson. He said that Thompson was dealing with a career staff that was "muttering" about "outside pressure" on the investigation from CIA. Nonetheless, in the fall of 2002, McLaughlin resumed his representations to the Deputy Attorney General that continued through at least the fall of 2004.

519. (U//FOUO) In representations to DoJ, Rizzo expressed concern to the Assistant Attorney General for the Criminal Division about the length of time that DoJ’s investigation was taking; the fact that three of the officers involved were in very senior positions; and the negative impact the DoJ investigation was having on morale in the Directorate of Operations.

520. (U//FOUO) OGC’s Internal Review of Conduct of Air Interdiction Program, October 2002 to November 2003. After becoming CIA General Counsel in October 2002, Scott Muller immediately requested a briefing from his staff on the status of the criminal investigation into the conduct of the ABDP. He made it clear that he doubted a criminal investigation was warranted; questioned whether DoJ had objectively considered all relevant

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108 (U//FOUO) John Bellinger served as Legal Adviser to the NSC.
information and surrounding factors; and indicated that he was going to have an OGC attorney conduct an assessment of the case.

521. *(U//FOUO) OGC attorney___ conducted the assessment for Muller. _____ told OIG that Muller asked for a "comprehensive review" of the Peru program from its inception through the missionary shootdown. _____ estimated that he spent 50 to 100 hours, or more, over four to six weeks reviewing the Peru air interdiction program, examining cables and other written reporting, and watching the videotapes. _____ said he had spoken with LA Legal Adviser _____ in order to ensure that he conducted a comprehensive review. However, _____ told OIG that he was not provided with the findings of the PTF or the Agency's Internal Accountability Review nor was he familiar with their conclusions.

522. *(S) E-mail correspondence between Muller and _____ as well as _____ statements to OIG, indicate that Muller understood that visual signals had not been performed as required and that this was a key issue with respect to potential criminal charges against Agency officers. In seeking to establish a rationale for this deviation, Muller focused on the centrality of evasion as a possible defense theory. Muller's theory was that suspect aircraft were usually evading and that, if they were evading, there was no longer a requirement to perform visual signals. _____ did not agree with Muller's theory. He maintained that many suspect aircraft had not been evading and that the MOJ did not provide for evasion as an exception to the requirement to conduct visual signals.

523. *(S) In early February 2003, Muller postulated that the planes that had been shot down had taken evasive action and that CIA personnel in the field believed the rules no longer required the
use of visual signals when that occurred. Muller countered, arguing that visual signals had not been done regardless of whether or not the target was evading. He said the Peruvians had been trained not to do visual signals, even when the target was flying straight and was not evading. Muller responded that:

It is not a question of whether the tapes of the shootdowns support the cables. It is not a question of what procedures they followed when planes were evading. It is a question of what procedures they were following when planes were not shot down and were not evading.

524. Muller responded that there were several "fatal flaws" in Muller's theory that the planes that had been shot down had taken evasive action. He wrote that the requirement to conduct visual signals had been dropped from the training and practice of the air interdiction program before 1999. He added that:

The shootdowns for 4 August 1997 and 6 October 1997... are preceded not by visual signals from the target, nor by radio communication between the target and the tracker/interceptor, nor by conclusive evasion. [Emphasis in original.]

Moreover, argued that the discussion of evasion was getting off point, as authorization for the program in the PD and MOJ did not say anything about evasion. later explained to OIG that, if the earlier shootdowns that he had reviewed involved "evasion," then the missionary shootdown in 2001 also involved "evasion" and thus could not be called a mistake.

525. also challenged Muller's theory that CIA personnel in the field had "reasonably" interpreted the MOJ to permit abbreviated steps when the target was "evading."

109 recalled that Muller proposed that a plane heading for the Brazil border or changing altitude was "evading." told OIG he believed there could be other reasons for a plane to fly toward the border or change altitude and contended that whether a plane was evading and how to respond was not for a person in the field to decide.
out that the missionary shootdown "had indications of 'evasion' similar to the 4 August 1997 and 6 October 1997 events." He added:

Evasion is a fuzzy concept. And on 20 April 2001 we learned what happens when the Peruvian Air Force does not guess correctly about evasion, when the target does not demonstrate by visual signals and/or radio communication that it is aware of the interceptor.

526. (B)(3) CIA Act (b)(3) CIA Act (b)(6) (b)(7)(c) reviewed the procedures for conducting a shootdown as specified in the MOJ. He described "fairly far differences" between the required procedures and what CIA cables described and the tapes showed. (b)(3) CIA Act (b)(6) (b)(7)(c) told OIG he reported the results of his analysis to Muller and showed him one of the shootdown videotapes. In this shootdown, there was a problem with the speed with which the phases proceeded. If the pilot of the target plane was not already on the radio, there was no way he could have received the radio call warning of interception before he was shot down, because the shootdown proceeded so quickly. What the shootdown tape showed did not meet the requirements of the MOJ. (b)(3) CIA Act (b)(6) (b)(7)(c) pointed out to Muller the speed of events and the lack of time to respond. (b)(3) CIA Act (b)(6) (b)(7)(c) told OIG that, while Muller did not agree with him outright, he did express concern that his proposed defense—that

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CIA officers had relied on a reasonable interpretation of the MOJ—would not work. Muller also thought some people, specifically "needed to be concerned."  

527. [§] found that deviations in the conduct of the program were written into the 1999 Standard Operating Procedures. He also noted that handwritten comments in the April 2001 briefing DCI Tenet provided to the SSCI might have led to "problems" with the accuracy of his statements to Congress.  

He also noted that he concluded there were grounds for possible criminal prosecution of ABDP managers for making false statements in reports from the field to Headquarters and to Congress.  

told Muller that the most exposed individuals were officers who knew the MOJ's rules, knew of the reality on the ground, and had made affirmative statements about the program's compliance. In particular [ident] and

528. [§] provided Muller his assessment of the responsibility of CIA personnel in the field:

In commenting on this Report in draft, Acting General Counsel Rizzo stated that, "Former General Counsel Muller, and OGC attorneys operating at his direction, pursued a legally permissible course of action in interpreting the facts as they relate to the criminal statutes at issue in the Justice Department's review of this matter. By analyzing a possible defense theory, Muller was playing devil's advocate by identifying for the Justice Department the potential weaknesses in its criminal case. This is a traditional and permissible legal role for Agency counsel to take. . . . The theory developed by Muller and other OGC attorneys has a basis in fact. That theory relies upon the cables that describe the target aircraft as taking evasive action. . . . The theory is further premised on the practical consideration that when a target aircraft takes evasive action, it is a strong indicator that the pilot of the aircraft has identified the presence of a pursuing aircraft. In such cases, even though ICAO procedures are silent on this point, evasive action arguably eliminates the requirement for the use of signals by the pursuing aircraft to alert the pilot of the target aircraft. This undoubtedly is an argument that would have been advanced by defense counsel should this matter have resulted in criminal charges against Agency officers, and we believe that the Justice Department was entitled to the benefit of that argument as it considered whether to proceed criminally. . . ."

confirmed to OIG that these edits were in her handwriting.  

In spring 2003, at the conclusion of his review of the ABDP went on leave-without-pay status; following his return in fall 2003, he was not involved in OGC activities concerning the ABDP.
Many officers are already protected [from criminal prosecution] because DoJ cannot prove that they knew the Program’s practice differed from the Memorandum of Justification. This protection does not apply to those field officers who have admitted to having read and understood the Memorandum of Justification before or at a time when they knew the Program was being run without the fallback of visual signals. Further, this protection probably does not apply to __________________ because they had significant experience with the Program in the field.

529. (U//FOUO) OGC Preparation of a Defense Strategy, April to October 2003. In April 2003, OGC prepared a document titled, “Peru Airbridge Denial Program, Department of Justice Investigation,” that included two pages of possible defense theories. In spite of knowledge of the PTF findings and the conclusions had presented to Muller, OGC advanced the arguments used by Muller in conversations with DoJ and in his e-mail exchanges with __________________. It was reasonable for CIA officers to believe they were complying with required procedures when visual signals were not given to suspects who had taken evasive action. OGC based this theory on assertions that, "Virtually every shootdown from 1995 to April 2001 involved a case where the suspect took evasive action upon the arrival of the interceptor." The assertion was inconsistent with the PTF findings, the PTF’s review of shootdown videotapes, and ______________ conclusions. In fact, most shootdowns had not involved evasion.

530. (S) In early October 2003, OGC circulated to senior Agency officials—including Tenet, McLaughlin, Krongard, and Pavitt—a background briefing book, entitled Peru Airbridge Denial Program, 1995-2001: Department of Justice Investigation, dated 30 September 2003. It included the same two-page section, "Possible Defense Theory," discussed above. The briefing book was produced and circulated to senior Agency management in advance of a meeting arranged by Muller and the Assistant Attorney General of DoJ’s Criminal Division with senior Agency managers to discuss the status of the criminal investigation into the conduct of the ABDP.
531. On 3 November 2003, the Assistant Attorney General of DoJ's Criminal Division and other DoJ attorneys met with DCI Tenet, McLaughlin, Muller, DCI Chief of Staff Moseman, the Inspector General, and several others to discuss the findings of the criminal investigation. In that discussion, DoJ and OIG briefed senior Agency officials on the findings of their investigation. They told these senior managers that:

- CIA personnel knew from 1995 onward that not all the intercept procedures required by the Presidential Determination had been conducted.

- After every shootdown but one, CIA personnel reported that all required procedures had been conducted.

- CIA personnel may have made false statements, representations, and material omissions to Congress during the duration of the program and after the April 2001 missionary shootdown.

The Agency managers who attended the meeting listened to the discussion and asked several questions. They did not inform DoJ or OIG, however, that other Agency investigations of the ABDP including the PTF review, the accountability review, and review for OGC had reached conclusions similar to those of DoJ and OIG.

532. OGC’s Support to the Criminal Defense. By early 2003, Agency officers, concerned that they might become subjects of a criminal investigation, consulted with OGC about obtaining private counsel. OGC attorneys, including General Counsel Muller and Senior Deputy Rizzo, served as intermediaries, contacting outside lawyers. Rizzo discussed the issue of US Government reimbursement of legal fees on behalf of the Agency
employees with some defense counsels. One defense attorney has stated that Rizzo asked his firm to represent two Agency employees and instructed him to provide payment invoices to OGC so the Agency could pay them.\textsuperscript{113} The actions of Muller and Rizzo in early 2003 contrasted from written notification OGC attorney had provided to Agency employees in June 2002. At that time told certain Agency officers that DoJ wanted to interview them and that the employee had a right to consult a lawyer, but OGC could not represent the employee or advise the employee whether to consult a lawyer.

533. (U//FOUO) One OGC attorney also helped defense lawyers collect and review classified Agency documents in Agency offices. LA Division Legal Adviser tasked several offices in the DO and several overseas stations on behalf of defense lawyers to provide documents covering a broad array of issues, including cables, SOPs, training documents, briefings of Congress, and documents related to the external inquiries undertaken following the missionary shootdown. OGC attorneys facilitated defense counsel access to Agency spaces and personnel.\textsuperscript{114}

534. (U//FOUO) OGC attorneys undertook this support to defense counsels without the knowledge of DoJ, which was conducting an ongoing criminal investigation. When DoJ became aware that defense lawyers had been given access to Agency information, these lawyers had been present in CIA offices for 187 hours. OGC attorneys had located a non-Agency witness for defense counsel to interview without DoJ knowledge, leading one senior OGC attorney to comment on the unprecedented nature of such

\textsuperscript{113} (U//FOUO) Agency regulation provides that any CIA employee "who, as a result of activities carried out within the scope of his or her employment," may be indemnified under Section 8 of the CIA Act for the costs of legal representation by private counsel if, in the sole unreviewable discretion of the General Counsel, he determines that the person "appears to have been acting in good faith and within the scope of his or her employment."

\textsuperscript{114} (U//FOUO) Agency regulation states that for OIG-related business, OIG, in conjunction with the Office of Security, will provide the specific authorization for access and will be responsible for overseeing the activities and movements of the defense counsels.
support to defense counsel during an ongoing DoJ criminal investigation. General Counsel Muller hosted at least one meeting of four defense lawyers at CIA. Following that meeting, one of the defense counsels sent a six-page letter to Muller in October 2003 on behalf of all four defense counsels asking for 32 specific categories of Agency documents.

535. (S//NF) In October 2003, General Counsel Muller told OIG that subjects of the investigation had met with counsel on numerous occasions, but that OGC personnel had not sponsored those meetings. He said that [REDACTED] had sponsored lawyers who were using LA Division spaces to review documents, watch shootdown videos, and compare notes. Muller, however, noted that [REDACTED] Rizzo, and others had each approved giving private counsel access to ABDP documents.

536. (U//FOUO) OGC’s Representations to DoJ for Criminal Declination. Following the 3 November 2003 briefing of senior Agency managers, OGC continued urging DoJ not to criminally prosecute Agency officers involved in the air interdiction program. OGC promised/argued that the Agency would/could employ an adequate administrative remedy. This discourse culminated in a letter from DCCI McLaughlin to the Assistant Attorney General for the Criminal Division on 18 October 2004. In this letter, McLaughlin promised that CIA would ensure vigorous administrative accountability. McLaughlin stated that:

... regardless of what decision the Justice Department may reach in a given case, there will be serious consequences for any CIA employee determined to have lied or made knowingly misleading statements, whether those statements were to Congress, DoJ, the NSC or Office of Inspector General (OIG) investigators, or by an employee to his or her superiors. If the facts demonstrate such intentional deception, this Agency will take significant disciplinary action to reinforce our "zero tolerance" policy for such conduct by Agency personnel.
McLaughlin offered the following assurance with respect to the Peru investigation:

Regardless of what action DoJ ultimately decides to take with respect to its investigation, CIA's Executive Director will be directed at the appropriate time to convene an accountability board composed of experienced individuals from within or outside the Agency, but which will in any case include people not serving in the Directorate of Operations.

On 3 February 2005, DoJ declined prosecution in favor of administrative action by CIA.

CONCLUSIONS

537. (U//FOUO) On 20 April 2001, a small floatplane owned by the Association of Baptists for World Evangelism was transporting an American family of four from Brazil to their home base of operations in Iquitos, Peru. The plane, following the Amazon River in its westward journey in daylight, was tracked by aircraft as a suspected narcotrafficker and was fired on by the Peruvian Air Force. The mother and infant were killed; the American pilot was seriously wounded. Within hours, CIA officers began to characterize the shootdown as a one-time mistake in an otherwise well run program. In fact, this was not the case.

538. (U//FOUO) Violations of procedures required under the Airbridge Denial Program (ABDP) to intercept and shoot down drug trafficking aircraft occurred in all 15 shootdowns in which CIA participated, beginning in May 1995. CIA officers knew of and condoned the violations, fostering an environment of negligence and disregard for these procedures. The required intercept procedures, specified in Presidential Determination (PD) 95-9 and its accompanying Memorandum of Justification (MOJ) of December 1994, were not mere technical details. They were integral to the
program—designed to ensure that an aircraft that was intercepted "was reasonably suspect of being involved in narcotrafficking" and to protect against the loss of innocent life. To achieve these objectives, efforts to identify a suspect plane and, using a specific series of internationally recognized procedures, give the plane an opportunity to land were required before it could be shot down.

539. (S) CIA officers involved in the program violated requirements related to reporting on the shootdowns in all cases except one. Their statements inaccurately claimed that each shootdown complied with the requirements of the PD and MOJ. These statements originated on the ground in Peru, were endorsed and were then passed by responsible Headquarters components to Congress and the NSC. The statements were contradicted by clear evidence contained in some of the reporting cables and in the videotapes of the shootdowns. CIA officers charged with legal and policy oversight of the program ignored the evidence. Their failure to report violations averted the possibility of a policy review that might have led to a change in course and prevented the shootdown of April 2001.

540. (U//FOUO) Key Agency participants in the ABDP—by their own account—understood the requirements of PD 95-9 and the MOJ and knew that they were required to monitor the program and report any deviation from required procedure. They also understood that, if they reported violations of intercept procedures, the MOJ required the US Government to "reevaluate whether Peru has appropriate procedures to protect against the innocent loss of life." A number of officers told OIG they believed such a reevaluation might have ended the program. This perception fostered a climate in which reporting any failure to comply with required procedures may have been viewed as a threat to the program itself.

541. (U//FOUO) The routine disregard of the required intercept procedures in the ABDP led to the rapid shooting down of target aircraft without adequate safeguards to protect against the loss
of innocent life. Key Peruvian and American participants in the program told OIG that, in many cases, performing the required procedures would have taken time and might have resulted in the escape of the target aircraft. In addition, because the required procedures to establish contact with a target aircraft were difficult to conduct, it was easier to shoot the aircraft down than to force it down. The result was that, in many cases, suspect aircraft were shot down within two to three minutes of being sighted by the Peruvian fighter—without being properly identified, without being given the required warnings to land, and without being given time to respond to such warnings as were given to land.

542. (U//FOUO) Unauthorized modifications to the Presidentially-mandated intercept procedures were implemented from the resumption of the program in 1995. Agency officers and the US and Peruvian pilots all explained that there were practical limitations to conducting all the intercept procedures. Peruvian pilots were interviewed, for example, and none said he had ever conducted visual signals to warn a target aircraft that it had been intercepted. This resulted in a de facto modification of the intercept procedures from the start of the program in which visual signaling was discretionary. In fact, visual signals were not even conducted in the 11 shootdowns that occurred in daylight. No one involved in making this change had the authority to do so.

543. (U//FOUO) The violations of required intercept procedures that occurred in the shootdown of the missionary plane had occurred in many previous shootdowns. They included:

- Failure to identify the suspect aircraft as reasonably suspect of being a narcotics trafficker by identifying its tail number or determining if a flight plan existed. This failing occurred in nine shootdowns.

- Failure to conduct visual signals, such as fly-bys, wing waggling or lowering landing gear, to ensure that the
suspect aircraft knew it had been targeted and could follow instructions to land. This occurred in all 15 shootdowns.

- Failure to fire warning shots to ensure that the suspect aircraft knew it had been targeted and could follow instructions to land. This occurred in nine shootdowns.

- Failure of the Peruvian chain of command in executing the stages of an interception and shootdown process before authorizations were provided. This occurred in 14 shootdowns.

- Lack of reasonable amount of time to perform required procedures and for target aircraft to respond. This occurred in 10 shootdowns.

544. (U//FOUO) Some violations that had occurred in previous shootdowns did not occur in the missionary shootdown. For example, on at least four occasions, authorization to shoot down the target aircraft was given before all intercept phases had been completed. Improper interference on the part of the US crew had occurred at least five times, for example. This usually involved US personnel encouraging the Peruvians to accelerate the intercept phases. In one instance, the US crew encouraged the Peruvians to fire on those who were fleeing a plane that had already been shot down, an action that potentially violated US and Peruvian law. In interviews with OIG, Agency officers acknowledged that one or more of the required procedures were not followed in shootdowns in which they were directly involved.

545. (S) Inaccurate reporting on the ABDP originated on the ground in Peru with Agency officers stationed at the Pucallpa and Juanjui Air Bases These officers drafted, reviewed, and released cables they knew—based on their direct involvement and review of the tapes—contained inaccurate information. Agency officers in Latin America Division and the
Crime and Narcotics Center, responsible for managing the program, failed to provide adequate oversight. The cables and videotapes contained information that contradicted claims of compliance and revealed numerous and repeated violations of the Presidentially-mandated required intercept procedures. After failing to conduct appropriate reviews, these officers forwarded inaccurate information to senior management of the Agency and then on to Congress and the NSC, stating that the program operated in strict adherence to the laws and regulations governing it.

546. The 17 August 1997 shootdown, which acknowledged was "bad," and the resulting investigation into its violations of procedure and overall conduct of the program could have been a positive watershed event for the program and those involved in it. Instead, the lessons it provided were ignored. The participants first sought to downplay the extent of the violations in that shootdown, then denied the extent of chronic non-compliance in the program, and finally reverted to the previous practice of overlooking violations.

547. Violations of procedure in the 17 August 1997 shootdown were noted by the officer-in-charge (OIC) at Pucallpa, who properly alerted the Program Manager when he questioned the OIC's account. In an e-mail to officers who reviewed the incident had reported that there might not have been any violation. The OIC did not back down from his assessment, however, and reported the violations. Headquarters then also reported the violations in its Congressional Notification.

548. Following the 17 August 1997 incident, Headquarters sent a team to Peru to review the program. The OIC at Juanjui, was told OIG that the co-leader of the team, told OIG that the co-leader of the team,.
were not always being performed. Nonetheless, issued a report erroneously stating that the conduct of the intercept procedures "more than exceeded" the Presidential requirements. Furthermore, the requirement to perform visual signals as a part of the interception procedures, as specified in the MOJ, was omitted from the SOPs, which had been adopted in February 1997. In spite of this omission gave the ABDP a clean bill of health in her report, stating that the procedures in place in Peru were even more stringent than those outlined in the Presidential Determination. She also reported incorrectly that the 17 August 1997 shootdown was a "unique exception to normal operations and is the sole deviation known to have occurred in the history of the program."

549. (S) Subsequent shootdowns, two as early as October 1997, involved many of the same violations of procedure as those of 17 August 1997 and previous shootdowns. Program participants maintained that they scrutinized subsequent shootdowns with particular care because of the problems with the 17 August 1997 event. In reality, these reviews either were not undertaken or were woefully inadequate, as they continued to report incorrectly, or falsely, that all required procedures had been fulfilled, when in fact they had not been. The Agency forwarded this inaccurate reporting to Congress.

550. (S) During the ABDP, Standard Operating Procedures (SOPs) were issued yearly. In 1999, two successive signed the SOPs. As with the 1997 SOPs, the 1999 SOPs did not contain the Presidential-mandated requirement to conduct visual signals as part of required intercept procedures. This marked the start of a continuing omission of a key procedure required by the MOJ. In signing these SOPs, documented their recognition of the fact that Peruvian pilots were not required to perform visual signals.

551. (U/FOUO) There was effectively no legal oversight of the ABDP during the years it was in operation. The Congressional grant of immunity from criminal prosecution to CIA employees for their
role in downing civilian aircraft through this lethal program was predicated on the compliance of those activities with the procedures established by the Presidential Determination and Memorandum of Justification to protect against the loss of innocent life. Those authorities unambiguously placed on the Agency and its officers involved with the program a requirement to monitor actions taken in its implementation and to report any deviations from approved procedures. CIA line management failed to ensure that this was done. For their part, the Office of General Counsel and the several attorneys who served in the operating divisions that ran the program were passive, believing to the present time that it was never their role or obligation to undertake any affirmative action to monitor, ensure, or document compliance.115

552. (U//FOUO) CIA did not fulfill its legal obligation to keep Congress and the NSC fully informed of significant activities concerning the ABDP. Between 1995 and 2001, the Agency incorrectly reported that the program complied with the laws and policies governing it. In the aftermath of the missionary shootdown, CIA conducted several internal examinations into the circumstances of the shootdown and the broader conduct of the ABDP that

115 (SF) In reviewing this report in draft, the Acting General Counsel stated that,

... the mere fact that some of the incoming cables [concerning shootdowns] reported an elapsed time of only a few minutes for the implementation of intercept procedures is insufficient to trigger the requirements for further legal review. OGC attorneys are not pilots, nor air traffic controllers; they are not trained to evaluate whether or not intercept procedures can or should be completed in a certain amount of time, particularly when that information is coupled with an affirmative statement of procedural compliance.

In the view of the OIG, it is not accurate, however, to state that, because OGC attorneys lacked training as pilots or air traffic controllers, they therefore bore no responsibility when reading cables that reported all intercept procedures were conducted in 90 seconds to a few minutes. By their own statements, each OGC legal advisor in LA Division knew the intercept procedures. They knew a potential target plane had to be identified as reasonably suspect of being engaged in narcotics trafficking, after which radio calls, visual warning signals such as flying in front of the target, and warning shots all had to be executed before requesting and receiving permission to shoot the target. Common sense, not specialized training, dictates the procedures cannot physically be carried out in 90 seconds to a few minutes.
documented sustained and significant violations of required intercept procedures dating back to the first shutdown. Yet the Agency denied Congress, the NSC, and the Department of Justice access to these findings. Seeking to avoid both criminal charges against Agency officers and civil liability, OGC advised Agency managers to avoid written products lest they be subject to legal scrutiny.

553. (8) Statements by senior CIA officers in the immediate aftermath of the missionary shootout misrepresented the Agency’s performance in running the Peru air interdiction program and advanced the fiction that the missionary shootdown had been an aberration in an otherwise well run program. Within days of the shootdown, the Agency told the Vice President, the Agency population, and the public that clear rules of engagement had been established at the beginning of the program requiring the Peruvian Air Force to use a series of internationally recognized procedures known to all pilots to make contact with a suspect aircraft and instruct it to land. These detailed statements implied that the required procedures had been implemented when, in fact, they had never been fully implemented.

554. (8) Latin America Division and Crime and Narcotics Center were responsible for the content and accuracy of the Agency’s statements in the immediate aftermath of the missionary tragedy. Each officer knew the information the Agency presented was incomplete and misleading, obscuring the actual conduct of the program. Their efforts to suppress incriminating information led to manipulation of DCI Tenet’s testimony to the SSCI on 24 April 2001. In editing Tenet’s draft testimony deleted references to the requirement that visual signals be conducted. As a result, Tenet gave incomplete and misleading testimony to Congress.

555. (8) supported the DCI’s briefings to Congressional Intelligence Committees and briefed the Committees themselves more than 10 times between 24 April and 1 August 2001.
They claimed that the missionary shootdown had been an aberration and that the rapidity with which the phases of that interception had been conducted was unusual. These claims remained unchanged even after the Agency's internal review group, the Peru Task Force (PTF), had collected clear evidence, dating back to 1995, that the program had deviated from requirements of the PD and MOJ and the phases of most previous shootdowns had been conducted in shorter periods of time than in the missionary shootdown.

556. (S//NF) The central roles played by officers in the preparation of Congressional testimony and in the daily operation of the PTF represented a conflict of interest. Their long and direct involvement in the management, supervision, implementation, and oversight of the ABDP and their potential accountability should have precluded them from any role other than that of providing input to post-shootdown investigations. Instead, they were deeply involved in the preparations of Congressional briefings and the PTF deliberations and findings, thereby compromising that group's objectivity and credibility. This involvement resulted in external briefings and products that focused on selective and relatively benign issues, such as inadequate training and language capability, and diluted the gravity and weight of the evidence of persistent and systemic violations. Senior Agency management was aware of the participation of officers and sanctioned this conflict of interest.

557. (S//NF) The PTF's "draft" report of 14 May 2001 alluded in only a general way to the serious and longstanding problems the group had identified in the conduct of the ABDP. The Task Force masked its findings, stating that intercept procedures had become "abbreviated" in the late 1990s due to changes in equipment and an increased focus on safety. In reality, the group had learned from the testimony of US pilots and statements that visual signaling always had been considered optional and that many other required steps were
often omitted. The PTF's review of the 1997 SOPs further confirmed that the written requirement to conduct visual signals had been dropped earlier than the "draft" implied.

558. (S//NF) Within a month of the missionary shootdown, the PTF had accumulated substantial evidence and documented its findings that procedures required by the MOJ had never been fully followed and that Agency officers in Peru had falsely claimed otherwise in their reports to Headquarters. The PTF did not formally report its findings, however, on advice from OGC. The PTF also did not formally report that it had failed—in the NSC-directed IRG tasking—to identify any shootdown videotape that showed all procedures being followed.

559. (S//NF) The PTF failed to fulfill two of the primary taskings articulated by the DCI: to ensure the "completeness and accuracy of the documents already produced by various Agency components" and to provide relevant material to external groups investigating the shootdown. The PTF never reported that many of ABDP reporting cables and the Agency's resulting notifications to Congress were inaccurate. Nor did the PTF fully inform or provide its findings to the external review groups, specifically the NSC-directed IRG, the SSCI investigation, or DoJ, which was conducting a criminal investigation and civil settlement negotiations with the Baptist missionaries.

560. (S//NF) OGC's advice not to release a "final" PTF report was intended to insulate the Agency and its officers from any finding of accountability or liability for their conduct of the program. By telling outside investigatory groups, such as the IRG and the SSCI, that there was no final report from the internal CIA investigation, the Agency successfully denied them access to the PTF's findings. The tactic also concealed the Agency's findings from the victims of the shootdown who were engaged in civil settlement negotiations.
561. The Accountability Review conducted by the CIA failed to report the incriminating information he learned about the conduct of the ABDP. Despite having knowledge of the PTF’s findings and the results of the videotape review, he failed to report to the DCI and other senior managers in August 2001 that required procedures had been omitted from the beginning of the program and that repeatedly had provided inaccurate reporting. Rather, report echoed the PTF theme that procedures had become abbreviated in the late 1990s as the Peruvians focused on flight safety. also passed on without verification an inaccurate conclusion of September 1997—that the program was operating in full compliance with required procedures. Finally, bears specific responsibility—as the Agency’s sole representative to the IRG—for failing to inform the IRG of the PTF’s findings and the documented results of its review of the videotapes.

562. In late 2002, at the request of newly arrived General Counsel Scott Muller, OGC attorney reported to the General Counsel that there were significant discrepancies between the procedures required by the PD and MOJ and the procedures actually followed in the ABDP. had not been informed of the findings of the Agency internal reviews, but he reached similar conclusions. He told OIG that he had shown Muller a videotape that demonstrated the shootdown had not met the requirements of the MOJ. said he had informed Muller in early 2003 that there were grounds for possible criminal prosecution of ABDP managers for making false statements in reports from the field to Headquarters and to Congress. Those most exposed, he said, were officers who knew the MOJ’s requirements, knew the reality on the ground, and had made affirmative statements about compliance with the procedures.

563. In April 2003, OGC prepared a defense of the Agency’s performance in conducting the ABDP that was designed to protect Agency officers from criminal prosecution. This defense theory directly contradicted the documented findings of the PTF and OGC’s
own review. It relied on inaccurate assertions: first, that in virtually every shootdown from 1995 to April 2001, the target plane had taken evasive action, and second, that visual signals could be skipped if the target plane took evasive action. In fact, most of the shootdowns had not involved evasion on the part of the target aircraft, and the MOJ did not stipulate that visual signals could be skipped in the event a target did take evasive action.

564. (S) OGC attorneys briefed the defense theory to the DCI and DDCI in fall 2003. They also contacted defense counsels to enlist them to represent Agency employees. Senior OGC attorneys hosted meetings of defense lawyers at CIA, tasked Agency components and overseas locations for documents to provide to defense counsel, facilitated defense counsel access to Agency spaces and personnel, located a non-Agency witness for defense counsel to interview, and according to one defense counsel, instructed him to submit his billing invoices for his Agency-employed clients directly to OGC. OGC's provision of this kind and level of support was a marked departure from normal OGC practice and was undertaken without the knowledge of the Department of Justice, which was conducting an ongoing criminal investigation. In undertaking these actions, OGC attorneys confused their mission of ensuring that Agency operations are conducted in consonance with US law with one of advocacy—seeking to limit civil and criminal action against individual Agency officers.

565. (U//FOUO) Senior Agency managers withheld information from the NSC, failing to respond to direct questions about the conduct of the program from National Security Adviser Condoleezza Rice. On several occasions, Rice asked who had given approval for CIA to "change the procedures" that were clearly required in the program. OIG found no evidence that any Agency officer ever responded to her request for information, despite the fact that certain senior Agency managers were aware of the Agency's own findings that the ABDP had not fully complied with Presidential requirements.
566. (§) Several OGC lawyers were aware of the conclusions reached by the PTF. These lawyers also were aware of ongoing settlement negotiations with attorneys representing the victims of the missionary shootout. The US Government paid $8 million to the victims, working from an incorrect understanding, based on CIA’s assertions, that the missionary shootout had been an aberration in a program that otherwise had complied with Presidentially-mandated procedures.

567. (§) A number of Agency officers failed to appropriately monitor ABDP activities and provide accurate reporting. These individuals included officers-in-charge and personnel and Headquarters personnel in LA Division, CNC, and Special Activities Division, including the attorneys assigned to the DDO and these divisions. These officers did little to proactively ensure the integrity of the program.

Following the missionary shootout, a number of Agency managers and attorneys misled senior US Government officials, including the Vice President and National Security Advisor, the Congress, and other government investigatory entities about the chronic violations of required procedures in the ABDP and the failure to report those violations.

568. (§) In addressing issues of accountability, OIG has focused on those officers who understood the requirements of the

116 (§) In reviewing this report in draft, OIG commented that the best measure of the effectiveness of OGC’s legal guidance was the fact that Agency personnel understood the program requirements as set forth in the PD and MOJ. “OGC, then, fulfilled its mission of ensuring that National Clandestine Service officers knew their legal obligations,” stated the Acting General Counsel. OIG’s investigation, however, did not establish that Agency personnel were aware of the PD and MOJ requirements because they were briefed by OGC attorneys. Rather, outgoing officers-in-charge were informed of the PD/MOJ by Special Activities Division program managers in Headquarters. maintained a “read folder” with the PD/MOJ for officers in the field implementing the program. Legal advisers to the program described their role as reactive, as explained more fully in the text box, The Role of the Legal Adviser, following paragraph 85.
Presidential Determination and Memorandum of Justification; knew the requirement to report deviations through their chain of command; knew the ABDP had not complied with the requirements of the PD and MOJ; failed in their oversight responsibilities; were involved in multiple incidents of false reporting; and/or provided misleading information or suppressed knowledge of available evidence.

of the Counternarcotics Linear Program and LA Division, was involved in one way or another with every shootdown except one. As one of the original architects of the ABDP, knew that the PD and MOJ allowed no deviation from prescribed procedures. He was centrally involved in the program while serving he reviewed the tapes of the shootdowns and released the cables reporting on the shootdowns to Headquarters. knew the Peruvian pilots considered visual signals to be optional from the start. Eight shootdowns occurred while was Linear, and he was in the chain of review for all of them. There were violations of required procedures in each of these shootdowns and inaccurate reporting to Congress. failed in his responsibility to provide adequate oversight to the program.

from 1996-99, told OIG that was responsible for ensuring that required intercept procedures were followed and was responsible for the accuracy of reporting. oversaw five shootdowns as including that of 17 August 1997. provided false reporting on four of them. After the shootdown of 17 August 1997 that violated a number of intercept procedures, instituted corrective procedures to ensure compliance. Yet, the violations that had occurred on 17 August 1997 were inexplicably repeated two months later in October 1997 and were not reported.
subsequent signing of SOPs in 1999 that failed to include visual signals as a requirement was fundamentally inconsistent with the clear provisions of the PD and MOJ.

After the shootdown of the missionary plane, as Latin America Division, provided misleading information to the Peru Task Force, Congressional committees, CIA employees, and the public. He was fully aware that the ABDP had not complied with the requirements of the PD and MOJ, but he withheld that information from Congress and the NSC.

Serving in various positions in CNC and Latin America Division, failed repeatedly in her responsibility to ensure the ABDP was conducted in accordance with its presidentially-directed requirements. As of LA Division in 1995-96, she reviewed ABDP cables from and assisted in preparation of notifications to senior Agency managers and Congress. As LA Division’s from 1996-98, was responsible for Headquarters oversight of the ABDP. Her investigation and report of the 17 August 1997 shootdown and the overall conduct and compliance of the program were particularly flawed. Having learned first hand in Peru that required procedures were not being performed, she nonetheless labeled the August 1997 shootdown an anomaly in a well-run program. In spite of being keenly aware of the violations in the August shootdown, she failed to monitor the next two shootdowns in October 1997 adequately and played a critical role in passing false information to Congress and the NSC.

After serving as of Congressional Affairs in 1998-2000, of CNC, provided misleading information to the Peru Task Force and Congressional Committees in the wake of the missionary shootdown. She
was aware that the ABDP had not complied with the requirements of the PD and MOJ, and she concealed that information from Congress and the NSC. She participated in the editing of the DCI’s draft testimony to the Congressional oversight committees, removing the reference to visual signals as a required procedure. This resulted in the DCI’s providing incomplete and misleading testimony to Congress.

was involved with the ABDP from 1995 through 1998, including serving as Program Manager. Nine shootdowns occurred during her tours in Peru. After each of these shootdowns, she reviewed the incidents with US and Peruvian officers and reviewed the tapes. She reported false information after all of these shootdowns except the 17 August 1997 incident. She knew first-hand what had occurred during that shootdown, and she failed to provide adequate oversight to the shootdowns that followed in October 1997. first told OIG that only the 17 August 1997 shootdown had involved violations of required procedure. When shown videotapes of other shootdowns, however, she stated that several showed obvious violations of intercept procedures, including failure to identify the target and failure to implement all the required intercept phases. continued to make false statements in the aftermath of the missionary shootdown when she told the Peru Task Force in e-mail that visual signals had always been performed in the ABDP.

served as officer to the Peruvian Air Force at Juanjui from 1995 to 1999; he understood his responsibility was to make sure the ABDP operated according to required procedures. He was at Juanjui for numerous shootdowns, including those of 1997. He knew that visual signals were not being performed, and failed to
report this through his chain of command. told OIG in 2002 that he had watched videotapes of all the shootdowns while he was in Peru between 1995 and 1999, and none stood out for not having followed procedures. When he viewed shootdown videotapes with OIG, however, stated that the tapes showed obvious violations of procedures, including failure to identify the target, failure to do visual signals, failure to give the target a reasonable chance to respond, failure of the FAP chain of command, and US aircrew interference in the authorization process.

In his role as was involved in the formulation of the 1997 and 1999 SOPs and was aware that visual signals were not included in the description of the required procedures. told the Peru Task Force after the missionary shootdown that Peruvian pilots made the decision about whether or not to conduct visual signals during an interception. He misleadingly told the PTF, however, that this had not been an issue early in the program because most interceptions were performed at night and the target usually took harsh evasive action. In those cases, said that there was no requirement to perform visual signals. In fact knew that most of the shootdowns that occurred between 1995 and 1999 had been conducted in daylight and the targets had not all taken evasive action.

served as the Peru desk officer in LA Division in 1997 to 1998 and monitored ABDP compliance with the PD and MOJ. He conducted a detailed review of the reports of the 17 August 1997 shootdown and clearly understood the violations that had occurred. He nonetheless failed to adequately review the subsequent shootdowns of October 1997. As Program Manager from 1998 to 2001, he was involved in the formulation of both 1999 SOPs, each of which failed to include visual signals as a
required procedure. As Program Manager at the time of the July 2000 shutdown, he reported falsely that required procedures had been conducted, specifically citing visual signaling. In the aftermath of the missionary shutdown, truthfully told the Peru Task Force in e-mail that visual signals had not been conducted in that shutdown. In his OIG interview, said, "We were floundering" with regard to visual signals. He said that no one was conspiring to hide anything, but he did not know why the impracticality of conducting visual signals was not raised. said someone should have sent a "reality cable" that told Headquarters that visual signals were impossible to accomplish.

was the Program Manager from 1993 to 1996. He was involved in reviewing and reporting on eight shootdowns that occurred during his tour in Peru. Each of these shootdowns involved violations of the required intercept procedures. repeatedly failed in his oversight and reporting responsibilities. He stated that he watched most, if not all, of the shootdown videotapes to see if the intercept steps had been followed. asserted that the good thing about the tapes was that wing wagging was always visible and that visual signaling could be confirmed. In reviewing videotapes with OIG, said it was now clear to him that the intercept procedures had not been followed precisely back then and that the ABDP had not complied with the PD and MOJ from the beginning of the program.

was from 1997 to 1999. He supervised all of whom incorrectly reported that all proper procedures were followed in the ABDP. understood the requirements of the PD and MOJ.
and knew that the ABDP, as the only lethal program LA Division was conducting, "had to be done right." knew he was responsible to ensure that the rules were followed. was aware of the deviations in the 17 August 1997 shootdown and was part of the team review process established by to monitor subsequent shootdowns. He failed to adequately oversee shootdown activities and report violations in the two October 1997 shootdowns that followed. He also failed to adequately review and supervise the development of the March 1999 SOPs that excluded visual signals as a required intercept procedure.

served as the sole Agency representative to the Interagency Review Group, and the chief of the Agency’s internal accountability review. was fully aware of the Peru Task Force’s documented findings and videotape review that revealed long-standing non-compliance of the ABDP from the start of the program. He failed to report these findings in his own report and provided misleading information in that report. He also failed to provide the PTF’s findings to the IRG, despite having been charged with providing relevant information to this NSC-directed interagency investigatory group. This resulted in the IRG producing a misleading and incomplete report.

was Latin America Legal Adviser at the time of the missionary shootdown. He also served as Legal Adviser to the Peru Task Force. knew that the PTF documented sustained and significant violations of required intercept procedures dating back to the first shootdown. He advised the Task Force not to issue a formal written report. This prevented the PTF’s findings from being provided to outside institutions, including the SSCI, which was conducting its own investigation; the Interagency Review Group; the NSC; and the Department of Justice,
which was conducting a criminal investigation. Also, provided informal discovery to defense counsel in violation of Agency regulations; this was contrary to his obligations as a US Government attorney.
RECOMMENDATIONS

1. (U//FOUO) - For the Director, Central Intelligence Agency. The Director, CIA should convene an Agency Accountability Board (AAB) to review the performance of the officers identified in the Conclusions of this Report, paragraph 568. The Accountability Board, using the Agency's standards for employee accountability, should review the performance of those officers with regard to their oversight, management, and implementation of the Airbridge Denial Program in Peru and their role related to actions the Agency took, or did not take, in response to the shootdown of the missionary aircraft. The Accountability Board should include a senior aviator drawn from outside CIA. Because senior personnel from the Agency's Office of General Counsel (OGC) were involved in these matters, counsel not part of OGC should provide legal advice to the Board. Notice of the establishment of this Board should be provided to the Inspector General. This Recommendation is considered to be significant.

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1 (U//FOUO) Pertinent portions of Agency regulations concerning accountability and discipline are summarized in Exhibit B.

2 (U//FOUO) The Acting General Counsel objects to provision of legal advice to the Agency Accountability Board from outside OGC. He states that this action "attempts to subvert the statutory and regulatory role of the General Counsel in providing legal guidance to the DCIA and to Agency management and programs. . . . Whenever the role of an OGC attorney in providing guidance to a CIA intelligence activity has been reviewed for accountability purposes, another OGC attorney has served as legal advisor to that AAB." In this case, because of the involvement of senior OGC personnel in the issues under review, OIG deems this Recommendation to be prudent to avoid a conflict of interest. The Department of Justice should be requested to provide appropriate legal guidance if there is any question whether the Office of Inspector General's recommendation for external legal advice improperly encroaches on the statutory responsibilities of the General Counsel.
2. (U//FOUO) For the Associate Deputy Director, CIA. The ADDCIA should create, document, and implement a policy and standard operating procedure that ensures the integrity and accessibility of substantive investigations, inquiries, assessments, or reviews undertaken by the Agency of program failures. Such reviews should be independent and result in published final reports. Those reports and supporting documentation should be retained, and the reports should be provided to internal components and external bodies with a need and right to know. Agency personnel, and those in their chain of command, who were involved in the implementation of the programs being reviewed or investigated should not participate, directly or indirectly, in the reviews. Documentation of this process should be provided to the Inspector General. This recommendation is considered to be significant.

3. (U//FOUO) For the Deputy Director, CIA and the General Counsel. The DDCIA, in his capacity as Chairman of the (b)(3) CIAAct, should review the command and control responsibilities for all CIA covert action and other programs involving lethal authorities to ensure clear chains of command and accountability. The DDCIA further should direct the implementation of a process that ensures the (b)(3) CIAAct is provided, annually, with a signed certification attesting that each covert action program—and any non-covert action lethal activity—being carried out by the Agency has been proactively reviewed by Agency attorneys and that it has been affirmatively determined that actions taken pursuant to those programs and operations were found to be consistent with law and regulation, to the best of the attorneys' knowledge and belief, based on their reviews and information
available to them.³ The DDCIA should provide the Inspector General copies of the directives implementing this recommendation. This Recommendation is considered to be significant.

CONCUR: (b)(3) CIA Act
(b)(6)
(b)(7)(c)  

John L. Heigerson  
Inspector General

15 August 2008

(b)(3) Nat Sec Act

³ (U//FOUO) The Acting General Counsel "objects to this Recommendation because it misapprehends the nature of the rotational attorney's role and responsibilities." OIG understands the traditional role and responsibilities of OGC attorneys in CIA; they are described in this Report. That role failed to provide any useful, continuing oversight of the lethal program described in this Report. Hence, OIG believes an annual certification process would assist in ensuring CIA lethal activities are undertaken in a lawful manner. Additionally, the Acting General Counsel, D/NCS, and D/CNC, in comments on the draft report, all observed that the original formulation used in this recommendation would have had an attorney certifying that "all" actions undertaken pursuant to the program had been reviewed, placing the attorney in a management role where he or she was unrealistically responsible for awareness of every action, significant or not. In response to these observations, the recommendation has been adjusted to clarify that what is sought is active, reasonable, continuing awareness by, and counsel from, an OGC attorney or attorneys, enabling the attorneys—without taking on the functions of management—to certify annually that the actions they have reviewed have been found to be consistent with law and regulation "to the best of the attorneys' knowledge and belief, based on their reviews and information available to them."
THE WHITE HOUSE
WASHINGTON

December 8, 1994

Presidential Determination
No. 95-9

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE

SUBJECT: Resumption of U.S. Drug Interdiction Assistance to the Government of Peru

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, Public Law 103-337, I hereby determine with respect to Peru that: (a) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (b) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

William J. Clinton

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PHOTOCOPY
Memorandum of Justification for
Presidential Determination Regarding the
Resumption of U.S. Aerial Tracking Information Sharing
and Other Assistance to the Government of Peru

Section 1012 of the National Defense Authorization Act
for Fiscal Year 1995 provides that "[n]otwithstanding any
other provision of law, it shall not be unlawful for
authorized employees or agents of a foreign country . . . to
interdict or attempt to interdict an aircraft in that
country's territory or airspace if-
(1) that aircraft is reasonably suspected to be
primarily engaged in illicit drug trafficking; and
(2) the President . . . has determined with respect
to that country that-
(A) interdiction is necessary because of the
extraordinary threat posed by illicit drug
 trafficking to the national security of that
country; and
(B) the country has appropriate procedures in
place to protect against innocent loss of life in
the air and on the ground in connection with
interdiction, which shall at a minimum include
effective means to identify and warn an aircraft
before the use of force directed against the
aircraft."

Narcotics production and trafficking pose a grave threat
to Peru's national security. Sixty percent of the world's
coca leaf supply is grown east of the Andes in Peru. The
resulting drug trade, generating billions of dollars of
illicit profits annually, has undermined the Government of
Peru's efforts to put the legitimate Peruvian economy on a
stable footing due to the effects of narco-dollars on the
black market economy. Trafficking has also impeded concerted
efforts to bring legitimate political and agricultural
development to rural areas, and weakened military and law
enforcement institutions by narcotics corruption. Above all,
Peruvian narcotics trafficking organizations have provided
substantial funding to Peruvian terrorist organizations,
specifically the Shining Path and MRTA, fueling a vicious
guerrilla war which has resulted in two thirds of the country
being placed under martial law, and left thousands dead since
1980.

Illegal flights by general aviation aircraft are the
"lifeline of the traffickers' operations. They move narcotics
and related contraband, such as chemicals, currency, and
weapons into and through Peru and they ferry logistical
supplies to production sites and staging areas. In the face
of this threat, the Government of Peru lacks the resources to
control all of its airspace and to respond when trafficker
aircraft land at remote locations outside the effective
control of the government. Accordingly, drug smuggling
aircraft flagrantly defy Peru's sovereignty, penetrating its
borders at will and flying freely throughout the country.
In response to this clear threat to national security, the Government of Peru authorized its Air Force to use force, if necessary, to control narcotics smuggling aircraft over its territory. Initiated in early 1991, the policy has deterred narcotics smuggling flights.

On May 1, 1994, the U.S. Department of Defense ceased providing real-time intelligence to the Government of Peru. Based on an interagency legal review, the Department of Justice subsequently advised that U.S. domestic criminal law could be interpreted to preclude sharing of intelligence with countries that used this information to shoot down civil aviation aircraft. The lack of intelligence has severely hindered Peru's efforts to stop the drug production and trafficking that threaten its national security. Section 1012 of U.S. Public Law 103-337 (the 1995 National Defense Authorization Act) was enacted specifically to address legal concerns relating to the sharing of intelligence.

Peruvian decree law no. 25426, dated April 9, 1992, contemplates the use of arms against narcotics trafficking civil aircraft under very restricted conditions and only in a specially declared Air Defense Identification Zone (ADIZ) comprising Peruvian territory east of the crest of the Andes mountain chain.

The GOP has established rigorous procedures to ensure adequate protection against the loss of innocent life. The procedures for identifying and communicating with intercepted aircraft are based on ICAO guidelines, and are contained in classified GOP plans and orders, as well as in Civil Aviation law 24682. The procedures are summarized below:

It is the national policy of Peru that narco-trafficking aircraft are by their nature "hostile" to Peruvian national security; the use of weapons against such aircraft in flight by the Peruvian Air Force may be authorized under very strict conditions after all attempts to identify innocent aircraft and to persuade the suspect aircraft to land at a controlled airfield have been exhausted. The U.S. Government knows of no instance in which Peruvian Air Force aircraft have deviated from the procedures described below. The GOP has placed additional conditions and controls on the use of such force — specifically prohibiting attacks on commercial passenger aircraft.

Peru's air interdiction procedures are in four phases:

- Detection: U.S. and/or Peruvian Air Force (PAF) detection and monitoring systems find and track any aircraft passing through the specially designated ADIZ airspace during hours of daylight. (All general aviation traffic not operating on a regular schedule along established routes is prohibited in the ADIZ during hours of darkness.)
Identification: The PAF will attempt to identify an aircraft as a legitimate flight. This will include determining whether the aircraft is on a previously filed flight plan and by attempting to establish radio communication with the aircraft. When control centers (ground and/or air radars) detect an overflight of any aircraft, they will attempt to identify it through correlation of flight plans and by electronic means—through use of IFF or radio communications.

Intercept: If the PAF determines that an aircraft flying in the ADIZ is not on a previously approved flight plan, and if it is not possible to establish communication and confirm the aircraft's identification as an innocent aircraft, the Commanding General of the Peruvian Air Force Sixth Territorial Air Region (VI RAT) may direct the launch of interceptor aircraft to visually identify the aircraft, verify its registry, attempt to establish radio contact, and, if necessary, cause the aircraft to proceed to a safe and adequate air strip where the PAF will require the aircraft to land—using intercept procedures consistent with International Civil Aviation Organization guidelines.

If radio communication is established during the intercept, but the PAF is not satisfied that the aircraft is on a legitimate mission, the PAF may direct the aircraft to land at a safe and adequate air strip. If radio contact is not possible, the PAF pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft and to direct the aircraft to follow the intercepting aircraft to a secure airfield for inspection.

Use of Weapons: If the aircraft continues to ignore the internationally recognized instructions to land, the PAF pilot — only after gaining permission of the Commanding General of the VI RAT or in his absence the Chief of Staff — may fire warning shots in accordance with specified PAF procedures. If these are ignored, and only after again obtaining the approval of the Commanding General of the VI RAT or in his absence the Chief of Staff, the PAF pilot may use weapons against the trafficking aircraft with the goal of disabling it. Finally, if such fire does not cause the intercepted pilot to obey PAF instructions, the VI RAT commander may order the trafficker aircraft shot down.
The final decision to use force against civil aircraft in flight — once all other steps have been exhausted — requires authorization from the VFAAT Commander — or in his absence his Chief of Staff — who will verify that all appropriate procedures have been fulfilled.

Peruvian air interdiction procedures also protect against innocent loss of life on the ground. The decision to fire at an aircraft requires approval of the Commander of the Peruvian Air Force Sixth Territorial Air Region — or his Chief of Staff. These procedures do not contemplate the use of weapons against an aircraft flying over a populated area. The ADIZ in Peru covers areas which are very sparsely populated.

With respect to interceptors firing against trafficking aircraft on the ground, the procedures are similar to those for an aircraft in flight. When a pilot encounters a suspect aircraft on the ground, he must attempt to establish radio communication with the aircraft and employ visual signals which are also observable by any other persons on the ground in the vicinity. Only in response to armed attack or in the event that the aircraft attempts to take off after communication, identification, and warning procedures have been completed may the VFAAT commander authorize use of weapons to disable the aircraft if there is no risk to innocent bystanders.

The Peruvian procedures are designed to identify for interception aircraft that are likely to be engaged in drug trafficking and, for aircraft so intercepted, to provide proper notice that they are required to land. These procedures minimize the risk of misidentification. Any decision to fire on civil aircraft, and the procedures and events leading to it, will subsequently be reviewed by the GOP pursuant to legal provisions and sanctions available to it against any GOP official who deviates from established procedures.

The USG and GOP jointly operate all radar facilities and the Sixth Territorial Air Region command center in Peru. Peruvian personnel accompany most USG airborne tracking platforms overflying Peru. As part of their standard operating instructions, all official USG personnel in jointly manned facilities and platforms will regularly monitor compliance with agreed procedures and immediately report irregularities through their chain of command. Should there be evidence suggesting that procedures are not being followed, the USG will reevaluate whether Peru has appropriate procedures to protect against the loss of innocent life.
Exhibit B: Accountability Standards

(U//FOUO) According to Agency Regulation (AR) 13—Conduct, Accountability, and Discipline:

- AR 13-1, c, (4) states that, Employees ... are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard....

- AR 13-1, d, addresses the responsibility of managers, noting that, Managers ultimately are responsible for the actions or inactions of their subordinates and should institute reasonable measures to ensure compliance with Agency standards of conduct.

- AR 13-3, c, (1) addresses discipline, stating that, All employees, including managers, are expected to meet the Agency’s standards of conduct and perform Agency duties in a satisfactory manner. Those who fail to do so may be subject to disciplinary action, which may range from an oral admonition to termination of employment....

- AR 13-6, Appendix I, c, indicates that, Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill, and diligence.
• AR 13-6, Appendix I, d, states that, Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had the opportunity and the responsibility to act or not act.

• AR 13-6, Appendix I, e, notes that, Managers may be held accountable in addition for the action(s) or inaction of subordinates even if the manager lacks knowledge of the subordinates conduct. Such accountability depends on:
  (1) Whether the manager reasonably should have been aware of the matter and has taken reasonable measures to ensure such awareness. (2) Whether the manager has taken reasonable measures to ensure compliance with the law and Agency policies and regulations.
23 January 2009

DISPOSITION MEMORANDUM

SUBJECT: (U//ARJO) Possible Child Pornography

CASE: 2008-9079-PR

ISSUES UNDER INVESTIGATION:

1. (El During his background reinvestigation [redacted] reportedly admitted to using an Agency computer to download adult pornography. [redacted] reported that he was issued a [redacted] computer [redacted] which he used to connect to the Internet to view adult pornography.

2. (El The Office of Security (OS), Investigations Division, Special Investigations Branch (SIB) recovered the computer from [redacted] and investigated his personal use of the machine as well as any potential classified exposure issues. SIB found evidence of adult pornography on the machine in the form of both pictures and movies.
3. (Confidential) On 29 October 2008, OS/Legal sent a crimes referral on potential viewing of child pornography by _______ to the Office of Inspector General (OIG). The report cited the SIB investigation and provided the details noted above.

4. (Confidential) The specific issue under investigation was whether there was information on the drives obtained from _______ that indicates he was in possession of child pornography.

INVESTIGATIVE EFFORTS:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
RESULTS:

8. (U//AFIO) The flash memory card was found to contain what appeared to be operating system utilities. No images or movies were present on the drive.

9. (U//AFIO) The floppy disk was found to contain what appeared to be a Windows Millennium Edition bootable floppy image. Additionally, a few files indicating they were personal financial data were identified. No images or movies were present on the disk.

10. (U//AFIO) The hard drive was found to contain numerous images and movies. The images and movies included several containing adult pornography. There were no images or movies present on the hard drive that appeared to contain child pornography.

11. (U//AFIO) The Internet browsing history found on the machine showed numerous visits to websites containing adult pornography. None of the sites visited appeared to be related to child pornography. An additional review of the searches performed using the machine fit the profile of an individual seeking adult pornography but did not fit the profile of an individual seeking child pornography.

DISPOSITION:

An OIG analysis into the allegations determined the content identified by SIB was not indicative of viewing child pornography. There was no child pornography identified on machine, and no other evidence supporting the
allegation was provided. [REDACTED] has retired since the SIB investigation and is no longer an Agency employee.

14. (U//FOUO) OIG concluded its preliminary review due to a lack of evidence supporting the allegation. A full investigation is not warranted at this point, pending receipt of any further information.

OS/Legal will be notified of the findings.
26 June 2009

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Misuse of Position – Cronyism Influencing Movement of Personnel

CASE: 2009-9270-1G

INTRODUCTION:

1. (S) On 27 April 2009, Office of Inspector General (OIG), Investigation Staff received an allegation that
   [redacted]
   
   had misused his position to influence the movement of personnel to the detriment of adversely affecting Station morale. It was alleged that recalled short of tour (SOT) in order to replace him with a personal friend, who desired a tandem assignment.

   It was further alleged that

   [redacted]

   2 (U) Use of one's office for "the private gain of friends" constitutes a misuse of position, according to Agency Regulation AR 13-2 Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities; Section 2, Paragraph j., Bullet (1).
Bige 195 was fabricating a story that job performance was poor to justify his decision to recall

2. The primary issues examined by OIG were whether had sufficient justification and the authority to recall SOT and that regulations governing position vacancies were followed.

PROCEDURES AND RESOURCES:

3. OIG examined applicable federal and Agency regulations and policies relating to conduct, accountability, and discipline. Pertinent cables, Lotus Notes, e-mails, and other written correspondence were reviewed. Relevant witness interviews were conducted for information regarding alleged conduct.

FINDINGS:
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSION:

14. (C) OIG is unable to substantiate the allegation that [redacted] misused his position as [redacted] Pursuant to [redacted] had the authority to replace [redacted] for the needs of the service and [redacted] concerns over [redacted] performance. For the [redacted] months prior to [redacted] decision to SOT [redacted] job performance had been an ongoing and unresolved issue.

15. (C) [redacted] acted within Agency regulations, policy, and instructions established to govern [redacted] selection and movement of personnel. This matter is closed.

Special Agent

Supervisory Special Agent
12 May 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) False Claims and False Statements

CASE: 2007-86511G

INTRODUCTION: (b)(3) CIA Act

1. (C) On 28 June 2007, the Office of Inspector General (OIG) initiated an investigation of a staff employee, based upon an allegation that she submitted false interview reports for her assigned background investigations. During a random quality assurance review (QAR) of completed investigations, Office of Security identified alleged instances of ghost writing on the part of At that time, was a Background Investigator assigned to the Investigations Division, Personnel Security Group Office of Security, Directorate of Support (DS/OS/PSG/ID).

2. (U//FOUO) OIG determined that, from to conducted background investigations with interview contacts. Of these reported contacts, OIG found that at least involved some level of fabrication by
3. (U//FUND) On 27 July 2007, OIG presented this case to the US Attorney’s Office (USAO), Eastern District of Virginia (EDVA), for potential prosecution. On 5 October 2007, EDVA accepted the case but subsequently transferred the case in May 2009 to the USAO, Eastern District of Michigan (EDMI). On 5 April 2010, was sentenced by the US District Court of the EDMI to two months incarceration, and was required to make full restitution of $24,555.

PROCEDURES AND RESOURCES:

4. (U//FUND) The investigation included the following:

FINDINGS:

5. (C) Initial Complaint. As normal practice, OS had accomplished a random QAR of background investigations. The QAR revealed that respondents said they were never interviewed by

(b)(3) CIA Act
(b)(7)(e)
Additionally, QAR surveys of interviewees were "returned to sender" because the interviewee or address did not exist. Based on the information received, OIG initiated an investigation on 3 July 2007.
12. (U//FOUO) Presentation of the Case. On 27 July 2007, OIG presented this case to the USAO, EDVA, for potential prosecution. On 5 October 2007, EDVA accepted the case and subsequently sent a Target Letter on 16 January 2008 to inform of the potential for prosecution. In May 2009, EDVA transferred the case to the USAO, EDM, based upon request to have the case moved to Michigan. The US District Court for the EDVA agreed to transfer the case. The federal judge ruled that venue could be established in Michigan because interview reports during a TDY to Michigan in 2007. On 11 August 2009, pleaded guilty in the US District Court for the EDM to one charge of violating Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally). On 5 April 2010, was sentenced to two months incarceration and was required to make restitution of $24,555.
CONCLUSION: (b)(3) CIA Act

14. (C) The OIG investigation determined that from (b)(3) CIA Act fabricated, in some form, the reporting for at least (b)(3) CIA Act interviews assigned to her in support of background investigations. (b)(3) CIA Act either did not conduct the interviews of listed references or she fabricated names, and obscured addresses or names to such a degree that, QAR letters could not be delivered. Ultimately, (b)(3) CIA Act was convicted of one count of making false official statements. (b)(3) CIA Act was sentenced to two months of incarceration and was required to make restitution of $24,555.

RECOMMENDATION:

15. (U) It is recommended this case be closed with no further action.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Division Chief
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REPORT OF INVESTIGATION

(U//FOUO) CONFLICT OF INTEREST:
NEAR EAST AND SOUTH ASIA DIVISION CHIEF OF STATION
(2007-8620-IG)

11 December 2009

Acting Inspector General

Assistant Inspector General
for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U//A//D) CONFLICT OF INTEREST:
NEAR EAST AND SOUTH ASIA DIVISION CHIEF OF STATION
(2007-8620-IG)

11 December 2009

INTRODUCTION

1. (S//NF) On 15 June 2007, the CIA Office of Inspector General (OIG) received an allegation that while Chief of Station (COS) from until may have violated Agency Regulation (AR) 13-2, Conflict of Interest, governing anti-nepotism. The allegation specified his involvement in tasking overtime and advocating for promotion of

SUMMARY

2. (S//NF) OIG’s investigation reviewed possible violations of the criminal conflict of interest statute, the Office of Government Ethics (OGE) standards, and possible violation of Agency regulations and the anti-nepotism memorandum signed prior to becoming COS
which prohibited from tasking involvement, as COS in tasking and advocating for

The investigation focused on involvement,

5. (C) The Department of Justice declined prosecution on conflict of interest charges in favor of administrative action by the Agency.

6. (S//NF) OIG concluded that tasked directly through e-mail and verbal communication, assigning her job duties and TDYs.

1 (U) Conflict of Interest statutes such as Title 18 U.S.C. § 208 are general intent crimes. That is, unlike offenses that require specific intent, it is unnecessary in a general intent crime that the actor intends the precise result. It is merely sufficient if the actor meant to do the act that caused the result.
7. (C) The Report recommends that the Director of the National Clandestine Service (NCS), in consultation with Chief, Special Activities Staff, Office of Security, consider what administrative actions should be taken with respect to [blacked out] conduct.

BACKGROUND

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
ISSUES PRESENTED

14. (C) This Report addresses the following issues:

♦ What actions did (b)(6) take related to tasking (b)(7)(c)?

♦ What actions did (b)(6) take to advocate for (b)(7)(c) career?

♦ What federal criminal laws and CIA regulations may have been violated?

SECRET//NOFORN
FINDINGS

(C) WHAT ACTIONS DID TAKE RELATED TO TASKING?

(U) Tasking Job Duties

16. (S//NF) Statements by Witnesses.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
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(b)(3) CIAAct
(b)(3) NatSecAct
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(b)(7)(d)
24. (S//NF) Statements by

| (b)(1) |
| (b)(3) CIA Act |
| (b)(3) Nat Sec Act |
| (b)(6) |
| (b)(7)(c) |
| (b)(7)(d) |
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(U) Tasking Overtime

27. (C) Statements by Witnesses.

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(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

31. (C) Statements by

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(S) Tasking TDYs

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

33. (C//NF) Statements by Witnesses.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
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(b)(7)(c)
(b)(7)(d)
35. *(STN) Statements by

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37 (S//NF) Statements by Witnesses.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
41. (S//NF) Statements by

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
On 29 July 2008, the Department of Justice declined prosecution of on conflict of interest charges in favor of administrative action by the Agency.

(U//AKE) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

45. (U) Title 18 U.S.C. § 208 (Acts affecting a personal financial interest) generally prohibits employees of the US Government from participating in official acts that affect a personal financial interest. It provides for criminal penalties for exploiting official positions for self-enrichment or enrichment of family members and associates.

46. (U) Title 5 U.S.C. § 3110 (Employment of relatives; Restrictions) provides that:

A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official.
47. (U) OGE publishes *Standards of Ethical Conduct for Employees of the Executive Branch*, which are codified in Title 5 C.F.R. Part 2635 as amended. Section 2635.502 (*Personal and business relationships*) specifies in part:

That unless an employee receives prior authorization, the employee should not participate in a particular matter involving specific parties which the employee knows is likely to affect the financial interests of a member of the employee's household, or in which the employee knows a person with whom the employee has a covered relationship is or represents a party, if the employee determines that a reasonable person with knowledge of the relevant facts would question the employee's impartiality in the matter.

48. (U) The provisions of the C.F.R., as promulgated by OGE in *Subpart D - Conflicting Financial Interests*, are similar to those that appear in Title 18 U.S.C. § 208(a). According to Title 5 C.F.R. § 2635.402 (*Disqualifying financial interests*):

(a) Statutory prohibition. An employee is prohibited by criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he . . . has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

49. (U) Title 5 C.F.R. §§ 2635.402(b)(4) and 2640.103 (a)(2) (*Personal and substantial participation*) precludes "direct and active participation involving issuing decisions, approvals and recommendations."

50. (U) Title 5 C.F.R. § 2635.402 (b)(1) (*Direct and predictable effect*) provides the following definition:

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and
unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this subpart.

Subparagraph (ii) further specifies:

A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

51. (U) Another provision of the C.F.R., as promulgated by OGE in Subpart E - Impartiality in Performing Official Duties, Title 5 C.F.R. § 2635.502 (Personal and Business Relationships) specifies that:

(a) Consideration of appearances by the employee:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of an employee . . . and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency....

52. (U//AFS0) AR 13-2, Conflict of Interest, defines the requirement for all Agency employees to refrain from participating personally and substantially in matters that affect their financial interest, as:

An Agency employee is prohibited by law from participating personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to the employee, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. An interest is considered imputed to an employee if the financial interest is held by the employee's spouse; . . . an organization or entity which the employee serves as an
officer, director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.

In cases where there is no criminal conflict of interest, employees are still expected to maintain the appearance of impartiality. Paragraph (d)(1) of AR 13-2 specifies that:

Agency employees are expected to act impartially in the performance of their duties and not give preferential treatment to any private organization or individual. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or knows that a person with whom the employee has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, the employee should not participate in the matter unless the employee has informed the DAEO or Assistant DAEO and received authorization to participate in the matter. This restriction applies even when there is no actual conflict of interest in the employee's participating in the particular matter.

CONCLUSIONS

53. (S//NF) During his Station PCS, from to violated his established anti-nepotism agreement and engaged in a conflict of interest by tasking , on a regular basis, and he tasked to TDY to

As COS , took the following identifiable actions:
These actions demonstrated a pattern of his involvement and failure to recuse himself from tasking in violation of the federal and Agency regulations for conflict of interest and in disregard of guidelines established by his anti-nepotism memorandum. Actions determined the Station's chain of command.

54. (S//NF) The investigation did not corroborate that specifically tasked or approved overtime. OIG, however, found that required that all Station Personnel work overtime, including and that the C/ and DC/ approved overtime and T&A submissions, rather than . Moreover, OIG determined that specifically tasked job activities, which may have resulted in overtime. These actions are in contravention to the anti-nepotism memorandum signed that specifically stated, "Any tasking that involves or results in overtime by could not be authorized or approved by the COS or by any employee reporting directly or indirectly to him." earned an average of per month in overtime while assigned to Station. As a result, OIG concluded that violated the anti-nepotism agreement on the basis of pay and overtime being approved at Station.
55. (S) OIG’s investigation did not corroborate the allegation that (b)(3) CIA Act advocated for career advancement.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
RECOMMENDATION

The Director of the National Clandestine Service, in consultation with Chief, Special Activities Staff, Office of Security, should determine what administrative action should be taken with regard to [redacted] conduct.

CONCUR:

- (b)(3) CIA Act
- (b)(6)
- (b)(7)(c)

Acting Inspector General

[Redacted]

Date
REPORT OF INVESTIGATION

(U//FOUO) CONFLICT OF INTEREST:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(2007-8682-IG)

21 October 2009

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Assistant Inspector General for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Special Agent

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U//A//O) CONFLICT OF INTEREST:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

21 October 2009

INTRODUCTION

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

1. (S//NF) On 2 August 2007, an attorney from the Office of General Counsel, Administrative Law Division (OGC/ALD) reported to the Office of Inspector General (OIG), Investigations Staff, in writing, an apparent violation of a federal conflict of interest (COI) statute. The attorney provided background information associated with the conflict of interest as well as specific discussions regarding points of law associated with the statute. Specifically, OGC reported that the Chief of Base (COB) may have acted in violation of Title 18 U.S.C. § 208, (Acts affecting a personal financial interest). It cited that may have taken in a matter that had a reasonable likelihood of affecting financial interests in violation of that statute. OGC reported that it obtained the facts to support its opinion from the Legal Advisor to the Chief of

1 (U//A//O) As required by Agency Regulation (AR) 13-2(c)(7), Conflicts of Interest, supervisors are responsible for reporting to the appropriate Director or Head of Independent Office, violations or apparent violations of the ethics rules. The report must be forwarded to the Office of Inspector General for investigation, with a copy sent to the General Counsel.
2. (S) At the time of the COL, did not have a vetting process regarding employment of [REDACTED] was not aware of the need for, and consequently did not initiate and sign, an Anti-Nepotism Memo to mitigate any potential conflict of interest issues. The processes in the National Clandestine Service (NCS) were amended in 2007 and now address the potential for conflicts of interest in the field.

SUMMARY

3. (S//NF) The OIG investigation focused on [REDACTED] actions from [REDACTED] to [REDACTED] as COB who served as a contractor OIG investigated involvement in the transfer of [REDACTED] from [REDACTED] to [REDACTED] and any instances of her tasking him [REDACTED] as assigned to [REDACTED].
5. (S//NF) acknowledged that she coordinated the transfer of MOFA with NCS/Human Resources (HRS). She asserted that the MOFA was transferred to at the request or direction of

6. (S//NF) advised OIG that he did not recall directing to send a cable to initiate the transfer of terminated MOFA effective on the basis of a conflict of interest.

7. (C) contended that she did not officially supervise or direct the work of in light of the formal oversight in place from Based on a review of e-mail messages and interviews conducted during the course of the investigation, it can be shown that did direct the work of

8. (S//NF) OIG determined that actions in facilitating the transfer of MOFA to as well as were consistent with those actions proscribed in the conflict of interest statute, Title 18 U.S.C. § 208(a) (Acts affecting a personal financial interest), the Code of Federal Regulation (C.F.R.) at Title 5 C.F.R. 2635.502, and AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities. The Department of Justice declined prosecution of on conflict of interest charges in favor of administrative action by the Agency.

9. (C) OIG recommends that the Director of the NCS (D/NCS), in consultation with the Chief, Special Activities Staff, Office of Security determine what administrative action is appropriate with regard to

---

5 (U) The NCS was known as the Directorate of Operations (DO) until 13 October 2005. For consistency purposes, any subsequent reference to the DO will appear as NCS.

6 (U) Conflict of interest statutes such as Title 18 U.S.C. § 208 are general intent crimes. That is, unlike offenses that require specific intent, it is not necessary in a general intent crime that the actor intends the precise result. Also, the civil and administrative standards that apply to this type of conflict of interest offense closely mirror Title 18 U.S.C. § 208(a) and are found in the C.F.R. and AR 13-2.
OIG recommends that the D/NCS review the performance of former COS in the transfer of MOFA that directly resulted in a conflict of interest and determine what, if any, administrative action should be taken.

BACKGROUND

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
PROCEDURES AND RESOURCES

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)
QUESTIONS PRESENTED

16. (S///NF) This Report addresses the following questions:

- To what extent was (b)(3) NatSecAct involved in the transfer of MOFA to (b)(6) ?
- What role did have in the tasking of ?
- What federal criminal laws and CIA regulations may have been violated?
- What guidance did the National Clandestine Service issue to forestall similar instances of nepotism and potential conflicts of interest?

FINDINGS

(S///NF) To what extent was involved in the transfer of MOFA to ?
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
18. (S) **COS View on MOFA Transfer.** said he did not recall requesting that begin the process of transferring MOFA. Moreover, he said he did not recall any pre-arrival coordination associated with the MOFA and what happened at Base.

20. (S//N) **Conflict of Interest Issue.** stated that he did not initially discuss any potential COI issues with prior to employment at base even though he acknowledged that he knew one existed from the beginning. Following the transfer of the MOFA, said that he did not focus on the fact there was the potential for a conflict of interest.

11 In his review of the draft ROI, wrote, "As COS I accept full responsibility for the MOFA being transferred. I have learned much from this process and will better address such issues in the future. I hope to have the great fortune and privilege to continue to serve in leadership positions in our organization."
He explained that he did not pay attention to the issue until six to eight months later.

21. (S//NF) View on MOFA Transfer. said that when she accepted position, she did not expect that there would be a problem with also being employed in observed that she "potentially would have done something different" and considered other options rather than accepting the position if employment there was uncertain.

acknowledged to OIG that she initiated the process to have MOFA transferred from to in said she initiated the transfer at her interest but at direction. Furthermore, originated or was copied on six e-mail messages from HRS and Support, both at and during the period to regarding the transfer of the MOFA.

contended that the transfer of MOFA was to have been finalized at base prior to her arrival. When arrived in she said she discovered that MOFA had not been transferred and
there was nothing formal in place.

| (b)(1) | (b)(3) CIAAct |
| (b)(3) NatSecAct |
| (b)(6) |
| (b)(7)(c) |
| (b)(7)(d) |

| (b)(1) | (b)(3) CIAAct |
| (b)(3) NatSecAct |
| (b)(6) |

**What role did** *(b)(7)(c)* **have in the tasking of** *(b)(7)(c)* ?

| (b)(1) | (b)(3) CIAAct |
| (b)(3) NatSecAct |
| (b)(6) |
| (b)(7)(c) |
31. (S//NF) COS View Regarding Tasking. asserted that no one at Station tasked stated that he did not know who tasked but observed that it would be "hard to think that the COB was not in charge."

Moreover, the former COS asserted that such tasking of should have been accomplished by someone other than
WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

35. (U) Title 18 U.S.C. § 208 (Acts affecting a personal financial interest) provides in part:

[w]hoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States . . . participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice . . . in a . . . contract, claim . . . in which, to his knowledge, his spouse . . . has a financial interest – Shall be subject to the penalties set forth in section 216 of this title.
36. (U) The United States Office of Government Ethics (OGE) publishes, *Standards of Ethical Conduct for Employees of the Executive Branch*, which are codified in Title 5 C.F.R. Part 2635 as amended. Section 2635.502 (*Personal and business relationships*) specifies in part:

That unless an employee receives prior authorization, the employee should not participate in a particular matter involving specific parties which the employee knows is likely to affect the financial interests of a member of the employee's household, or in which the employee knows a person with whom the employee has a covered relationship is or represents a party, if the employee determines that a reasonable person with knowledge of the relevant facts would question the employee's impartiality in the matter.

37. (U) The provisions of the C.F.R., as promulgated by OGE in Subpart D - Conflicting Financial Interests, are similar to those that appear in Title 18 U.S.C. § 208(a). Title 5 C.F.R. § 2635.402 (*Disqualifying financial interests*) specifies:

(a) Statutory prohibition. An employee is prohibited by criminal statute, Title 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he . . . has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

38. (U) Title 5 C.F.R. §§ 2635.402(b)(4) and 2640.103 (a)(2) (*Personal and substantial participation*) includes "direct and active participation involving issuing decisions, approvals and recommendations."

39. (U) Title 5 C.F.R. § 2635.402 (b)(1) (*Direct and predictable effect*) provides the following definition:

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the
occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this subpart.

Subparagraph (ii) further specifies:

A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

40. (U//AIO) AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post Employment Restrictions, and Political Activities, cites federal law and policy on federal ethics regulations, including conflict of interest, lack of impartiality, acceptance of gifts and honoraria, post employment restrictions, and political activities. AR 13-2 reiterated selected portions of the Standards of Ethical Conduct, referenced above, and paragraph (c)(6), Standards of Official Conduct, further requires all Agency employees to adhere to all of the ethics restrictions contained in the Standards of Ethical Conduct. The regulations warn that violation of the non-criminal provisions of the Standards of Ethical Conduct could lead to administrative disciplinary actions.

41. (U//AIO) AR 13-2 (c)(1), Conflict of Interest, specifies that:

... an employee is prohibited by law from participating personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to the employee, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. An interest is considered imputed to an employee if the employee’s spouse or minor child holds the financial interest, the employee’s general partner; an organization or entity which the employee serves as an officer, director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.
42. (U//AF00) In cases where there is no criminal conflict of interest, employees are still expected to maintain the appearance of impartiality. Paragraph (d)(1) of AR 13-2 specifies that:

Agency employees are expected to act impartially in the performance of their duties and not give preferential treatment to any private organization or individual. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or knows that a person with whom the employee has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, the employee should not participate in the matter unless the employee has informed the DAEO or Assistant DAEO and received authorization to participate in the matter. This restriction applies even when there is no actual conflict of interest in the employee's participating in the particular matter.

43. (U//AF00) On 19 June 2008, OIG presented the findings of this investigation to the US Attorney for the Eastern District of Virginia. On 29 July 2008, an Assistant US Attorney declined prosecution on charges of criminal conflict of interest in favor of administrative action by the Agency.

(U//AF00) WHAT GUIDANCE DID THE NATIONAL CLANDESTINE SERVICE ISSUE TO FORESTALL SIMILAR INSTANCES OF NEPOTISM AND POTENTIAL CONFLICTS OF INTEREST?

(b)(1) CIAAct
(b)(3) NatSecAct
CONCLUSION

48. (S//NF) Agency staff officer__engaged in a conflict of interest while serving as COB in

- After she was selected to be the COB, participated personally and substantially by taking steps and remaining engaged throughout the transfer of a MOFA—the contract between the Agency and the MOFA for had a direct and predictable impact on his financial interests which are imputed to the COB.

- Following the transfer of his MOFA to was subordinate to the COB, and provided direct and active supervision of in his duties and tasked him as she would have any independent contractor at base. Such action constituted personal involvement in that matter.

49. (S//NF) According to e-mail, the transfer of the MOFA was coordinated with the Station coincidental with E-mail messages and interviews conducted by OIG substantiate that coordinated the transfer of MOFA with Station. Then-COS while involved in the transfer of the MOFA, was not fully attentive to the potential of a conflict of interest until six to eight months later when the tasking issue arose in earnest. He possessed knowledge of the potential for a conflict of interest and could have precluded the transfer of the MOFA.
RECOMMENDATIONS

1. (C) The Director of the National Clandestine Service (D/NCS), in consultation with Chief, Special Activities Staff, Office of Security, should determine what administrative action should be taken with regard to actions.

2. (C) The D/NCS should review the performance of former Chief of Station and determine what, if any, administrative action should be taken for authorizing the transfer of Memorandum of Formal Agreement, and thus contributing to the conflict of interest.

CONCUR:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

10/21/09
Date
REPORT OF INVESTIGATION

(C) CONFLICT OF INTEREST: EUROPE DIVISION CHIEF OF STATION  
(2007-8717-IG)  

14 December 2009  

Acting Inspector General  

Assistant Inspector General for Investigations  

Special Agent  

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(E) CONFLICT OF INTEREST:
EUROPE DIVISION CHIEF OF STATION
(2007-8717-IG)

14 December 2009

INTRODUCTION

1. (S//NF) On 21 August 2007, the CIA Office of Inspector General (b)(1) (b)(3) CIAAct ) initiated a conflict of interest investigation following receipt of a (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) memorandum from the Office of General Counsel (OGC), Administrative (b)(3) CIAAct (b)(6) Law Division (ALD). It reported information that was originally referred (b)(7)(c) by Europe Division (EUR), National Clandestine Service (NCS) to OGC/ALD. The OGC/ALD reported that (b)(6) (b)(7)(c) former Chief of Station (COS) may have violated conflict of interest regulations through his involvement in the hiring of (b)(1) (b)(6) (b)(3) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c) for a position at Station to revoke her employment on (b)(6) (b)(7)(c)

1 (U//AT0) As required by Agency Regulation 13-2 (c)(7), Conflicts of Interest, supervisors are responsible for reporting to the appropriate Director or Head of Independent Office, violations or apparent violations of the ethics rules. The report must be forwarded to the Office of Inspector General, for investigation with a copy sent to the General Counsel.
SUMMARY

2. (S//NF) The investigation focused on involvement from ________ to ________ as COS-designee and COS, in prospective Station employment and training, and approved employment as an independent contractor. OIG also reviewed knowledge about the requirement to prevent a conflict of interest relative to his assignment in ________.

3. (S//NF) OIG determined that in ________ as COS-designee, corresponded with EUR officers concerning Station ________ prospectively hiring ________ for the ________ position. Also ________ requested that ________ receive training prior to any hiring decision. Furthermore, OIG identified other instances, from ________ to ________ when ________ as COS, was involved in ________ employment process.
6. (C) The Department of Justice declined prosecution of on conflict of interest charges in favor of administrative action by the Agency.

7. (C) The Report concludes took identifiable actions that demonstrate his involvement and failure to recuse himself in employment process, posing a conflict of interest. Secondly, the Report concludes provided several statements to OIG that were not supported by Agency records. Lastly, based on the Agency records referred to in this Report, was cognizant of potential legal and regulatory issues involved with hiring at

8. (C) OIG recommends that the Director/NCS, in consultation with the Chief, Special Activities Staff, Office of Security, consider what administrative action should be taken with respect to conduct.

BACKGROUND
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
PROcedures AND RESOURCES

ISSUES PRESENTED

14. (S//NF) This Report addresses the following issues:

- What actions did [redacted] take relative to hiring [redacted] to work in [redacted] Station, and how did [redacted] explain his actions?

4 (U//AD) Lotus Note Messages will be referred to as e-mail in this Report of Investigation.
What was knowledge about the conflict of interest concerns relative to his assignment?

What federal criminal laws and CIA regulations may have been violated?

FINDINGS
(What actions did take relative to hiring to work in station, and how did explain his actions?)

5 (U) Conflict of Interest statutes such as Title 18 U.S.C. Section 208 are general intent crimes. That is, unlike offenses that require specific intent, it is unnecessary in a general intent crime that the actor intends the precise result. It is merely sufficient if the actor meant to do the act that caused the result.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
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(b)(3) CIA Act
(b)(3) NatSec Act
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(b)(7)(c)
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(b)(3) NatSec Act
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(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(U//ALFO) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

42. (U) Title 18 U.S.C. § 208 (Acts affecting a personal financial interest) generally prohibits employees of the US Government from participating in official acts that affect a personal financial interest. It provides for criminal penalties for exploiting official positions for self-enrichment or enrichment of family members and associates.

That unless an employee receives prior authorization, the employee should not participate in a particular matter involving specific parties which the employee knows is likely to affect the financial interests of a member of the employee's household, or in which the employee knows a person with whom the employee has a covered relationship is or represents a party, if the employee determines that a reasonable person with knowledge of the relevant facts would question the employee's impartiality in the matter.

44. (U) The provisions of the C.F.R., as promulgated by OGE in *Subpart D - Conflicting Financial Interests*, are similar to those that appear in Title 18 U.S.C. § 208(a). Title 5 C.F.R. § 2635.402 *(Disqualifying financial interests)* specifies in part:

(a) Statutory prohibition. An employee is prohibited by criminal statute, Title 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he ... has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

45. (U) Title 5 C.F.R. § 2635.402(b)(4) and § 2640.103 (a)(2) *(Personal and substantial participation)* preclude "direct and active participation involving issuing decisions, approvals and recommendations."

46. (U) Title 5 C.F.R. § 2635.402 (b)(1) *(Direct and predictable effect)* provides the following definition:

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest,
however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this subpart.

Subparagraph (ii) further specifies:

A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

47. (U) Another provision of the C.F.R., as promulgated by OGE, in Subpart E - Impartiality in Performing Official Duties, Title 5 C.F.R. § 2635.502 (Personal and Business Relationships) specifies that:

(a) Consideration of appearances by the employee:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of an employee ... and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency ... .

48. (U//FBI) Agency Regulation (AR) 1-3a (5)(a), Cooperation with the OIG, defines the requirement for all Agency and contractor employees to provide accurate and complete information to OIG, as follows:

All Agency employees ... are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG ... investigations to the extent required by law.
49. (U//ATFØ) AR 13-2, Conflict of Interest, defines the requirement for all Agency employees to refrain from participating personally and substantially in matters that affect their financial interest, as:

... an Agency employee is prohibited by law from participating personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to the employee, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. An interest is considered imputed to an employee if the financial interest is held by the employee's spouse; ... an organization or entity which the employee serves as an officer, director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.

In cases where there is no criminal conflict of interest, employees are still expected to maintain the appearance of impartiality. AR 13-2(d)(1) specifies that:

Agency employees are expected to act impartially in the performance of their duties and not give preferential treatment to any private organization or individual. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or knows that a person with whom the employee has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, the employee should not participate in the matter unless the employee has informed the DAEO or Assistant DAEO and received authorization to participate in the matter. This restriction applies even when there is no actual conflict of interest in the employee's participating in the particular matter.

50. (E) Following a 19 June 2008 crimes referral letter, the facts of this case were presented to the US Attorney’s Office, Eastern District of Virginia (EDVA) on 11 July 2008. On 29 July 2008, EDVA declined prosecution of for violation of Title 18 U.S.C. § 208 in favor of administrative action by the Agency.
CONCLUSIONS

51. (S//NF) engaged in a series of actions that violated a conflict of interest statute as well as federal and Agency regulations. These actions occurred over a period, from to through his involvement in the steps taken by Agency officers to hire at Station on different occasions. As a COS-designee and COS, took the following identifiable actions:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
These actions demonstrated a pattern of his involvement and failure to recuse himself in employment process, posing a conflict of interest.

52. (S//NF) When interviewed by OIG, [redacted] provided several statements that were not supported by Agency records. [redacted] stated to OIG that:

In making these statements, not supported by Agency records, [redacted] displayed a lack of concern for his obligation to provide accurate, candid, complete, and forthcoming responses to OIG in disregard of the provisions of AR 1-3a(5)(a).

53. (S//NF) Based on the Agency records referred to in this Report, [redacted] was cognizant of potential legal and regulatory issues involved with hiring at Station. [redacted] did not raise these employment issues with an OGC Legal Advisor prior to or after his Station management assignment.

Approved for Release: 2017/06/29 C06659631
RECOMMENDATION

(€) The Director of the National Clandestine Service, in consultation with the Chief, Special Activities Staff, Office of Security, should determine what administrative action should be taken with regard to conduct.

CONCUR:
(b)(3) CIAAct
(b)(6)
(b)(7)(c)

12/14/09
Date

Acting Inspector General
DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Conflict of Interest by Contracting Officer's Technical Representative

CASE: 2005-8137-IG

ISSUES UNDER INVESTIGATION:

1. (5) In October 2005, the Office of Security (OS) relayed to the Office of Inspector General (OIG) allegations that a Contracting Officer's Technical Representative (COTR) assigned to had an improper relationship with an officer of a company that did business with the Agency.

According to the allegations, a COTR in engaged in inappropriate social activities with was the COTR on contracts between and because of the appearance of contract improprieties.

INVESTIGATIVE EFFORTS:

2. (5) In November 2005, OIG initiated an investigation concerning the alleged contract improprieties and possible conflict of interest.
RESULTS:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
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(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
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(b)(7)(d)

SECRET

Approved for Release: 2017/06/29 C06659633
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
45. The gratuity statute at Title 18 U.S.C. § 201(c) prohibits a public official from seeking, receiving, accepting, or agreeing to accept anything of value for, or because of an official act performed or to be performed by the official. This investigation did not find evidence that accepted anything of value from because of any official act performed or to be performed by OIG did not identify any intent on part to be influenced by anything of value provided by

46. The bribery statute at Title 18 U.S.C. § 201(b) prohibits a public official from corruptly demanding, seeking, receiving, accepting, or agreeing to accept anything of value in return for being influenced in performance of an official act, or being induced to do or omit, any act in violation of his or her official duties. This investigation did not find evidence that accepted anything of value from in return for being influenced in the performance of an official act.
47. (U) Executive Order (E.O.) 12674 contains "The Principles of Ethical Conduct" that apply to all employees of the Executive Branch. Included in this E.O. are the following pertinent standards:

- An employee shall not solicit or accept any gift or item of monetary value from any person or entity seeking official action from, or doing business with the employee's agency.

- Employees shall not use public office for private gain.

- Employees shall act impartially and not give preferential treatment to any private organization or individual.

- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or Standards of Ethical Conduct.

- Employees shall judge whether circumstances will violate the appearance principle from the prospective of a reasonable person with knowledge of the relevant facts.

- A violation of the standards may be cause for corrective action or disciplinary action against the employee.

48. (U) E.O. 12674 defines "gift" as anything of monetary value. The guidance specifically excludes the following from the definition of a gift:

- Anything for which the employee pays fair market value.

- Unsolicited gifts with a market value of $20 or less.

- Gifts clearly motivated by a personal friendship.

- Certain gifts of food and entertainment in foreign areas.
49. (G) OIG’s investigation shows that [redacted] relationship with [redacted] had the appearance of violating the ethical conduct standards. 

50. (G) OIG referred this matter to [redacted] in July 2008 for administrative action, if any, she deemed appropriate. 

51. (G) There is no further action for OIG in this investigation, and the case is closed.
1 October 2009

DISPOSITION MEMORANDUM

SUBJECT: (U) Potential Conflict of Interest (b)(1) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c) 

CASE: 2007-8688-1G (b)(6) (b)(7)(c) 

INTRODUCTION:

1. (C//NF) The CIA Office of Inspector General (OIG) conducted an investigation into the actions of a staff employee currently assigned to [Redacted]. The investigation examined the possibility of a conflict of interest resulting from [Redacted] while [Redacted] was employed by a private business entity during her leave without pay (LWOP) status from the Agency. On 10 August 2007, the [Redacted] had informed OIG that, based on an Outside Activity Request (OAR), actions while on LWOP appeared to be a violation of federal law, federal regulations, and Agency regulations. Accordingly, [Redacted] referred this matter to OIG for a determination as to whether an investigation would be warranted. OIG subsequently found cause to conduct an investigation in that [Redacted] while on LWOP, accepted employment with a private business entity and may have represented that entity to others, resulting in a possible conflict of interest. 

2. (C//NF) [Redacted] entered on duty with the Agency in [Redacted]. [Redacted] began LWOP in [Redacted] and remained in that status until her return to duty at the Agency on [Redacted].

CONFIDENTIAL//NOFORN

Approved for Release: 2017/06/29 C06659635
PROCEDURES AND RESOURCES

3. (E//NF) OIG reviewed pertinent e-mail communication related to OIG interviewed and an employee with whom had contact while she worked for In addition, leave records, security file, and Official Personnel Folder were reviewed.

FINDINGS:

4. (E//NF) OIG's review of correspondence between and OIG found that the complaint originated with a concern presented by in a 10 August 2007 Lotus Note that stated, in part: "I apologize for the delay in reporting this one...Based on the facts reported below, there may have been a violation of Title 18 U.S.C. § 205 in this case. Therefore, believes it is prudent to bring the issue to your attention for a determination whether further investigation or action is merited..." referral to OIG was based upon Form 879 dated in which stated in part that

sending via Lotus Notes dated 2007, a list of

provided her responses to via Lotus Notes the same day. Five months later, passed responses and Form 879 to It was review of the Form 879 and of responses to questions that formed the basis of 10 August 2007 referral to OIG for investigation.

5. (E//NF) OIG interviewed on 1 October 2007, presenting a advisory by means of OIG Form INV-1, Warning and Assurance to Employee Requested to Provide Information on a Voluntary Basis.
6. (C//NF) OIG investigators specifically asked about her interaction with US Government (USG) employees, and she advised that she had contact on several occasions.
8. (C/TF) OIG reviewed the OAR (Form 879) dated that was submitted by The governing Agency Regulation (AR) 10-15 for OARs prescribes that a Form 879 be submitted by employees who wish to engage in an outside activity (to include outside employment) prior to that activity. The submission of a Form 879 following the completion of her outside employment while on LWOP was not in compliance with AR 10-15 regarding submission prior to the activity. However, presented mitigating information regarding the timeliness of her submission. stated that while on LWOP she called her personnel officer to request a Form 879, but the personnel officer never sent one. Subsequently contacted another personnel officer about reporting her outside activity, and was advised that she could complete the Form 879 upon returning from LWOP. Thus, claimed that she acted in good faith after being misinformed regarding the correct process.

CONCLUSIONS:

9. (C/TF) OIG received no specific complaint or allegation of wrongdoing regarding part-time employment at referral, and developed no information indicating
that such wrongdoing occurred.

10. (C//NF) OIG concluded that [redacted] statements to OIG and [redacted] were credible. OIG further concluded that [redacted] did not have contact with USG personnel during this period that would constitute violation of Title 18 U.S.C. § 205.

11. (C//NF) OIG found no evidence that [redacted] violated Title 18 U.S.C. § 205 in the course of her employment with [redacted] during the period from [redacted] while in LWOP status.

12. (U//ARO) As no violation of federal law or Agency regulations has been found, OIG will take no further action in this matter. This case is closed.

Special Agent

Supervisory Special Agent
INTRODUCTION:

1. On 30 July 2008, the Office of Inspector General (OIG) Investigations Staff received an anonymous letter alleging "potential fraud, waste, and abuse of government resources, policies and procedures." The complainant claimed concerns regarding misuse of US Government (USG)-owned vehicles (GOVs), improper use of USG transient billeting, favoritism in application of GOV assignment policy, improper sole source contracting, time and attendance (T&A) fraud, and an account of an apparent sexual harassment situation, all at an unnamed facility referred to in the letter. The complaint was sent via the US Postal Service. After reviewing the letter, OIG conducted an investigation.

PROCEDURES AND RESOURCES:

2. By examining pertinent details in the letter, OIG identified the facility referred to in the letter. OIG normally refers allegations of the misuse of GOVs to the Office of Security, but this allegation was, as stated above, anonymous and lacking details such as names, or even the precise location where the activity allegedly occurred.

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1 (U//ARO) OIG normally refers allegations of the misuse of GOVs to the Office of Security, but this allegation was, as stated above, anonymous and lacking details such as names, or even the precise location where the activity allegedly occurred.
The activities described in the allegations were identified particular to the Staff. OIG then interviewed CIA employees all formerly assigned to

OIG also contacted current

via electronic mail. OIG reviewed relevant Agency regulations pertaining to motor vehicle management. OIG worked with Human Resources officers assigned to the Directorate of Support to identify employees who had recently served with or were scheduled to leave in order to identify potential interviewees and persons who might be identifiable from the letter. OIG did not travel to

FINDINGS:

3. (§) The letter cited eight specific allegations. None named any specific individual, but sufficient information about positions and functions was provided in the letter to identify three persons by name. OIG believed that a concern motivating the writer was the short-of-tour departure of a female employee from for what the writer considered poor leadership by a supervisor, who was one of those persons identifiable by name.

4. (§) Based upon the timing of reassignment and a management chain described in the letter, OIG identified the officer returned short-of-tour as staff employee She agreed to be interviewed and provided two additional names of staff employees, who were subsequently interviewed as information sources. As a result of these interviews, the letter's allegations were refined and examined in further detail. All three of the interviewees denied writing or knowing who wrote the letter, and all agreed that the writer appeared to have only indirect knowledge of, or access to, the events and information described. With the exception of one allegation, noted below, the letter's allegations were described by all three officers as less than accurate.

5. (§//NF) Regarding the allegation that the spouse of a senior Agency officer TDYing to was improperly afforded USG transportation and quarters, stated that she had been directly
responsible for that individual's transport and temporary billeting, and that the letter's allegation is incorrect.

(b)(1) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

6. The letter also alleged that many personnel arriving PCS are given GOVs for travel from home to office and for local shopping, that not employees get this "entitlement," and that on at least two occasions GOVs were seen on weekends in locations that suggested unauthorized use. OIG interviewed on this topic, and compared their accounts of duties and procedures for vehicle policy with Agency Regulation (AR) 45-3, Agency Motor Vehicle Management. OIG found the policy for daily use of USG vehicles consistent with AR 45-3, and found no indication that the policy was unevenly administered.

(b)(6) CIAAct
(b)(7)(c)

7. The letter contained an allegation that "appear(ed) to be sole sourced," without competition regarding this allegation. All three stated that the involved multiple contractors, were not sole sourced, and did not involve competition. The employees interviewed believed the letter writer to be misinformed on these details.

(b)(1) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

OIG also communicated via electronic mail with who advised that "the contract for goes through an existing contract vehicle that was competed and re-competed," and not improperly sole sourced.
8. (C) An allegation of sexual harassment and/or inappropriate acts characterized by the letter writer as "rumor" was not further considered. OIG did question about this allegation; however, and all three had some degree of knowledge regarding the details. All three accounts agreed that the issue was handled expeditiously by management and the matter was closed as a local action.

9. (C) The letter alleged that two officers, described as the and the were abusing T&A. OIG identified these officers as respectively. OIG interviewed regarding these T&A allegations.
CONCLUSIONS:

10. (€) OIG concluded that the letter's allegations were insufficiently supported or provable to merit further investigation. In evaluating the content of the letter, OIG assessed that it was likely the writer's principal intent in submitting the letter to anonymously direct attention to A irregularities, due to perceived role in short-of-tour return from for performance deficiencies.

- Regarding the allegation that the spouse of a senior Agency officer TDYing to was improperly afforded USG transportation and quarters while the senior officer was on a personal trip, OIG considered account of these events to be credible. OIG found it appropriate that a vehicle be dispatched to transport a senior Agency officer and his wife from the airport to his TDY location and appropriate that the senior officer's wife (and their luggage) be afforded temporary accommodation.

- Regarding the allegations of unauthorized use of GOVs, OIG found the account of two past sightings of vehicles in locations that may have indicated unauthorized use not possible to verify after the fact.
• Regarding the allegation that appeared to be sole sourced without competition, OIG found credible indications to the contrary in the interview accounts of and a definitive indication to the contrary in the statement of OIG did not find indication of improper sole sourcing of the contracts.

• Regarding an allegation of sexual harassment and/or inappropriate acts characterized by the letter writer as "rumor," OIG found that no further action on this allegation was necessary.

• Regarding the allegations that the OIG found the employees' accounts credible, and the circumstances of duties sufficiently flexible that there is no confirmation of the letter's charge of T&A fraud.

• Regarding the allegations that the found the interviewees' accounts to be credible, and concluded that was likely committing T&A abuse to an extent that was indeterminable because of the lack of electronic records.

11. (U//AFEO) As no violation of Agency regulations can reasonably be determined in this case, OIG will take no further investigative action in this matter. The management of
at Headquarters has been briefed on the T&A abuse. This case is closed in OIG.

Special Agent

Supervisory Special Agent
DISPOSITION MEMORANDUM

9 December 2009

ISSUES UNDER INVESTIGATION:

1. (U) On 14 November 2008, CIA Office of Inspector General (OIG) received a referral from Immigration and Customs Enforcement (ICE) Special Agent (SA) regarding an ongoing ICE investigation into purchasing child pornography from a commercial provider under investigation by ICE and was referred to CIA OIG once he was identified as an Agency employee.

2. (U//FOUO) Operation Koala, coordinated by Interpol, identified two underage girls in who had been sexually abused on camera by their father. When confronted by authorities, the father admitted to being paid to make sexually explicit movies of his daughters by the proprietor of the Web site paid multiple individuals in return for their filming of sex acts by minors in their custody and then sold the videos on his Web site. took e-mailed requests by members of the Web site, which he used to direct further exploitation videos.
3. (E) In 2005, Interpol agents identified an individual using the e-mail address [redacted] who purchased three videos from [redacted]. The e-mail address was traced back to the home of [redacted] in the United States, and the lead was passed to the Department of Justice (DOJ) and ultimately provided to ICE.

4. (E) Following the lead information, ICE SAs confirmed the purchase of the videos through credit card records, but the information was considered stale for the purposes of obtaining a search warrant. ICE SAs drove to [redacted] home and requested a voluntary interview with him. [redacted] spoke briefly with the SAs, but refused a search of his home and requested an attorney. At that point [redacted] identified himself as an Agency employee, prompting ICE to forward the referral to CIA OIG.

INVESTIGATIVE EFFORTS:

5. (U//FOUO) CIA OIG contacted the Federal Bureau of Investigation and obtained from them detailed information on Operation Koala received from Interpol, including copies of the e-mail messages from [redacted].

6. (E) CIA OIG reviewed [redacted] security file for any pertinent information. Communications were also reviewed.

7. (E) CIA OIG contacted the DOJ and confirmed that [redacted] was represented for the purposes of interviewing him. In a 17 March 2009 meeting, Assistant US Attorney [redacted] confirmed there was no likely criminal prosecution and that administrative action should be pursued.
RESULTS:

10. (G) Through DOJ administrative subpoenas, the e-mail address was conclusively linked to residence.

Information from Interpol confirmed the individual using that address purchased videos of three underage individuals engaged in sexual activity. All of the girls were from and paid their respective mothers to film the girls in sexually explicit conduct.

11. (G) admitted to purchasing the videos identified in Operation Koala. Additionally, he admitted to having sexual relations with numerous prostitutes overseas to emotionally hurt his then-wife.

DISPOSITION:

12. (G) When confronted by his component’s management with the issues, resigned on in lieu of Agency administrative action being initiated.

Special Agent

Supervisory Special Agent
10 July 2009

DISPOSITION MEMORANDUM

SUBJECT: (U) Anonymous Freedom of Information Act Concerns

CASE: 2008-9117-1G

INTRODUCTION:

1. (U//ARO) OIG interviewed CIAAct (b)(3) that there were problems with the way Freedom of Information Act (FOIA) and Privacy Act (PA) requests for information were being handled by the Agency. The anonymous allegation stated that several "missteps" had occurred and the Agency had lost a court case (unspecified) as a result of the situation.

The allegation also stated that the way the information was being handled potentially violated Agency policy and federal law and requested OIG look into the matter.

PROCEDURES AND RESOURCES:

2. (U//ARO) OIG interviewed CIAAct (b)(3) (b)(7)(c) OIG interviewed CIAAct (b)(6) (b)(7)(c) In addition, OIG conducted interviews with CIAAct (b)(3) (b)(6) (b)(7)(c) OIG interviewed

OIG researched Title 5 U.S.C. § 552 (Public information; agency rules, opinions,

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

FINDINGS:

3. (U//ARO) Interviewees all stated that the lawsuit described in the allegation seemed to describe a lawsuit filed by the National Security Archives (NSA) against the Agency. Interviewees stated that the lawsuit basically concerned whether or not the NSA should be considered a media organization, and which rules should apply regarding the fees the NSA had to pay for its requests. said the Agency has both reversed its position on its own initiative, and had its position reversed by the court several times, which has caused great confusion within CIO. explained that as a result of the most recent ruling, the NSA requests for information are being screened before rel.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

4. (U//ARO) stated IRRG Officers are assigned to work on the NSA cases as they come into FOIA, the same as any other case. stated the same, although he indicated that PA receives very few requests for information from the NSA. According to the added layer of review by has created a delay in the release of the NSA requests. stated that no requests from the NSA were approved for release between December 2008 and March 2009, begin releasing the requests to the NSA without waiting for review as of 1 March 2009.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

5. (U//ARO) Of the staff officers interviewed about their knowledge of the backlog of cases and possible reasons, indicated they had no knowledge of the NSA cases or any other cases being handled in a different manner. They stated there were delays with certain types of requests, but did not tie the delays to the

1. (U//ARO) Within Freedom of Information Act and Privacy Act, Information Review and Release Officers are known as Case Managers.
reviews being conducted on the NSA requests. All indicated varying levels of knowledge regarding the lawsuit, the IRRG's ongoing difficulties with requests for information by the NSA and review that resulted in the delay in releasing any information to the NSA. All stressed in their OIG interviews that everyone in their group, division and branch, respectively, was aware of the situation with the NSA and knew that the backlog in releasing the cases was because of review.

6. (U//A{T}O) Cited complex and/or very old requests as being exceptions to the first in, first out policy in FOIA and PA. They both indicated, however, that no lawsuits have been filed in their tenures regarding the timeliness of requests that have cost the Agency court fees in the amount close to the NSA settlement. Stated that the circumstances of the allegation did not seem to fit the scenario of ordinary complex or old requests, but appeared to match the circumstances of the NSA cases.

CONCLUSIONS:

7. (U//A{T}O) The anonymous allegation sent to OIG did not provide specific identifying data to immediately enable OIG to identify the complaint as relating to the NSA litigation. However, all individuals in supervisory positions stated their belief that the complaint referenced the ongoing difficulties fulfilling requests for information by the NSA. Four of seven staff officers interviewed were aware that requests from the NSA were treated differently than other requests. These officers stated that he or she had either first or second hand knowledge of the lawsuit and subsequent review of the NSA cases, which resulted in a backlog.

8. (U//A{T}O) Receipt of this allegation in OIG predated decision to release the NSA cases without review, thus alleviating the backlog. OIG found no information to support the allegation of deliberate malfeasance or dereliction of duty in processing the FOIA or PA requests for information. The only regulatory and statutory violation is FOIA and PA's inability to process a large majority of cases within the 20-day mandated timeframe. This violation was readily
acknowledged by all witnesses and appears to be a systemic problem with the process of information review and release as opposed to mismanagement by individual officers.

9. (U) There is no further action for OIG in this matter. This case is closed in OIG.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent
24 August 2009

DISPOSITION MEMORANDUM

SUBJECT: (U//A//FO) Alleged Conflict of Interest

CASE: 2009-9137-IG

ISSUES UNDER INVESTIGATION:

1. (U//A//FO) On 22 January 2009, at the advice of the Office of General Counsel/Administrative Law Division (OGC/ALD), referred by memorandum the matter of a Directorate of Intelligence (DI) career officer with years in the Agency, to the Office of Inspector General (OIG). had taken Leave Without Pay (LWOP) in August 2004. This was done so that could accept a position with the New York Police Department (NYPD) as of the Intelligence Division. had remained on LWOP throughout his tenure with NYPD. OGC/ALD had advised Human Resources (HRS) and Legal that all extenstions of LWOP had been outside of the regular approval process for LWOP set forth in Agency Handbook (AHB) 20-1 in that Chief (C)/HRS had not approved extensions of LWOP. advised that "a request for years of LWOP is unprecedented."

2. (U//A//FO) Furthermore, advised that it appeared that had committed a violation of Title 18 U.S.C. § 205, Activities of officers and employees in claims against and other matters affecting the Government. This criminal conflict of interest statute prohibits an employee, whether or not for compensation, from acting as agent or attorney for anyone in a claim against the US or from acting as agent or attorney for

SECRET//NOFORN
anyone, before any department, agency, or other specified entity, in any particular matter in which the US is a party or has a direct and substantial interest.

3. (U//AR) The primary issues for OIG were whether duties at NYPD while on LWOP constituted a violation of Title 18 U.S.C. § 205, Activities or officers and employee in claims against and other matters affecting the government, and whether represented NYPD back to portions of the US Government, including the Agency. If prosecuted, such a criminal violation carries a punishment of imprisonment up to a year.

4. (U//AR) In addition, OIG needed to determine whether activities at NYPD constituted a violation of the Agency’s prohibition on engaging in law enforcement functions, per the National Security Act of 1947. Per Headquarters Regulations (HR) 7-1, Law and Policy Governing the Conduct of Intelligence Activities, this act "which provides the basic authority for the intelligence activities of the Agency, prohibits the CIA from exercising police, subpoena, or law enforcement powers or internal security functions (Title 50 U.S.C. Section 403(d)(3)). This prohibition means that CIA may not engage in activities solely for the purpose of supporting or exercising these functions." Although no criminal statute applies to a violation of this provision, HR 7-1 states that "(b) The National Security Act of 1947 also requires that the Director of Central Intelligence (DCI), consistent with applicable constitutional responsibilities and the authority to protect intelligence sources and methods: ....(3) Report to the congressional intelligence committees any illegal intelligence activities or significant intelligence failures and corrective action taken (Title 50 U.S.C. Section 413/Section 501 of the National Security Act of 1947) (U)" Therefore, if were found to
National Security Act of 1947 (U) Therefore, if were found to have violated this statute, he could be subjected to Congressional oversight as well as Agency disciplinary measures.

INVESTIGATIVE EFFORTS:

5. (U/A100) OIG reviewed all available documentation on this matter, including all relevant Lotus Notes, cables, and correspondence between and relevant DI and HRS officials.

6. (S) In addition, OIG reviewed Official Security Folder on 14 January 2009.

7. (U/A100) OIG on 23 January 2009, also met with HRS/Office of the Director/Office of the Chief. The purpose of the meeting was to obtain documentation on possible conflict of interest violations of criminal statute Title 18 U.S.C. § 205 and of the Agency prohibition on engaging in law enforcement functions that may have committed during NYPD tenure while on LWOP. and agreed that their search produced only the following documents provided to OIG and none further concerning and the matters of possible violations of Title 18 U.S.C. § 205 or the Agency prohibition on law enforcement:

Approved for Release: 2017/06/29 C06659640
(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Approved for Release: 2017/06/20 C08659640
(b)(3) CIA
(b)(6)
(b)(7)(c)
(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

10. (U//ATO) OIG also determined that [redacted] had violated the Agency's prohibition against law enforcement activities per HR 7-1 by accepting employment as an NYPD [redacted] while still employed as a CIA official.

12. (U//ATO) On 17 July 2009, in a meeting between Assistant US Attorney for EDVA [redacted] and OIG Special Supervisory Agent [redacted] conveyed that DOJ had decided to decline prosecution of [redacted] in favor of administrative action based on a lack of prosecutorial merit. OIG followed up with a letter to DOJ/EDVA confirming this conversation on 29 July 2009.
DISPOSITION:

13. (U//AF) Because DOJ declined prosecution, and because resigned from CIA, OIG plans to take no further action concerning

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent
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10 September 2009

DISPOSITION MEMORANDUM

SUBJECT: (€) Conflict of Interest

CASE: 2009-9179-IG

ISSUES UNDER INVESTIGATION:


2. (€) [finding was based on an allegation by [that [prepared a draft [nomination for the NCS Excellence in Leadership Award for [mit on behalf and then inquired as to the status of the nomination on at least two occasions, to include calling on her personal cell phone. [did not submit the nomination for the award, which includes a $5,000 monetary component, [met with [and subsequently sought a legal opinion from the Ethics Counsel of the Office of General Counsel (OGC). OGC confirmed that [conduct constituted an apparent violation]
of the applicable ethics regulations governing misuse of a government position for personal gain – AR 13-2 and the corresponding ethics regulation Title 5 C.F.R 2635.702(a).

3. (€) reportedly met with on 24 November 2008, at which time admitted to tasking her subordinate to submit the nomination for. However, she denied any intention or steps to retaliate when did not submit the nomination. reportedly issued a stern oral reprimand, which included explicit notice that all ethics violations or concerns must be referred to OIG for review, including this violation.

4. (€) The primary issue for OIG was whether a review of the circumstances leading to and following the allegation, OGC opinion, finding would reveal evidence of further wrongdoing by beyond the original AR 13-2 violation. In particular, failure to submit for the NCS Excellence in Leadership Award would adversely affect career, OIG sought any substantiation of subsequent acts by against that would constitute reprisal against . If found, such retaliatory acts would constitute a possible violation of AR 7-6. While this regulation deals mainly with grievance resolution, it states in paragraph f. Penalties: "Any employee who inflicts any form of reprisal on another employee for pursuing resolution of work-related issues, or for discussing, planning to file, filing, or pursuing a grievance is subject to administrative action as Agency management may deem appropriate, to include oral warning, letters of reprimand, suspension without pay, and, in the most extreme cases, termination of employment." [Italics added.]
INVESTIGATIVE EFFORTS:

6. (C) OIG reviewed all existing documentation on this matter, including all Lotus Notes messages between [Legal and OGC]; the draft Memorandum from [OIG] to OIG informing OIG of [violation]; the final copy of this Memorandum; the criteria for the NCS Excellence in Leadership Award and reviewing comments on Performance Appraisal Review (PAR) for the period [and [Review]].
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
15. (C) OIG determined that the information provided to OIG added context and detail to the original allegation that tasked to submit her for the NCS Excellence in Leadership Award. Moreover, OIG determined that this information confirmed the OGC opinion and finding that actions constituted a violation of AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Use of Position, Post-Employment Restrictions, and Political Activities.
16. (E) However, OIG determined that evidence did not support that actions subsequent to refusal to submit for the NCS Excellence in Leadership Award resulted in a reprisal directed at

Nonetheless, took no negative action toward either during final days in or after departure from This included reviewing comments on final PAR in covering the period:

**DISPOSITION:**

17. (E) OIG’s findings confirmed that actions constituted a violation of AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities.

18. (E) OIG found no evidence of further wrongdoing by following failure to submit for the NCS Excellence in Leadership Award or following finding on violation of AR 13-2. Because has already promulgated disciplinary measures against for this violation, OIG anticipates no further action.
6 July 2009

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegations of Extortion

CASE: (U) 2009-9309-IG

ISSUES UNDER INVESTIGATION:

1. (C//NF) On 22 May 2009, the Office of Inspector General (OIG) received a written notice from alleging that she was being extorted by a co-worker, contacted the Security Operations Center regarding the perceived immediate threat. Also contacted her manager, regarding the perceived extortion, and agreed to provide further details to the OIG alleging that

2. (U//FO) During the 4 June 2009 interview with she alleged that and she had joked about nominating her for an "employee of the month" award. According to when she found out did submit her for an award, she sent an e-mail withdrawing her name from consideration.

3. (U//FO) alleged that, she received an unrelated Exceptional Performance Award (EPA) in the amount of and that had extorted $200 from her after she won the award. Further alleged that she believed would have her husband inflict bodily harm if she didn't pay, and still felt threatened.
4. (U//AT56) OIG evaluated the potential for a violation of 18 U.S.C. § 872 (Extortion by officers or employees of the United States) and/or 18 U.S.C. § 371 (Conspiracy to commit offense or to defraud the United States).

INVESTIGATIVE EFFORTS:

5. (U//AH50) OIG conducted an investigative interview of [Redacted] on 4 June 2009. During the interview, [Redacted] provided details of both the alleged conspiracy and the alleged extortion.

RESULTS:

6. (U//AH50) On the potential for conspiracy, [Redacted] advised that [Redacted] did not make any false statements in her recommendation for an award. Additionally, [Redacted] advised that she withdrew the nomination before she was considered. The EPA [Redacted] received was for [Redacted] and was unrelated to the initial nomination, which was for an "employee of the month" award.

7. (U//AH50) With regards to the extortion, [Redacted] stated that she provided $200 to [Redacted] voluntarily, and that [Redacted] at no point asked for, nor implied, she was owed money. [Redacted] thanked [Redacted] for the money and told her she would be taking her husband out to dinner with it. In terms of prospective of threats to her person, [Redacted] interpreted a brief phone conversation with [Redacted] husband where he thanked her for the dinner as meaning that he would "beat the snot" out of her. [Redacted] could not provide any rational basis for her concerns, and interpreted several other innocuous statements as direct threats. [Redacted] confirmed she was in a new position and no longer had contact with [Redacted]
DISPOSITION:

10. (U//FOUO) Based on the information provided by [redacted], there is no basis for an investigation into either extortion or conspiracy charges at this point. Pending the receipt of additional information, the case was referred to [redacted] management and is being closed by OIG.

Special Agent

Supervisory Special Agent
30 November 2009

DISPOSITION MEMORANDUM

SUBJECT: (U//AT66) Alleged Reprisal by a Senior Officer

CASE: 2009-9339-IG

INTRODUCTION:

1. (S//NF) On 22 June 20(b)(7)(d)

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

submitted an allegation to Office of Inspector General (OIG), Investigations Staff. contended that he was the subject of reprisal by action in reporting certain information to OIG. According to the reprisal was in the form of him being precipitously recalled short of tour from

2. (S//NF) Previously, on 27 April 2009, OIG received an allegation from claiming that recalled one year short of tour. alleged that replaced with a

1 (U) This statement constituted a "protected disclosure of information." According to Former Special Counsel Elaine Kaplan, US Office of Special Counsel, a protected disclosure is the disclosure of any information that an employee reasonably believes evidences a violation of law, rule or regulation, a gross mismanagement, an abuse of authority, or a significant and specific danger to public health or safety. A disclosure can be made to any person in order to be protected. It need not be made through some prescribed channel. It is important that a disclosure need not be accurate in order to be protected -- it is enough if the person making it is acting in good faith and with a reasonable belief in its accuracy.
friend of who desired a tandem assignment.

OIG investigated and reported findings on this allegation.\(^2\)

3. (C) Following his e-mail to OIG, \(\text{sent a Lotus Note message to}\)

\(\text{notified each of them that he had sent the complaint to OIG reporting abuse of authority.}\)

4. (S//NF) \(\text{notified}\)

\(\text{that he was being reassigned from his position as informed OIG on 22 June 2009 that he attributed action as retaliation directed at for reporting a perceived abusive action by to OIG. The matter under review in this investigation was whether took action constituting a reprisal toward because he had provided the above information to OIG.}\)

5. (U) Section 17 of the CIA Act, 50 U.S.C. 403q, establishes the authority, mission, and responsibilities of the CIA OIG. Subsection (e)(3)(B) addresses reprisals:

\[
\text{[No action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.}\]

6. (U) Agency Regulation (AR) 1-3a, Office of Inspector General, expands on the above with an additional guideline:

\[
\text{Agency managers who contemplate any action on this basis should consult with OIG in advance.}\]

\(\text{In a Disposition Memorandum, 2009-9270-IG, dated 26 June 2009, OIG concluded that it did not substantiate the allegation that misused his position as Furthermore, possessed the authority to replace for the needs of the service as well as concerns over performance.}\)

\(\text{For consistency purposes in this report, the term e-mail will be used in all subsequent references to Lotus Note messages.}\)
7. (U//A) AR 13-1, Standards of Conduct, is the authorization for management action in this case. AR 13-1 specifies in part,

c. STANDARDS...

(4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty....

d. MANAGER RESPONSIBILITIES. Managers ultimately are responsible for the actions or inactions of their subordinates and should institute reasonable measures to ensure compliance with Agency standards of conduct....

8. (U//A) According to OIG Counsel, to establish that there was a reprisal, the evidence must show that there was: a protected disclosure of information; a personnel action taken, not taken, or threatened; an actual or constructive knowledge of the protected disclosure; and that the protected disclosure was a contributing factor in the personnel action. A contributing factor is any factor which alone, or in connection with others, tends to affect in any way the outcome of the personnel action at issue. The manager must defend the personnel action by showing -- by clear and convincing evidence -- that he or she would have taken the same action without the disclosure.
PROCEDURES AND RESOURCES:

10. (C) OIG examined applicable federal and Agency regulations and policies relating to conduct, accountability, and discipline. Pertinent cables, e-mail messages, and other written correspondence were reviewed. Eight interviews were conducted to include interviews of (b)(1) and (b)(3) CIA Act, (b)(3) NatSec Act, (b)(6), (b)(7)(c) and (b)(7)(d)

FINDINGS:
(b)(3) NatSecAct
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SECRET/ NOFORN

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSION:

38. (S/□NF) made the decision to reassign from his position as decision was made with the knowledge that had made a complaint to OIG that abused his authority when assigning a replacement for.

39. (E) stated unequivocally that complaint to OIG against was not the reason for reassignment. That decision to reassign was based on determination that emails to as well as oral statements to various individuals indicated that would not cooperate with, thus creating an environment that would continue to deteriorate if left alone. According to Agency regulation, it is within the scope of authority to take this action.

40. (E) The evidence is clear and convincing that complaint to OIG was not a contributing factor in decision to reassign.

DISPOSITION:

41. (U//ATUO) This investigation is closed.
2 September 2009

DISPOSITION MEMORANDUM

SUBJECT: (§) Possible Conflict of Interest

CASE: 2009-9343-1G

1. (§) On 22 June 2009, notified the Office of Inspector General (OIG) by memorandum that had possibly violated the criminal conflict of interest provision, Title 18 U.S.C. § 208, the regulatory conflict of interest provision Title 5 C.F.R. 2635.502, and the accompanying Agency regulation on conflict of interest (c) (1). According to at times, had sent tasking to the group Lotus Notes address an address for all personnel, including reported in his memorandum that this action fell outside the parameters defined by the memorandum approving assignment and waiving the

2. (§) finding was based on a Lotus Note that sent to that requested a green visitor badge for a Temporary Duty (TDY) officer. The memorandum that approved the assignment of to, stipulated that could not task or the

SECRET

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could only come from and tasking of could only come from and, in his absence, from Headquarters-based and, in his absence, from Headquarters-based
could only come from and tasking of could only come from and, in his absence, from Headquarters-based

3. (E) As a result of action, contacted to inform him that the practice of sending

messages to the group address

must cease immediately. also convened a video teleconference among staff to clarify the
parameters of acceptable workplace interaction. He then referred the matter to OIG.

4. (E) The primary issue for OIG was whether a review of messages sent by to the group Lotus Notes address

would reveal a criminal conflict of interest as stipulated in Title 18 U.S.C. § 208 (Acts affecting a personal financial interest) or a regulatory conflict of interest as stipulated in Title 5 C.F.R. Part 2635 (Standards of Ethical conduct for Employees of the Executive Branch), Subpart E (Impartiality in Performing Official Duties), Section 2635.502 (Personal and business relationships) and its accompanying Agency Regulation 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities.
INVESTIGATIVE EFFORTS:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
RESULTS:

17. OIG found that no message from the [redacted] to the [redacted] group address appeared to direct action specifically to any one individual on the [redacted] In fact, in all messages available to OIG, [redacted] included the salutation "All" when sending to the group address [redacted].

18. One Lotus Note message request to provide a visitor's badge for a TDY officer was the basis for the referral to OIG. The note was not addressed to -- or appeared to be specifically tasking -- any one individual on the [redacted] Based on [redacted] statements that support personnel overlap duties during the absence of any one officer, this message should not be viewed as the tasking of
19. Therefore, OIG determined that did not appear to violate the criminal conflict of interest provision Title 18 U.S.C. § 208, the regulatory conflict of interest provision Title 5 C.F.R. § 2635.502, or the corresponding Agency Regulation 13-2(C)(1), when he communicated using a group Lotus Notes address that included

**DISPOSITION:**

Since this incident has occurred has implemented measures to rectify the situation OIG will take no further action in this matter.

Special Agent

Supervisory Special Agent
Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION

(U) FALSE CLAIMS AND EMBEZZLEMENT OF FUNDS:
(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(2009-9290-IG)

18 June 2010

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Assistant Inspector General for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Deputy Inspector General

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

Approved for Release: 2017/06/29 C06659649
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(6) DID ___________ EMBEZZLE FUNDS FROM HIS AGENCY ADVANCE
FUNDS OR REVOLVING FUNDS? .................................................................................. 5

(6) DID ___________ SUBMIT FALSE VOUCHERS TO AGENCY
OFFICIALS? ..................................................................................................................... 12

(U) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS
MAY HAVE BEEN VIOLATED? ....................................................................................... 34

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INTRODUCTION

1. (S) In May 2009, Special Investigations Branch, Personnel Security Group, Office of Security (OS) reported a criminal allegation to the Office of Inspector General (OIG), Investigations Staff. OS reported that assigned to National Clandestine Service (NCS), may be filing false claims on his expense vouchers. Reportedly, served on temporary duty (TDY)

While in his off-duty time, where he used to charge for personal expenses. After the TDY, purportedly filed a travel voucher to claim this $1,200.

SUMMARY

2. (S) The OIG investigation focused on use of Agency funds and his expense reimbursement claims from During this period, was assigned as

SECRET//NOFORN
3. (E) The investigation found that [redacted] embezzled Agency funds and filed false statements and claims over a two-year period. [redacted] knowingly engaged in a deliberate pattern of deception to defraud the Agency for the benefit of himself. This activity resulted in [redacted] requesting approximately $10,534 that was unsupported by authorized expenses.

4. (E) [redacted] provided a signed sworn statement admitting he intentionally submitted incorrect amounts in order to receive funds to which he was not entitled. [redacted] wrote that he was deeply sorry for the fraudulent claims, and he regretted his actions and pledged not to repeat the conduct. [redacted] also wrote that he pledged to eliminate the sloppiness of his accountings.¹

5. (E) On 11 January 2010, the Department of Justice declined prosecution of [redacted] on embezzlement and false claim charges in favor of Agency administrative action.

---

¹ (E) Following review of his OIG interview reports, [redacted] stated that he recanted his earlier statements that he intentionally submitted false claims in order to defraud the government.
PROCEDURES AND RESOURCES

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
QUESTIONS PRESENTED

12. (C) The investigation addresses the following questions:

♦ Did _____ embezzle funds from his Agency Advance Funds or Revolving Funds?

♦ Did _____ submit false vouchers to Agency officials?

♦ What federal criminal laws and CIA regulations may have been violated?
FINDINGS

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

(C) DID EMBEZZLE FUNDS FROM HIS AGENCY ADVANCE FUNDS OR REVOLVING FUNDS?
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1) 
(b)(3) CIA Act 
(b)(3) NatSec Act 
(b)(6) 
(b)(7)(c) 

(D) DID (b)(7)(c) SUBMIT FALSE VOUCHERS TO AGENCY OFFICIALS?
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1) 
(b)(3) CIA Act 
(b)(3) NatSec Act 
(b)(6) 
(b)(7)(c) 
(b)(7)(d)
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(b)(3) CIA Act
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(b)(7)(c)
(b)(1)
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(b)(3) NatSecAct
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(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(U) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

110. (U) Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money, property or records) provides in pertinent part:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposits of any record, voucher, money, or thing of value of the United States or of any department or agency thereof . . . , shall be fined under this title or imprisoned not more than ten years, or both.

Under the above statute, the crime of "embezzlement" is committed at the time the money is knowingly taken for personal use and intent to repay is irrelevant.
111. (U) Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

(1) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) Makes any materially false, fictitious, or fraudulent statement or representation; or

(3) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than five years, or both.

112. (U//AR//FO) AR 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

(b) Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(c)(1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;
(b) Federal statutes and Congressional resolutions;
(c) Executive Orders and other Presidential directives;
(d) Regulations of US Government agencies that apply to the CIA;
(e) Applicable state statutes;
(c)(2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2).

(c)(4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty.

(e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

(b)(1) CIAAct
(b)(2) NatSecAct
(b)(3) CIAAct
(b)(3) NatSecAct
115. (Exec) On 11 January 2010, OIG presented the findings of this investigation to the United States Attorney for the Eastern District of Virginia. The Assistant United States Attorney declined prosecution of [redacted] for embezzlement and false statements in favor of administrative action by the Agency.

CONCLUSION

116. (Exec) The investigation found that [redacted] embezzled Agency funds and filed false statements and claims [redacted] over a two-year period. [redacted] knowingly engaged in a deliberate pattern of deception to defraud the Agency for the benefit of himself. This activity resulted in [redacted] requesting approximately $10,534 that was unsupported by authorized expenses.
RECOMMENDATIONS

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)

CONCUR:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Deputy Inspector General

6/18/10
Date
REPORT OF INVESTIGATION

(U//FOUO) MISUSE OF POSITION IN NATIONAL CLANDESTINE SERVICE
(2009-9393-IG)

11 June 2010

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
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INTRODUCTION

1. (S//NF) On 30 July 2009, the CIA Office of Inspector General (OIG) initiated an investigation following receipt of an anonymous letter alleging an "inappropriate relationship" between the and .

According to the information, they had engaged in an ongoing sexual relationship since and has used this relationship to gain favor in the NCS.

The anonymous letter also stated that had sexual relationships with while he was , and .

Approved for Release: 2017/06/29 C06659650

OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U//MIS) MISUSE OF POSITION IN NATIONAL CLANDESTINE SERVICE
(2009-9393-IG)

11 June 2010
2. (C) According to the source, copies of the letter were also submitted to the Director and Deputy Director, Central Intelligence Agency (D/D/CIA) and the Director of Security.

3. (C) During the course of this investigation, in February 2010, OIG received an allegation from another source, stating that engaged in an affair from NCS Officer, after assisting her in obtaining a new position. Reportedly, although well-qualified, would not have the position if not for intervention.

SUMMARY

4. (S/NI/FP) The investigation determined that in a personal relationship, involving bonds of affection, with since at least OIG determined that did not recuse himself from subsequent personnel actions involving His actions, in not recusing himself and becoming involved in conversion into the NCS and his assistance in preparation of her Performance Appraisal Report (PAR) narrative, were inconsistent with federal and CIA regulations. Specifically, the Office of Government Ethics, Standards of Ethical Conduct for Employees of the Cutive Branch, and Agency Regulation (AR) 13-2 (j)(1), Misuse of Position, specifies that an employee shall not use his office for the private gain of friends with whom the employee is affiliated. AR 9-2(d)(2d), Harassment Complaint System, specifies, "To avoid potential harassment allegations, supervisors who are dating or having an intimate relationship with a subordinate employee are responsible for removing themselves from that employee's chain of command."
5. (S//NF) _______exploited her relationship with _______ to obtain his assistance in her conversion to the NCS career service, in preparation of her PAR narrative, and in requests to convert one of her friends to the NCS and to intercede to extend the overseas tour of another end for _______ benefit.

6. (S//NF) The OIG investigation further determined that _______ acknowledged a personal relationship with _______ OIG did not establish conclusive evidence that _______ inappropriately benefited from the relationship.

7. (S//NF) _______ engaged in a personal relationship with _______. He acknowledged that he used his position _______ to assist her in obtaining an overseas assignment. _______ actions, in not recusing himself from taking actions that benefited a friend, violated federal and CIA regulations.

PROcedures AND RESOURCES

8. (G) OIG examined applicable federal and CIA regulations and policies relating to conduct, accountability, and discipline. OIG reviewed Personnel Folders, security files, PARs, Personnel Management Committee (PMC) minutes, Lotus Notes, and relevant documents. Relevant witness interviews were conducted for information regarding the alleged conduct. In addition, OIG interviewed _______ was provided an opportunity to review and comment on the draft Report of Investigation (ROI) to ensure the report accurately reflected what he reported and that there were no factual errors or misunderstandings. In response, _______ provided no comments. The component also reviewed the draft ROI and had no comments.
BACKGROUND

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

The rest of this page is left intentionally blank.
CHRONOLOGY

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
QUESTIONS PRESENTED

15. (C) This Report of Investigation addresses the following questions:

What federal and CIA regulations may have been violated?

♦ Was there a personal friendship between _______ and _______? If so, did _______ use his official position to benefit her? Did _______ use her relationship with _______ for personal benefit?

♦ Was there a personal friendship between _______ and _______? If so, did _______ use his official position to benefit her?

♦ Was there a personal friendship between _______ and _______? If so, did _______ use his official position to benefit her?

FINDINGS

(U) WHAT FEDERAL AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

16. (U) OGE publishes the Standards of Ethical Conduct for Employees of the Executive Branch, which are codified in Title 5 C.F.R. Part 2635 as amended. Section 2635.502, Use of public office for private gain, specifies in part:

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernment capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations. The specific
prohibitions set forth in paragraphs (a) through (d) of this section apply this general standard, but are not intended to be exclusive or to limit the application of this section.

Section 2635.702(d), *Performance of official duties affecting a private interest*, provides:

To ensure that the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated in a nongovernmental capacity shall comply with any applicable requirements of § 635.502.

Section 2635.502(a), *Personal and business relationships*, specifies in part:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem...

17. (U/ //AIU0) AR 13-2, *Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post Employment Restrictions, and Political Activities*, cites federal law and policy on federal ethics regulations, including conflict of interest, lack of impartiality, acceptance of gifts and honoraria, post employment restrictions, and political activities. AR 13-2(c)(6), *Standards of Official Conduct*, specifies that all Agency employees must adhere to the Standards of Ethical Conduct for Employees of the Executive Branch which, in part, govern impartiality in performing official duties and misuse of position. AR 13-2(d)(1) states that, "Agency employees are expected to act impartially in the performance of their duties and not to give preferential treatment to any private organization or individual." In addition, AR 13-2 (j)(1), *Misuse of Position*, specifies that an
employee shall not use his office for, "... the private gain of friends, relatives, or persons with whom the employee is affiliated." AR 13-2 states that violation of non-criminal provisions of the Standards of Ethical Conduct can lead to administrative disciplinary actions, including loss of employment.

18. (U//AR) AR 9-2, Harassment Complaint System, sets forth Agency policy, responsibilities, and procedures for handling complaints of harassment. AR 9-2(d)(2d) states, "To avoid potential harassment allegations, supervisors who are dating or having an intimate relationship with a subordinate employee are responsible for removing themselves from that employee's chain of command."

(C) Was there a personal friendship between and ? If so, did use his official position to benefit her? Did use her relationship with for personal benefit?

19. (C) Relationship with An anonymous letter sent to OIG claimed that and had engaged in an ongoing sexual relationship since and that had used that relationship to gain favor within the NCS. A confirmed that there was a strong personal and intimate relationship between the couple.
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**Question:**

Was there a personal friendship between [ ] and [ ]? If so, did he use his official position to benefit her?

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(c) Was there a personal friendship between ____________________________ and ____________________________? If so, did ____________________________ use his official position to benefit her?

51. (c) Source of the Allegation. On 19 February 2010, ____________________________ reported to OIG that ____________________________ had engaged in an affair with ____________________________ and received favorable treatment in terms of a new assignment.18
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CONCLUSIONS

59. (C) The engaged in a personal relationship, involving bonds of affection, with since at least failure to recuse himself from subsequent personnel actions involving violated federal and CIA regulations. Federal regulations, including OGE, Standards for Ethical Conduct for Employees of the Executive Branch, and CIA regulations, specify that an employee shall not use his office for the private gain of a friend or give preferential treatment to a friend. An Agency regulation further that a supervisor in an intimate relationship with a subordinate employee remove himself from the subordinate's chain of command.
60. (C) [REDACTED] exploited her relationship with [REDACTED] to obtain his assistance in her conversion to the NCS career service, in preparation of her PAR narrative, and in requests to convert one of her friends to the NCS and to intercede to extend the overseas tour of another friend to [REDACTED] benefit.

61. (S) As [REDACTED], [REDACTED] acknowledged a personal relationship with [REDACTED] This investigation did not establish conclusively that [REDACTED] inappropriately benefited from this friendship.

62. (C) [REDACTED] engaged in a personal relationship with [REDACTED]. He acknowledged that he used his position in [REDACTED] actions, in not recusing himself from taking actions that benefited a friend, violated federal and CIA regulations.
RECOMMENDATION

(Œ) The Director of the National Clandestine Service, Central Intelligence Agency, should determine what administrative action is taken in regard to the conduct of

CONCUR:

(b)(3) CIA Act
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Deputy Inspector General

Date: 6/11/10
12 April 2010

DISPOSITION MEMORANDUM

SUBJECT: (U//AF56) Contract Management Concern in the ODNI

CASE: 2005-8147-IG

ISSUES UNDER INVESTIGATION:


   The contract in question was between [Redacted] and [Redacted]. On 16 November 2005, a CIA employee telephonically contacted OIG to report that the Contracting Officer's Technical Representative (COTR) was removed under questionable circumstances and replaced by an inexperienced "intern." Also related that complained because the contract deliverables were not being provided to but rather to the , at direction. Additionally, stated

   1 (U//AF56) It was determined that CIA/OIG would investigate this allegation since the contract was an Agency contract.
there were rumors circulating around the office that there was an inappropriate relationship between an employee and an employee of the CIA.

2. (U//F) OIG investigated the allegations into the removal of the COTR, the receipt of the deliverables, and the potentially inappropriate relationship between and a contractor. During the investigation, OIG developed additional information that suggested potential time and attendance (T&A) fraud of the possible inappropriate hiring of three contractors as Staff employees who allegedly managed the contracts of their former employers, the acceptance of a gratuity by that may have violated Agency regulations, and one contractor.

3. (U//F) According to five sources, was often difficult to locate during the work day. Information obtained during the course of this investigation suggested that had two offices. Additionally, had occasion to visit other CIA locations as well as commercial sites. One source offered that during was often found at home. According to the source, there was no discernible pattern for absences, and the source did not know if was authorized to work from home. Other sources said that was seldom seen in the office and difficult to locate. Another source suggested that "where is today" was the joke of the office.

Due to the unspecific nature of the allegation, multiple work locations, and status as a DNI employee as of this office will not pursue a review of T&A records. OIG reported this information to DNI/OIG for whatever action they decide to take.
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INVESTIGATIVE EFFORTS:

6. (U//AA) OIG reviewed applicable Agency regulations, personnel and security files, Agency electronic messages (e-mail), Financial Disclosure Forms, public records, contract and deliverables, and other related documentation. OIG interviewed

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BACKGROUND:

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37. (U//FOUO) The investigation into the allegation of the questionable removal of [redacted] revealed that there were discrepancies as to whether [redacted] was adequately performing his duties as COTR. More than one source reported that [redacted] was not delivering information as expected to upper management. There were also indications that [redacted] did not agree with [redacted] direction for the office, which would support reasons for not wanting to work with [redacted] and replacing him with someone [redacted] knew and trusted. There was general confusion as to who should have received the deliverables, who could receive them, and
who actually did receive them. Although there may have been poor business practices with regard to this contract, this investigation did not reveal any indications that or anyone else was violating any rules or laws by not ensuring that the deliverables went to the original COTR of record.

38. (U//FOUO) The investigation into the potentially inappropriate relationship between and employee revealed that had left prior to the award of the contract.

39. (U//FOUO) Regarding the investigation into the allegation that three contractors were hired inappropriately as government employees to manage contracts with the companies, OIG determined that there was no apparent violation of any rules, laws, or regulations with regard to contractors becoming government employees and supporting their former contracts.

41. (U//FOUO) DNI/OIG was notified by memorandum by CIA/OIG that five sources alleged potential T&A abuse by during the time he served as the from approximately through DNI/OIG was also informed that there were strong indications that accepted a gratuity from in that likely exceeded the limit, at the time, of $20.

Special Agent

Division Chief
10 March 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Contract Overcharge

CASE: 2007-8664-IG

ISSUES UNDER INVESTIGATION:

1. (U//FO) On 18 July 2007, CIA’s Office of Inspector General (OIG) received a referral from that a subcontractor employed by was charging more hours to the contract than she was working.

2. (U//FO) The specific issue under investigation by OIG was whether billed hours to the contract that she did not work. The allegation of overcharge by was reported anonymously via telephone to on 29 June 2007. The complainant alleged that frequently arrived late and left early, but the caller noted that it was possible may have been attending project-related meetings at other sites. An initial review of timesheet data and office calendar revealed discrepancies between what billed and what she reported on internal Agency records.

INVESTIGATIVE EFFORTS:

3. (U//FO) OIG reviewed badge machine records, computer access, and electronic messages for the period 6 November 2004.
through 21 March 2008, as well as applicable federal statutes and federal and Agency regulations. Additionally, OIG reviewed security file.

4. (U/ALT) OIG compared Agency records to the invoice log provided by for. The invoices from detailed the hours reported to her company on a biweekly basis that were used to bill the US Government customer.

5. (U/ALT) OIG interviewed on two separate occasions and conducted key interviews with.

RESULTS:

6. (U/ALT) badge machine and computer records were reviewed from 6 November 2004 through 21 March 2008. Documentation reviewed indicated that inappropriately charged approximately 2,942 hours to her contract, resulting in an estimated loss of to the US Government.

2 (U/ALT) For simplicity sake, all electronic messages to include Lotus Note messages, will be referred to as e-mail messages in this report.
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23. (U//AF50) Following her interview on 3 March 2008, provided a signed, sworn statement. did not dispute the missing hours presented to her and did not offer any documentation to explain her absences. cited personal issues as an explanation for the missing hours.

24. (U//AF6) No other interviews conducted during this investigation provided information of value with regard to T&A practices.

25. (U//AF6) The following non-Agency facilities were contacted in an attempt to determine whereabouts during the analysis period from July 2006 through July 2007. None of the facilities contacted were able to establish time visited their locations either through badge machine records, log-in/log-out records, or meeting attendance records.7

7 Some non-Agency sites issue their own badges unique to their company or facility for temporary or regular visits. was not issued a badge by any of the facilities mentioned.
CONCLUSIONS:

26. (U//AFSO) On [redacted] was removed from the [redacted] contract and her clearances were suspended.

27. (U) On 7 May 2008, the facts of this case were presented to Eastern District of Virginia Assistant United States Attorney (AUSA) for prosecutorial review. On 22 December 2008, the AUSA declined prosecution of the case in favor of administrative action.

28. (U//ARO) On 25 August 2009, OIG sent a memorandum to the COTR requesting restitution from [redacted].

29. (U//ARO) On 28 August 2009, OIG met with [redacted] to review the facts of the investigation and present documentation to support [redacted] missing hours.

Special Agent

Division Chief
8 March 2010

DISPOSITION MEMORANDUM

SUBJECT: (S) Potential Misuse of Operational Funds by (b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

CASE: 2008-9071-IG

INTRODUCTION:

1. (S) In October 2008, the Office of Inspector General (OIG) informed the Office of Inspector General (OIG) about allegations of misconduct against (b)(3) CIAAct
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reported information he received from (b)(3) CIAAct
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It was alleged that (b)(3) CIAAct
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abused his entitlements (b)(3) NatSecAct
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(b)(3) CIAAct
(b)(3) NatSecAct
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that he submitted extravagant operational expense claims, that his reimbursement vouchers lacked detail, and that he used operational expenses as a ruse for personal entertainment. OIG initiated an investigation upon receipt of the allegations.

2. (S) The investigation found no evidence to substantiate the allegation that (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
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while assigned engaged in any financial irregularities regarding his operational expenses.

PROCEDURES AND RESOURCES:

3. (C) OIG reviewed financial vouchers and his personnel and security folders, and related documents regarding the matter under investigation. Interviews were conducted with (b)(3) CIAAct
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FINDINGS:

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15. (S) OIG investigators reviewed the financial vouchers that were submitted while at from through . The vouchers and supporting documents were gathered and provided to OIG by OIG reviewed the reimbursement vouchers independently and in conjunction with during their respective interviews and could find no indications of fraud or wrongdoing.
CONCLUSIONS:

16. (S) The investigation found no evidence that substantiated the allegation that he committed voucher fraud or misused his operational fund.

17. (U) This matter is considered closed in OIG.
22 March 2009

DISPOSITION MEMORANDUM

SUBJECT: (U//ARS) Inappropriate Sexual Contact with Children and Importation of Child Pornography

CASE: 2008-9085-IG

ISSUES UNDER INVESTIGATION:

1. (S//NF) On 13 November 2008, the Office of Security (OS) referred allegations to Office of Inspector General (OIG) that had inappropriate sexual contact with an eight-year-old female, and an unnamed two-year-old female. Additionally, admitted as having downloaded a movie containing child pornography while working for the Agency.

2. (U//ARS) The specific issues under investigation were whether was in possession of child pornography in violation of Title 18 U.S.C. § 2252A (Certain Activities Relating to Material Constituting or Containing Child Pornography) and whether violated Title 18 U.S.C. § 2242 (Sexual Abuse).
INVESTIGATIVE EFFORTS:

3. (U//AF50) OIG obtained CWE and AIN activity records for and analyzed both the files present, as well as his Internet and file usage.

4. (U//AF50) OIG obtained the Lotus Notes e-mails from accounts and analyzed their contents.

5. (U//AF50) On 17 November 2008, CIA OIG Special Agent (SA) interviewed a second time provided a sworn, written statement following the interview.

6. (U//AF50) On 17 February 2009, CIA OIG SAs interviewed a second time provided a sworn, written statement following the interview.
RESULTS:

12. (U//FOUO) As detailed below, admitted to OIG inappropriate sexual contact with one child victim, and inappropriate sexual activity with a second child victim. Additionally, examination confirmed was found to have extensively downloaded child pornography.

13. (U//FOUO) During his 17 November 2008 interview with OIG, admitted to SA that on or about had inappropriate sexual activity with an unidentified two-year-old girl. The Police department was unable to identify the female victim's name.

14. (C) In his 17 February 2009 statement to SA admitted to having inappropriate sexual contact with the then six-year-old on two separate occasions.
18. During his 17 November 2008 interview with OIG, admitted to SA that he had viewed a digital photo containing naked images of a five-year-old and an eight-year-old girl in a bathtub.

OIG confirmed the presence of the photo on his laptop and backup hard drive. 

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(b)(3) NatSecAct
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19. (S//NF) The majority of the movies identified on the laptop were copied to multiple backup devices, including external hard drives and a second computer. The original images appear to have been downloaded primarily using a government-provided Internet connection. He searched for 12 to 14-year-olds, and confirmed he sought this material looking at sites such as...

20. (S//NF) During his 17 November 2008 interview with OIG, he confirmed downloading a child pornography video using Limewire during the summer. According to him, the video contained images of a 14-year-old and an eight-year-old engaging in oral sex with adults. He stated that shortly after downloading it, he deleted the movie.

21. (S//NF) He admitted to SA during his 17 February 2009 interview with OIG that, in July or August 2008, he distributed his pornography collection to...

22. (S//NF) He imported child pornography into the United States when he brought the laptop obtained by OIG during the 17 November 2008 visit to his residence confirmed in his 17 November 2008 that he hand carried the laptop on the plane.
24. (U//FOUO) Based on the OIG examination of electronic media, a personal laptop was found to contain movies with child pornography present. Approximately 63 unique movies depicting girls with a developmental state consistent with that of eight to sixteen-year-olds were identified.

**DISPOSITION:**

25. (U//FOUO) On 7 March 2009, a Personnel Evaluation Board (PEB) was convened at the request of the OS OIG provided reports as input to the proceedings. The PEB voted unanimously to recommend termination of and the revocation of his clearances. (b)(3) CIAAct as terminated and his clearances revoked.

27. (U//FOUO) The evidence obtained and found not to contain contraband was shipped back to [REDACTED] in 19 and 23 February 2009. The evidence containing contraband will be securely destroyed.
14 January 2010

DISPOSITION MEMORANDUM

SUBJECT: (U//ATO) Alleged Computer Misuse

CASE: 2008-9099-1G

ISSUES UNDER INVESTIGATION:

1. (E) On 26 November 2008, the Office of Security (OS) Legal notified the Office of Inspector General (OIG) via Lotus Notes that staff officer reportedly admitted using an unclassified Agency laptop computer and his personal laptop to view adult pornography while on Temporary Duty assignments (TDY) and Permanent Change of Duty Station (PCS) assignments overseas.

2. (S//NF) OS/Legal's information was based on a referral from OS which detailed admissions that used an Agency issued laptop and his personal laptop to connect to the Internet to view adult pornography, bestiality, and images of children that stated "appeared to be between the ages of 0 and 17 years old."

Furthermore, stated he acquired pornographic images and videos on the Agency laptop and his personal laptop.

SECRET/NOFORN
Special Investigations Branch did not recover the Agency computer from...

3. The specific issue(s) under investigation was whether the laptop(s) used to view pornography could be retrieved, and if so, if information on the drive(s) indicates misused Agency computers by viewing unauthorized information, and if he was in possession of child pornography. OIG was unable to locate the laptop(s) accessed while on TDY and PCS

OIG located the Agency-issued (b)(3) NatSecAct assigned to on and conducted an investigation into personal use of it to determine if has misused this computer (Exhibit A). OIG found no evidence of adult pornography or child pornography on the laptop in the form of pictures or movies.

INVESTIGATIVE EFFORTS:

5. OIG reviewed all existing documentation on this matter,
6. (S//NF) OIG interviewed [redacted] on 9 June 2009 and on 16 July 2009. During his initial interview, [redacted] stated he carried his personal laptop on his TDY in [redacted]. [redacted] stated he carried an unclassified laptop on his TDY in [redacted].

On each TDY, [redacted] stated he would use a station-provided or his personal laptop to view pornography via the Internet in his sleeping quarters.

7. (C)

[redacted] stated he also watched pornographic videos online. The video aspect of the web cam was an added "perk," [redacted] commented.
10. (C) estimated that 99.9 percent of the time he accessed and viewed adult pornography and the remaining time child pornography. stated he accidentally clicked on sites but denied deliberately seeking out child pornography. contended that he only viewed the images for a split second a couple times. remarked on those occasions the child images "popped up" randomly and "things hiccuped." further contended he did not view the child pornography for pleasure. explained that child pornography is not his preference. stated he looked at the images and thought they were disgusting and closed out of them. contended the last time he viewed images of children was around
12. (E) When asked if he would voluntarily bring in his personal laptop used overseas to access pornography, responded the IBM top belonged to his spouse and he would have to obtain her permission. queried the legal consequences if the laptop contained incriminating information. also pondered how accidental or intentional storage could be discerned. decided not to bring in the laptop stating it might be incriminating.
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17. (C) OIG conducted an examination of the hard drive after removing it from the computer received as evidence from

The evidence received was reviewed for the presence of child pornography.
RESULTS:

20. (U//AF6) The hard drive was found to contain numerous images of various subject matter but none that appeared to contain adult or child pornography. There were no movies present on the hard drive that appeared to contain adult or child pornography. The Internet browsing history found on the laptop showed no indications of Web sites containing adult pornography. None of the sites visited appeared to be related to child pornography. An additional review of the searches performed using the laptop did not fit the profile of an individual seeking adult or child pornography.

DISPOSITION:

22. (E) The allegations regarding viewing child pornography were based exclusively on admissions. An OIC analysis into the allegations determined nothing on the laptop retrieved indicative of viewing child pornography. OIG found no evidence of child pornography on the unclassified laptop issued to and the exact laptops may have accessed prior to while he was TDY and PCS were not located. Additionally, no other evidence supporting the allegation was provided.

23. (E) OIG concluded its preliminary review due to a lack of physical evidence supporting the allegation that viewed child pornography. A full investigation is not warranted at this point, pending receipt of any further information. OS Legal has been notified of the final disposition. OS/Legal notified OIG they are going forward with a Crimes Referral to the Department of Justice concerning this matter.
24. (E). OIG referred information concerning possible suitability issues to the Office of Security for any action they deem appropriate. OIG has no further action in this matter.

(b)(3) CIA Act
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Special Agent

(b)(3) CIA Act
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Supervisory Special Agent
Exhibit A
Hand Receipt

*(Expires one year from loan date)*

| (b)(1)   |
| (b)(3) CIAAct |
| (b)(3) NatSecAct |
| (b)(6)   |
| (b)(7)(c) |
Exhibit B
Exhibit C
Page Denied
8 March 2010

DISPOSITION MEMORANDUM

SUBJECT: (U//AFB56) Possible Disclosure of Confidential Information

CASE: 2009-9228-1G oe CIAACt
(b)(3) CIAAct
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INTRODUCTION:

1. (5) On 2 February 2009, reported to the Office of Inspector General (OIG) that an Agency contract employee, stated that she may have received an unfair advantage during the Agency contract award process by way of information she received from an Agency employee, claimed that may have given her an advantage by proposing requirements to the contractor, that promoted her skill set, by confirming to her that he had room in his budget to bring her on-board, and by giving her guidance on the rates she should propose to that would make her competitive in the bidding process. is an Agency prime contractor. Allegedly, told Agency OS investigators that told her what charged the government for the position she now holds, and she used this information to bring her bid rates in under that level.

PROCEDURES AND RESOURCES:

2. (U//AFUO) OIG interviewed and and reviewed pertinent documents regarding this matter.

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FINDINGS:

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CONCLUSIONS:

18. (U//FOUO) No dispositive evidence was found in this investigation that showed [REDACTED] received an unfair advantage in her bid offer for a job with [REDACTED] or that provided [REDACTED] with nonpublic information that gave [REDACTED] an advantage in securing a job with [REDACTED] has said that she asked for and received guidance from [REDACTED] prior to her employment with [REDACTED]. She also asserted she received the job through her own due diligence and by having the necessary skill sets to accomplish the task. [REDACTED] provided OIG with Lotus Notes concerning discussions she and [REDACTED] had about offer rates. Though not definitive, the particular set of Lotus Notes provided to OIG by [REDACTED] appear to corroborate [REDACTED] assertion that he did not have talks with [REDACTED] concerning rates until after she was hired.

19. (U//FOUO) [REDACTED] stated he wanted [REDACTED] for the job with [REDACTED] and he so advised [REDACTED] management. However, [REDACTED] said he did not provide [REDACTED] with any guidance that would give her a competitive edge in the bidding process for the job. [REDACTED] said he did not advise [REDACTED] of hourly rates, he did not advise [REDACTED] of an appropriate salary request that [REDACTED] would accept, nor did he provide [REDACTED] with any other information that would have provided her an advantage over other bidders with [REDACTED] prior to her being hired. No evidence was found that contradicts [REDACTED] assertions.
20. (U//ADFO) [REDACTED] stated that knowledge of hiring and pay would not particularly help an individual who was figuring an acceptable billing rate for [REDACTED] because the rate of remuneration [REDACTED] would consider reasonable would be based on a [REDACTED] spreadsheet and the verifiable information the bidder input to the spreadsheet, not on some notional pre-fabricated information.

21. (U) There is no basis for OIG to continue this review. This case is closed.

[Special Agent] [Supervisory Special Agent]
27 April 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Fraud Within (b)(3) CIA Act Contract

CASE: 2009-92611G

INTRODUCTION:

1. (S) On 15 April 2009, an anonymous source contacted the Office of Inspector General (OIG) alleging that (b)(3) NatSec Act, an Agency contractor, is misrepresenting the skill level of (b)(3) NatSec Act (b)(3) NatSec Act (b)(6) (b)(7)(c) provides to support the CIA. The source also alleged that (b)(3) NatSec Act (b)(3) NatSec Act (b)(7)(c) instructs its employees to report more billable hours on the CIA contract than they actually worked.

SUMMARY:

3. (S) The investigation did not substantiate the allegations with respect to the quality or their billable hours. (b)(1) (b)(3) CIA Act (b)(3) NatSec Act (b)(6) (b)(7)(c) (b)(3) CIA Act (b)(3) NatSec Act (b)(6) (b)(7)(c)
PROCEDURES AND RESOURCES:

4. (S) OIG reviewed relevant CIA Act records, the Statements of Work (SOW) for modifications to the SOW, and Business Review documents related to the contract. In addition, OIG interviewed:

FINDINGS:
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS:

17. (S) The OIG did not uncover any information to validate allegations that either misrepresented the qualifications of or directed anyone to falsify their hours. This case should be closed.

Special Agent

Supervisory Special Agent
9 August 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Alleged Possession of Endangered Species Items

CASE: 2009-9289-IG

INTRODUCTION:

1. (S//NF) On 30 April 2009, Assistant Inspector General for Inspections forwarded information to Office of Inspector General (OIG) Investigations Staff from an inspection of Responding to a survey question concerning knowledge of a possible violation of law and/or regulation, officer alleged that, he witnessed skins from endangered species animals and a stuffed in the office of also expressed the belief that brought these items into the United States in his Household Effects (HH) rather than declaring them to Customs officials.
PROCEDURES AND RESOURCES:

6. (U//FOUO) OIG discovered through research on the Internet that the law applicable to this case is Sec. 11 [16 U.S.C. 1540] (b) of the Endangered Species Act of 1973, and that relevant agencies that deal with endangered and threatened species are the US Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries. OIG coordinated with USFWS Office of Law Enforcement (OLE) officials throughout the investigation, and coordinated with NOAA to obtain its forms for the abandonment of endangered and/or threatened items, as OIG had no forms specific to these items.
8. (C) OIG interviewed on 31 August 2009. While this interview was taking place, interviews of the following also occurred:

| (b)(1) | (b)(3) CIA Act | (b)(6) |
| (b)(7)(c) | (b)(3) Nat Sec Act | (b)(6) |
| (b)(7)(c) |

**FINDINGS:**

9. (U//ARJO) On 26 June 2009 OIG SA contacted via telephone USFWS OLE. The purpose of the conversation was to obtain from information on the way forward in the matter concerning:

| (b)(6) | (b)(7)(c) |
| (b)(3) CIA Act | (b)(6) |
| (b)(7)(c) |
| (b)(3) CIA Act |
| (b)(3) Nat Sec Act |
| (b)(6) |
| (b)(7)(c) |
12. (U//A12O) Concerning the apparent reiterated that it depended where the item was obtained: If it was obtained in an intra-state sale, it could be legal. If it was obtained overseas, it could be an import violation. Concerning legal jurisdiction, said OIG could use either the district that governs the port of import into the United States or could use the Eastern District of Virginia (EDVA) because the items were alleged to be displayed in a US Government office.

13. (U//A12O) also stated that USFWS would not need to share control of this case with NOAA Fisheries, because the items were allegedly "on dry land" and not found at sea. He also stated that relevant laws governing the case are the Endangered Species Act of 1973, and Title 18 U.S.C. § 545 (Smuggling goods into the United States).

14. (U//A12O) stated that he would make the point of contact and that would probably contact one of the regional offices in the area, stated. put OIG in contact with 

15. (U//A12O) On 29 June 2009, from NOAA Fisheries CIAActCIAO contacted SA  by telephone. The relevant OIG case was discussed, again in an unclassified and nonspecific manner. was informed that had already contacted OIG. knew because the two agencies often partner on endangered species cases. echoed on the fact that it would depend on how the subject had acquired the items, assuming that they are endangered. stated that are endangered, and that it is possible that this would fall under NOAA jurisdiction. He stated that the would fall under USFWS jurisdiction.

16. (U//A12O) echoed opinion that the attitude of the subject would be key. If the subject willingly abandoned the items, it was possible no further action would be taken against the subject. stated that NOAA has a bio loan program in which the abandoned items are donated to museums and other places for their scientific use. He was not certain if USFWS had a similar program.
17. (U//NUFO) [REDACTED] was informed that the duties of OIG SAs do not include arrest and prosecutorial powers. [REDACTED] stated that he was aware that CIA OIG SAs are not 1811s. [REDACTED] confirmed the understanding of the undersigned -- CIA OIG SAs would be empowered to seize any relevant items on behalf of USFWS or NOAA if the subject did not relinquish them voluntarily. [REDACTED] volunteered to assign an agent from NOAA to accompany OIG SAs to the Agency site to interact with the subject if necessary, but [REDACTED] informed that this would not be needed, given Agency cover issues. [REDACTED] agreed to send the abandonment forms that NOAA uses so that OIG did not have to draft these from scratch.
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
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(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
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(b)(1) CIAAct
(b)(3) NatSecAct
(b)(6)
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(b)(3) Nat Sec Act
(b)(6)
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(b)(7)(d)
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(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
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(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
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(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
69. (U//FOUO) On 29 October 2009, SA informed OLE via e-mail that OIG SAs had completed subject and witness interviews. OIG had evidence to turn over to USFWS, designated to retrieve the items, stating that regularly travels to the Washington D.C. area. On 10 November 2009 at 3:30 p.m., all evidence -- including OIG and NOAA receipts -- was turned over to at the CIA Visitor Center. was also probably endangered.

70. (U//FOUO) On 14 December 2009 via e-mail stated that all the items confiscated from were either endangered or threatened species and that USFWS planned to dispose of the items.

71. (U//FOUO) On 4 January 2010 OIG sent to EDVA a crimes referral on including the fact that OIG had transferred the items to USFWS for disposal.
73. (U) On 1 April 2010, Assistant United States Attorney for EDVA, via telephone indicated that EDVA had declined to prosecute this case due to lack of prosecutorial merit.

CONCLUSIONS:

74. (U//FOUO) It was determined, through OIG's interview with an examination of office, and subsequent assessment by USFWS experts, that possessed specimens of endangered and threatened species and, therefore, was in violation of Sec. 11 [Title 16 U.S.C. 1540] (b) of the Endangered Species Act of 1973.

75. (S//NF) OIG was unable to corroborate the allegation of possession of an endangered species. The source of the allegation against said he observed in office along with other items that were located during OIG's search there. It appears likely that the source provided accurate information regarding the existence of the Hence, despite assertion that he never possessed such an item, it is likely that removed the from his office sometime between when OIG SAs searched his office space.
76. (U//FPO) Because of [REDACTED] willingness to relinquish the items found in his possession, the subsequent termination of his contract by [REDACTED] and EDVA's declination to prosecute the case, OIG plans no further action.

Special Agent

Division Chief
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
11 March 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Labor Mischarging by Agency Contractor

CASE: 2009-9326-IG

INTRODUCTION:

1. (U//AT56) In late May 2009, a concerned individual reported an allegation to the Office of Inspector General (OIG), Investigations Staff. The individual alleged that contract employee assigned to may be committing time and attendance (T&A) fraud. Reportedly, regularly arrived to work late and was routinely absent from the office, thereby mischarging the contract for work perform.

2. (U//AT68) The OIG investigation focused on T&A activity from through . During this period, was assigned to as a supporting . Badge machine data records were available for 89 percent of the period under review.

3. (U//AT6) OIG interviewed and he said he could not dispute the badge machines. said he believed he was at work, whether he was in or not, and was therefore on company time. provided a signed sworn statement admitting the T&A discrepancy was caused by working through lunch, taking breaks outside the building, and attending official events. wrote he regularly took breaks throughout the day to smoke. wrote that he viewed these breaks as time to

1 (U) Consistent with the provisions of 50 U.S.C. § 403q, the identity of the source of this information is being withheld from this Report.
discuss or think about business-related problems. Additionally, said he was more than willing to rectify the situation if it had caused problems in his work area.

4. (U//AT) The investigation found that was compensated for 334 hours of regular time he did not perform. The cost to the US Government through fee was.

5. (U//AT) On 20 October 2009, the US Attorney’s Office declined prosecution of on embezzlement and false statement charges in favor of Agency administrative action.

6. (U//AT) OIG provided its finding to to review the information and determine appropriate action, including restitution from for the hours that were billed but not worked.

PROCEDURES AND RESOURCES:

7. (U//AT) The investigation included the following:

- A review of badge machine records and Agency computer access records.
- A review of billings for reported work hours.
- An interview of

FINDINGS:

8. (U//AT) Initial Complaint. On 15 May 2009, OIG interviewed a witness to abuse investigation (reference OIG case number 2009-9192-IG). At the end of the interview, the witness said she was concerned that may also be engaged in T&A abuse. According
to the witness, regularly arrived to work late and was routinely absent from the office and as a result failed to work the hours he claimed.


12. (U//FO) Data Analysis. Between ______ and ______, badge records reflected a shortage of 334 hours.² In determining this number, OIG reviewed badge records to calculate the number of hours ______ was physically in ______. This number was then compared to the number of hours ______ claimed as billable.
hours. The overall difference between these two numbers yielded a shortage of 334 hours. The 334 hours was multiplied by the billable rate of to determine that was the cost to the US Government through fee.

13. (U/MAUO) **Badge Records.** Badge machine data records were available for 89 percent of the period under review. A notable trend in badge records showed highly irregular work hours. Throughout each day, repeatedly left for a few minutes up to a few hours.

The records showed departed between one and 12 times day.

14. (U/MAUO) **Explanation of his T&A Practices.** said he had exclusively worked in since starting at the Agency. said he periodically attended meetings at and other Agency facilities throughout the years. However, could not recall the names of the other facilities and said he did not visit them in the last year and a half.

15. (U/MAUO) said his current supervisor, contractor, established work schedule. said his core work hours were generally hours but could vary three to four hours due to mission requirements. noted that Mondays and Tuesdays tended to be longer workdays. said he entered his work hours daily into a timesheet database. stated or contractor, certified his timesheet at the end of the pay period. According to his submitted work hours had never been questioned.

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3 (U/MAUO) reported hours were extracted from billable hours submitted to for work on the contract.

4 (U/MAUO) For the period under review, had no official reason to depart assigned work location was and he did not attend any meetings elsewhere.
17. (U/AIUO) said he departed for approximately 15 minutes, three to four times per day, to smoke cigarettes. said seven out of 10 times that he was outside smoking, he was with other Agency and contract employees talking about work-related issues. said the remaining three out of 10 times he was by himself smoking and was thinking about work-related issues. said he did not deduct these smoke breaks because he believed he was still working.

18. (U/AIUO) said he was not surprised by the T&A allegation because he had missed a great deal of work over the previous three months. said he took leave without pay for health reasons. Additionally, said he had been unofficially for his work performance. According to , told him he needed to "get his act together and bear down a bit harder."

19. (U/AIUO) After was provided with OIG's analysis spreadsheet to review, said he could not dispute the badge data. said he believed he was at work, whether he was in or not, and was therefore on company time. emphasized he could not dispute the badge data.

20. (U/AIUO) provide a signed sworn statement admitting he regularly took breaks throughout the day to smoke. stated that he viewed these breaks as time to discuss or think about business-related problems. Additionally, said he believed the T&A discrepancy was caused by working through lunch, taking breaks outside the building, and attending official events. Finally, said he was more than willing to rectify the situation if it had caused problems in his work area.

21. (U/AIUO) With respect to statement about attending official events, OIG asked for details about these events. However, said he could not recall any of the events or who attended. OIG
offered additional time in the future to provide proof of the official events. Declined and said he could not remember where or when the events occurred or who attended.

22. **Case Referrals and Briefings.** On 20 October 2009, OIG presented its findings to the US Attorney's Office, Eastern District of Virginia, who declined prosecution of on embezzlement and false statement charges in favor of Agency administrative action.

23. **On 2 November 2009, OIG provided its findings to the to review the information and determine appropriate action including restitution from for the hours that were billed but not worked. On 9 November 2009, contacted and requested that make full restitution in the amount of for unworked hours. In late November 2009, reviewed OIG's analysis spreadsheet, badge records, and statement. On 17 December 2009, agreed to repay the Agency for unworked hours. Additionally, reviewed conduct and requested he resign.

**CONCLUSIONS:**

24. **committed T&A fraud by working less than the hours he reported from through . During that period, was compensated for 334 hours, for which he was not present for work. The cost to the US Government through fee was**

25. **On 20 October 2009, the US Attorney's Office declined prosecution of on embezzlement and false statement charges in favor of Agency administrative action. On 17 December 2009, agreed to repay the Agency for unworked hours. Additionally, reviewed conduct and requested he resign.**
RECOMMENDATION:

26. (U) It is recommended this case be closed with no further action.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Division Chief
15 March 2010

DISPOSITION MEMORANDUM

SUBJECT: Contractor Alleges Termination Based on Retribution

CASE: 2009-94261G

INTRODUCTION:

1. (S//NF) The Office of Congressional Affairs (OCA) forwarded to the Office of Inspector General (OIG) a letter sent to OCA on 25 August 2009 by the office of [redacted] concerning a constituent complaint against the Agency. [redacted] alleged that CIA terminated him from a contract in retribution for a previous contract dispute in which [redacted] successfully recovered [redacted] from the Agency. [redacted] asked that the Government pay the fees that he would have earned since the termination of his contract on [redacted] and provide him with the option of resuming his work under the contract. If the Government elected not to allow him to resume work, [redacted] requested compensation for what he would reasonably have expected to have earned under the terms of the contract at least up to the end of the contract year on [redacted].

PROCEDURES AND RESOURCES:

2. (S//NF) OIG interviewed [redacted] on 20 October 2009. OIG obtained all relevant contract documents and Lotus Notes concerning the contract and actions from [redacted] during and after this interview, to include: slides from a

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
relevant May 2007 briefing to all ICs at copies of all relevant Lotus Notes between Office of General Counsel/Contracts Law Division (OGC/CLD) and a copy of a 30 April 2008 Memorandum for Record on a 29 April 2008 meeting held with a copy of a 18 May 2008 letter gave for his claim to back pay with an invoice to for a copy of a 26 May 2008 letter from addressed to "Claim for Reimbursement," and a copy of a memorandum documenting exit interview.

3. (U//AUO) OIG coordinated with OIG Deputy Counsel who provided his legal opinion on 8 January 2010.

4. (U//AUO) On 12 January 2010, OIG obtained from the OCA staff officer in charge of constituent correspondence, the final letter OCA sent to office on 18 November 2009 on the matter.

FINDINGS:
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
20. (U//FUD) On 12 January 2010 OIG obtained an OCA officer in charge of constituent mail, the final letter dated 18 November 2009 and signed by Chief of the Executive Staff of OCA, to the Office. This letter confirmed that IC contract termination "was proper and consistent with the terms of the contract." The letter stated, "The standard termination clause used in Agency IC contracts, including the contract signed, specifically permits termination upon thirty (30) days notice by either party for any reason."

10 July 2009 correspondence to acknowledges that he received thirty days notice.

CONCLUSIONS:

21. (U//FUD) OIG found that termination was supported by the terms of Agency IC contract. OIG found no evidence that had legal standing to receive redress from the Government based on his allegation that the Agency terminated his contract due to retribution for a previous contract dispute.

22. (U//FUD) OIG plans no further action on this case.
18 February 2010

DISPOSITION MEMORANDUM

SUBJECT: (U//AD) Unauthorized Dissemination of Classified Material

CASE: 2009-09450

INTRODUCTION:

1. (S) On 19 June 2009, the notified the Office of Inspector General (OIG) that CIA employee formerly assigned to

obtained and provided government-owned source code in an unauthorized manner to an uncleared contractor. Since
February 2008 has been assigned to the During OIG's investigation, additional allegations surfaced that CIA employee was also involved in this matter.

2. (U//AD) OIG attempted to determine whether or obtained the government-owned source code improperly and then provided it to an uncleared vendor all in violation of Agency Regulation (AR) 10-40 c.(1), Missing or Out of Control Agency Classified Information or Equipment and AR 10-20 (b), Protection of Classified Intelligence Information from Unauthorized Disclosure.

(b)(6) CIAAct
(b)(7)(c) NatSecAct
PROCEDURES AND RESOURCES

3. (U/ATUO) OIG reviewed and security files. In addition, Agency cables, Agency contract information and other documentation and memoranda provided by were reviewed. OIG conducted interviews with four individuals having direct knowledge of actions.

FINDINGS:
10. (U//AFRO) Although [redacted] was authorized to be in possession of the source code from [redacted], she was not authorized to use the source code for [redacted] contract. Additionally, according to the memorandum from [redacted], [redacted] was not aware of any participation by [redacted] in obtaining and/or employing the code.

11. (U//AFRO) According to [redacted], [redacted] was apprehensive about providing the disks to [redacted], but [redacted] crossed out the classification on the disks, marked the disks "CLASSIFIED," and handed over the disks to [redacted] was the only classification authority for these disks. [redacted] Security and [redacted] Security are currently handling the issue of [redacted] unauthorized possession and declassification of the disks containing source code, specifically how the disks were obtained and declassified by [redacted] and [redacted].
provided to other individuals. According to did not have clear guidelines on how to handle and classify source codes such as the ones involved in this matter.

12. (S) The source code was classified however, and allowed the source code to be copied to unclassified. Although Security worked with to contain and eradicate the unsanctioned disclosure, the intentional, unauthorized release of classified information could have caused irreparable damage.

13. (U//ALT) said returned the disks to desk. and cannot account for the disks and the disks remain missing.

DISPOSITION:

14. (U//ALT) OIG referred this matter to for review and any action deemed necessary regarding and This matter is closed.

Special Agent

Supervisory Special Agent
19 January 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Possessing and Creating Child Pornography

CASE: 2009-94581G

INTRODUCTION:

1. (C) This investigation was initiated on 15 October 2009 based upon an allegation that Staff employee, and Staff employee, possessed and created child pornography. assigned to the

2. (S) The allegation first surfaced where he admitted that he and viewed and created child pornography. From the Office of Security (OS) investigated and for suitability purposes. On 24 September 2009, OS/Legal forwarded a Crimes Report to the Department of Justice (DOJ).
According to OS, proceeded to copy the images onto his personal external hard drive and his Agency-issued laptop. OS then noted and used a computer software program to create a DVD that strung the explicit images into video clips.


PROCEDURES AND RESOURCES:

5. (E) The investigation included the following:

- A review of security files and Agency employee biographical information.
- A review of OS' investigative reports involving
- A presentation of the case to the USAO.

FINDINGS:

6. (S) Initial Complaint. On 14 October 2009, Supervisory Special Agent received an informational copy of an OS Crimes Reports sent to DOJ. The Crimes Report alleged that and possessed and created child pornography.
OS further documented proceeded to copy the images onto his personal external hard drive and his Agency-issued laptop. OS then noted and used a computer software program to create a DVD that strung the explicit images into video clips.
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)
29. (U//FOUO) On 15 September 2009, SIB referred their case to OS/Legal for review to determine if a DOJ crimes report was warranted. On 24 September 2009, OS/Legal forwarded the crimes report to DOJ.

30. (U//FOUO) Presentation of the Case. On 16 October 2009, OIG met with Assistant US Attorney (AUSA) __________________________ USAO/EDVA, to discuss the case. At the conclusion of the meeting, said OIG needed to brief his supervisor, AUSA __________________________ USAO/EDVA, to determine if EDVA intended to prosecute the case. On 5 November 2009, OIG formally presented the case to ________________________________________________ and

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

Approved for Release: 2017/06/29 C06659668
On 16 November 2009, contacted OIG and formally declined to prosecute the case in lieu of administrative action.

31. (S) Chronology of Investigative Activity. The following is a chronology of investigative activity relating to this case:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
CONCLUSIONS:

32. (S) On 14 October 2009, OIG obtained an informational copy of an OS crimes report that alleged [REDACTED] and [REDACTED] possessed and created child pornography.

[REDACTED] According to OS, [REDACTED] proceeded to copy the images onto his personal external hard drive and his Agency-
issued laptop. OS then noted and used a computer software program to create a DVD that strung the explicit images into video clips.

33. (U//AF50) On 16 October 2009, this case was referred to the USAO for prosecution, whereupon it was declined on 16 November 2009 in lieu of administrative action.

34. (U//AF50) On 16 November 2009, OIG referred the matter back to OS for consideration of further action for suitability purposes.

RECOMMENDATIONS:

35. (U) It is recommended that this case be closed with no further action.
24 June 2010

DISPOSITION MEMORANDUM

SUBJECT: (U//FOUO) Conflict of Interest: (b)(6) (b)(7)(c)

CASE: (U) 2009-09524-1G

INTRODUCTION:

1. (C) On 17 December 2009, industrial contractor submitted a report, via e-mail, to alleging conflicts of interest, security concerns, and retaliatory removal regarding a contract with

2. (C) alleged that the contract was selected as a result of favoritism towards a subcontractor. further alleged that he was removed from the contract as a result of a conversation with a Staff employee, during which expressed his intention to make a report to if his security concerns were not addressed.

SECRET

Approved for Release: 2017/06/29 C06659669.
PROCEDURES AND RESOURCES:

6. (E) Office of Inspector General (OIG) interviewed and reviewed records related to OIG also reviewed the Lotus Notes

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) Nat Sec Act
(b)(7)(e)

FINDINGS:

7. (E) gave no basis for the conflict of interest allegation other than friendly relationship with employees and his perceived preference for which acknowledged is the

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
CONCLUSIONS:

11. (U//FIUO) The allegation that_________ had a conflict of interest related to the contract was not substantiated. The complainant gave no basis for this allegation; as a result, there was insufficient information to investigate this issue.
12. The allegation that the selection of [redacted] resulted in security vulnerability was not substantiated.

13. The allegation that [redacted] was terminated in retaliation for expressing security concerns was not substantiated. Electronic correspondence shows that the decision to remove him from the contract was made before the conversation in which he stated his intention to report to the [redacted] OIG found no evidence that the security issue was a factor in the removal.

14. This matter is closed.

Special Agent

Supervisory Special Agent
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(U) TIME AND ATTENDANCE FRAUD:
INFORMATION REVIEW AND RELEASE ANALYST IN THE
CIA DECLASSIFICATION CENTER
(2009-09929-IG)

10 December 2010

David B. Bukcley
Inspector General

(b)(3) CIAA
(b)(6)
(b)(7)(c)

(b)(3) CIAA
(b)(6)
(b)(7)(c)

Assistant Inspector General
for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) TIME AND ATTENDANCE FRAUD:
INFORMATION REVIEW AND RELEASE ANALYST IN THE
CIA DECLASSIFICATION CENTER
(2009-09929-IG)

10 December 2010

INTRODUCTION

1. (U/FOUO) On 29 October 2009, reported to the Office of Inspector General (OIG), Investigations Staff the criminal allegation that Information Review and Release Analyst in the CDC, may be committing time and attendance (T&A) fraud.

SUMMARY

2. (U/FOUO) The OIG investigation focused on T&A activity for the 34 pay periods from Complete Agency badge machine records for him were available for 99.6 percent of this period.
3. (U//FOUO) The investigation found that [redacted] was compensated for 336 hours of regular time for work he did not perform. This overpayment is valued at approximately [redacted]. (Exhibit A.)

4. (U//FOUO) In a 12 April 2010, signed, sworn statement [redacted] admitted to improperly recording his hours and apologized for his lapse in judgment. He also expressed a willingness to make financial restitution. He attributed the discrepancies, which he claimed were unintentional, to his laziness with T&A submissions and a lack of professionalism. (Exhibit B.)

10. (U//FOE) During the 34 pay periods under review, was expected to fulfill an 80-hour biweekly work schedule. Even though on a MaxiFlex work tour, consistently worked a standard five-day, 8-hour schedule, totaling 10 hours per week. He was also allotted one mandatory and uncompensated half-hour meal break each workday. He was responsible for submitting his own T&A hours, annual leave, sick leave (S/L), excused absences (EA), and holiday leave information for certification via his immediate supervisor.

PROCEDURES AND RESOURCES

11. (U//FOE) OIG reviewed [redacted]'s payroll records, Agency badge machine records, training records, security file, [redacted] Lotus Notes messages, and Agency computer access records from [redacted] OIG interviewed [redacted] and two [redacted].

1 (U//FOE) With respect to meal breaks, Agency Regulation 20-29, Hours of Work and Premium Pay (24 August 2006), specifies in (b)(5): "The daily schedule for full-time employees, and part-time employees who work five or more hours in a day, must include a non-compensable half hour for a meal break, which does not count toward the hours of work for the day or the week and which may not be scheduled at the end of the daily work period."

2 (U//FOE) For the purpose of this report, all references to Lotus Notes messages will be described as e-mail messages.
supervisors who were in positions to know his work schedule and activities. OIG also reviewed applicable federal criminal statutes and Agency regulations.
17. (U/FOUO) Consistent with OIG’s standard policy, individuals who provided information for this report reviewed their interview reports for factual accuracy and completeness. OIG then evaluated the comments and made changes, as appropriate. [redacted] had the opportunity to review and comment on the draft report, and his comments were considered in the preparation of this final report. [redacted] also reviewed the draft report and their comments were considered in the preparation of this final report.

QUESTIONS PRESENTED

18. (U) This Report of Investigation addresses the following questions:

(b)(3) CIA Act  • What were T&A practices between [redacted] and [redacted]?
(b)(6)
(b)(7)(c)
(b)(6)
(b)(7)(c)
What federal criminal laws and CIA regulations may have been violated?

FINDINGS

(U) WHAT WERE (b)(6) AND (b)(7)(c) T&A PRACTICES BETWEEN (b)(6) AND (b)(7)(c)

19. (U//FOUO) Badge Records. Complete Agency badge machine records for (b)(6) were available for 99.6 percent of the time from (b)(3) CIA Act (b)(7)(c) to (b)(7)(c)

20. (U//FOUO) Analysis of Hours. A standard Agency work tour from (b)(6) to (b)(7)(c) consisted of 335 workdays or (b)(6) 2,680 work hours. These figures are a baseline and do not take into account authorized leave, holiday off (HO), flex days, EAs, or other reasons that (b)(7)(c) typically reduce an employee's work schedule. Based on (b)(3) CIA Act, (b)(6) T&A submissions, after all recorded leave, EAs and HOs are excluded, (b)(7)(c) claimed to be present in the workplace on 241 workdays during the period.

21. (U//FOUO) Analysis of Badge and T&A Records. OIG analysis determined that, of the 241 workdays claimed by (b)(3) CIA Act, (b)(6) there were 198 workdays where he was not present at work for some portion of (b)(7)(c) his entire scheduled work tour. Of these 198 workdays, there were 110 (b)(6) days where Agency badge machine records reflected his absence from the workplace for at least one hour and 88 days where his shortage was less than one hour. Overall, OIG found he was absent from work a total of 336 hours or an average of approximately 84 minutes per work day on each of the 241 days he reported for work during the period.
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
34. (U//FOUO) [ ]'s Explanation of his T&A Practices. [ ] stated that his work schedule is a five-day week, eight-hours a day tour. He stated that he usually arrives at his office between 0800 to 0900 hours and departs between 1630 and 1730 hours, depending on his arrival time. He did not know if his schedule was called MaxiFlex or not, but he does not take a "flex" day off. He acknowledged the requirement of a daily half-hour meal break and stated employees were lying if they said they did not know of the rule.
However, when provided the opportunity, he did not use any of these reasons to justify his missing hours, late arrivals, or early departures.

36. (U//FOUO) revealed that he is not personally well organized. He stated he does not maintain a personal calendar, in either paper or electronic format, to arrange his daily activities. His office maintains an electronic calendar, but he does not regularly utilize it.

38. (U//FOUO) said he was unaware of who certifies his T&As, but assumed it was . He has never discussed his work schedule with either or .

39. (U//FOUO) To request leave, either makes a verbal request directly to or contacts 's secretary. He makes such requests either in person or via telephone and records these leave requests on his calendar. , only required a verbal notification for leave requests.

40. (U//FOUO) was informed of OIG's investigative process and provided a spreadsheet for his review. The 15-page spreadsheet showed that his total daily work hours, based on Agency badge machine
records over the period in question, had a deficiency of 336 hours. was informed that if, after reviewing his personal and office records, he considered any of the information on the spreadsheet inaccurate, he should make a correction on the document.

41. (U) reviewed the spreadsheet on 8 and 12 April 2010. He did not question or change any of the hours. After his review, he stated that he realized he had been "lazy" with his T&A submissions and even cited his pattern of early departures on Fridays.

42. (U) On 12 April 2010, prepared and signed a sworn statement in which he admitted to improperly recording 336 hours of work. He wrote he was "embarrassed and humiliated" by his actions, which he claimed were unintentional but caused by his laziness and an unprofessional attitude. He also wrote he would reimburse the Agency for its financial loss.

(U) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

43. (U) Two provisions of Title 18 U.S.C. (Crime and Criminal Procedure) are pertinent to T&A fraud:

(1) Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money, property or records) provides in part:

Whoever embezzles, steals, purloins, or knowingly converts to his use ... money or thing of value of the United States ... [s]hall be fined under this title or imprisoned not more than ten years, or both ... .

(2) Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in part:

[Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States,]
knowingly and willfully ... (2) makes any materially false, fictitious, or fraudulent statement or representation ... shall be fined under this title or imprisoned not more than 5 years ... or both.

44. (U//FOUO) Agency Regulation 20-29, Hours of Work and Premium Pay, Alternative Work Schedules (24 August 2006), provides in pertinent part:

a(3): Any abuse of the pay system will not be tolerated and could result in severe administrative action, including termination of employment, and/or criminal prosecution by the Department of Justice.

45. (U//FOUO) On 11 March 2010, OIG presented the findings of this investigation to the United States Attorney for the Eastern District of Virginia. On 2 April 2010, the office declined to prosecute for embezzlement and false statements in favor of administrative action by the Agency.

CONCLUSION

46. (U//FOUO) [Redacted] committed apparent T&A fraud from [Redacted] by knowingly submitting false T&A documents, then receiving financial compensation from the Agency for work he did not perform. During this period, [Redacted] was compensated for 336 hours that he did not work, resulting in an overpayment of approximately [Redacted].
RECOMMENDATIONS

(b)(3) CIAAct
(b)(5)
(b)(6)
(b)(7)(c)

CONCUR:

(b)(6)
(b)(7)(c)

/2-13-10

David B. Buckley
Inspector General

Date
(b)(3) CIAAct
(b)(6)
(b)(7)(c)
Office of Inspector General

Statement

I ___________ state that I am providing
this statement to ___________ of my own free will.

Name

SA ___________ OIG

Investigator

Initials

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
Statement (Continuation)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Initiale
Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(U) ALLEGATION OF MISUSE OF POSITION BY A CENTRAL INTELLIGENCE AGENCY RECRUITMENT OFFICER

(2010-09574-IG)

15 September 2010

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Acting Inspector General

Assistant Inspector General
for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Special Agent

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Approved for Release: 2017/06/29 C06659671
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) ALLEGATION OF MISUSE OF POSITION BY A CENTRAL INTELLIGENCE AGENCY RECRUITMENT OFFICER
(2010-09574-1G)

15 September 2010

INTRODUCTION

1. (U//FOUO) In January 2010, the Office of Inspector General (OIG) was notified of an allegation that an employee of the CIA, used his recruiting position in furtherance of his personal interest. Specifically, it was alleged that while serving as a recruitment officer, used his position in an effort to develop a personal relationship with female applicant whom he was assisting with the application process. It was further alleged that, when declined interest in a personal relationship with he withdrew support to her application process, causing her application process to falter.¹

BACKGROUND

1. (U//FOUO) Upon reviewing this report in draft, commented regarding paragraph one that he “never had an interest in applicant” and “did not withdraw support” for her application.
4. (U//FOUO) [REDACTED] had contact with [REDACTED] in his recruiting capacity from an initial meeting on (b)(6) through approximately the first week of (b)(7)(c) when his involvement in her application process ended. [REDACTED] complaint are the events of Saturday, [REDACTED] when [REDACTED] met at [REDACTED] in which [REDACTED] hand delivered applicant documents, had lunch with [REDACTED] at a local restaurant, discussed brake and tire service for her car, and several hours later encountered [REDACTED] at a local pharmacy. [REDACTED] alleged that [REDACTED] used the events of [REDACTED] to attempt to initiate a personal relationship with [REDACTED] and, when she subsequently declined, she believed he retaliated by withdrawing his support from her application process.
5. (U//FOUO) On the basis of concern that appeared to have halted action on her application, OIG notified management on 26 January 2010 about the allegations. told OIG that took immediate action to ensure that application was being handled appropriately. OIG also briefed on the status of the investigation.

6. (U//FOUO) OIG interviewed and sent OIG an unsolicited statement, providing a revised version of events. OIG consulted with for an overview of the guidelines regarding contact between recruiting officers and applicants. OIG reviewed security file, personnel records, US Government credit card bills for and travel vouchers for .

7. (U//FOUO) OIG reviewed applicable federal criminal statutes, and federal and Agency regulations and policies. Consistent with OIG's standard policy, individuals who provided information for this report were offered the opportunity to review their interview reports for factual accuracy and completeness. chose not to do so. OIG evaluated comments and made changes, as appropriate. reviewed and commented on the draft Report of Investigation (ROI), and his comments were considered in the preparation of the final report. Components also reviewed the draft ROI and provided no substantive comments.

QUESTIONS PRESENTED

8. (U//FOUO) This Report addresses the following issues:

Did use his official position as a recruiter to attempt to establish a personal relationship with an applicant?
Did intentionally affect application adversely?

What CIA regulations may have been violated?

FINDINGS

(DID USE HIS OFFICIAL POSITION AS A RECRUITER TO ATTEMPT TO ESTABLISH A PERSONAL RELATIONSHIP WITH AN APPLICANT?)

10. (DID) During his OIG interview, noted having a photographic memory and stated that he recalled the applicant in detail. told OIG that volunteered to deliver her documents on Saturday morning at office; invited to office; invited to office.
lunch out of gratitude for the inconvenience she caused him on a Saturday; and he had commented on the need for brake and tire service but never offered more than a referral to a reputable local shop. When asked during his 18 February interview when he next saw ... said he saw her at a local pharmacy about two weeks after their lunch, during the late afternoon.

11. (U//FOUO) Subsequently, during the OIG interview, when advised of the differing details of account, modified his own initial version of events. He agreed that he had asked to come that Saturday; he had invited to have lunch following their discussion in his office; he had offered to assist in setting up a service appointment, then to pick her up and take her shopping; and he acknowledged encountering in a local pharmacy that same Saturday afternoon, but described the meeting as only a coincidence. 

 denied ever actually making a service appointment for or making the remark attributed to him about being a good follower. He also denied having any interest in establishing a personal relationship with stated that he did not withdraw his support for application, but referred the case to a case management officer whom he also denied pursuing any further with the offer of car service.
14. (U//FOUO) ______ denied making any service appointment on her behalf, stating that he simply offered to help her out by referring her to a reputable service center he used himself. He further denied pressing the issue with subsequent to their ______ lunch. ______ did confirm that he offered to pick up if she used the service center and give her a ride. When asked by OIG where this ride would take ______ given that brakes and tires can take considerable time to serv______, said he knew ______ liked to shop and would probably take her shopping. ______ asserted that he would make this kind of offer for anyone he knew, and that it did not indicate an attempt to establish a personal relationship.
16. (U) In his OIG interview, and in the unsolicited 1 March statement he e-mailed to OIG, denied any wrongdoing and asserted that he acted properly in assisting a highly-qualified applicant to seek Agency employment. He denied withholding support from and said that his withdrawal from her applicant processing occurred at the point at which he appropriately turned the case over to a case manager. provided seven e-mails to OIG that pertained to his handling of case. One e-mail, dated asked if he had any interest in response, the officer noted that has her name listed as and said "if it is that would explain some confusion." Another e-mail, dated from asked case processor if was still interested in interviewing . In reviewing these e-mails, OIG did not find a basis to indicate that acted intentionally sidetrack application.

17. (U) In January 2010, OIG asked to review applicant file to determine if the case was inactive or had been handled in an irregular manner. advised that the file was active and was of current interest to with an interview for pending. also noted that the case handler had been changed in from to who was subsequently transferred without an immediate replacement. also observed that appeared to be dedicating more effort to case than he would have expected, noting that recruiting officers typically make only initial contacts with applicants and then turn the cases over to case managers. described the amount of continuing personal contact that had with during this case as unusual.
18. (U) In his 18 February 2010 interview, acknowledged that having lunch with was not an authorized recruitment activity.

(U) WHAT CIA REGULATIONS MAY HAVE BEEN VIOLATED?


Employees shall act impartially and not give preferential treatment to any private organization or individual.

20. (U) Agency Regulation (AR) 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities, provides in part:

2.c.(6) STANDARDS OF OFFICIAL CONDUCT. All Agency employees must adhere to the Standards of Ethical Conduct for Employees of the Executive Branch (hereinafter the Standards of Ethical Conduct). These standards, which are found in 5 C.F.R. Part 2635, govern gifts from outside sources, gifts between employees, conflict of financial interest,
impartiality in performing official duties, seeking other employment, misuse of position, and engaging in outside activities. An employee shall not use his office for private gain.

2.d. IMPARTIALITY IN PERFORMANCE OF GOVERNMENT DUTIES.

(1) POLICY. Agency employees are expected to act impartially in the performance of their duties and not to give preferential treatment to any private organization or individual.

21. (U) AR 1-3a, Office of Inspector General, provides in part:

(5)(a) COOPERATION WITH OIG. All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

CONCLUSIONS

22. (U//FOUO) OIG concludes that certain aspects of contact on [redacted] with [redacted], an applicant for CIA employment whose case he was processing (i.e., having her hand-deliver applicant documents to him at [redacted] on a weekend, taking her to lunch, and offering assistance with car repairs), were not consistent with the regulatory requirements that federal and Agency employees act impartially and not accord preferential treatment to any individual. OIG found that such departure from this requirement toward personal contact with an applicant presents the appearance that [redacted] attempted to use the occasion to develop a personal relationship with [redacted] OIG found that such use of an official position for personal reasons represented misuse of that position by [redacted].

23. (U//FOUO) OIG did not establish that [redacted] retaliated against [redacted] by withdrawing assistance for her application after [redacted] declined [redacted] offer of car service assistance and further personal contact.
with one another. Information available to OIG indicated that did not sidetrack employment application, but rather turned it over appropriately to a case management officer. That officer herself was transferred without being immediately replaced, and any perceived delay that may have occurred in handling of file as a result would not have been caused by

24. (U//FOHO) OIG also concludes that, despite assertion to OIG that he possessed a photographic memory and recalled the applicant case in detail, changed his account of key events during that interview, as well as subsequently in an unsolicited follow-on statement submitted 1 March 2010. OIG concludes that presentation of information during this investigation was not consistent with the Agency regulation requiring employees to "provide accurate, candid, complete, and forthcoming responses" to OIG.

25. (U//FOHO) OIG also concludes that raised a potential issue of professional judgment regarding
RECOMMENDATIONS

1. (U//FOUO) Chief, Human Resources, in consultation with the CIA Activities Staff, Office of Security, should determine appropriate administrative action regarding misuse of his official position to attempt to develop a personal relationship with an applicant.

2. (U//FOUO) Chief, Recruitment Center should ensure that recruitment officers understand the guidelines for appropriate contact with applicants.

CONCUR:

(b)(3) CIA Act
(b)(6)
(b)(7)(c) 9/15/10

Acting Inspector General
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(U) TIME AND ATTENDANCE FRAUD:
NATIONAL CLANDESTINE SERVICE OFFICER
(2010-09589-IG)

1 October 2010

(b)(3) CIAAct (b)(3) CIAAct
(b)(6) (b)(6)
(b)(7)(c) (b)(7)(c)

Acting Inspector General Assistant Inspector General

for Investigations

(b)(3) CIAAct (b)(3) CIAAct
(b)(6) (b)(6)
(b)(7)(c) (b)(7)(c)

Special Agent

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INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) TIME AND ATTENDANCE FRAUD:
NATIONAL CLANDESTINE SERVICE OFFICER
(2010-09589-1G)

1 October 2010

INTRODUCTION

1. (U//FOUO) On 18 February 2010, during the course of a separate Office of Inspector General (OIG) investigation, OIG developed information that indicated may be committing time and attendance (T&A) fraud.

SUMMARY

2. (U//FOUO) The OIG investigation focused on T&A activity for 26 pay periods from Complete Agency badge machine records were available for 99 percent of the days when badge machines should have been in operation during the period under review.

3. (U//FOUO) The investigation found that was compensated for approximately 371 hours of regular time he did not perform. The value of the net overpayment to was established as (Exhibit.)

1}
4. (U//FOUO) When interviewed by OIG, said he had a regular pattern of arriving late, leaving early, and leaving during the day for personal reasons and not compensating for the time or taking annual or sick leave. said he believed he could round up his arrival or departure hours to the nearest quarter hour when calculating his time spent at work. provided a signed sworn statement admitting he had not worked all of the hours he reported in his T&A records. stated that he would make restitution for the time he claimed but did not work.

5. (U) On 30 March 2010, the Department of Justice (DOJ) declined prosecution of on embezzlement and false statement charges in favor of Agency administrative action.

BACKGROUND

8. (U//FOUO) During the 26 pay periods under review, was expected to fulfill a standard 80-hour biweekly work schedule according to a standard work
schedule. He was allotted one mandatory and uncompensated half-hour meal break each work day. was responsible for submitting his own T&A hours, annual leave, and sick leave information for certification via his immediate supervisor.

PROCEDURES AND RESOURCES

9. (U//FOUO) OIG reviewed badge machine, training, and travel records, including those from the OIG also reviewed his Official Personnel Folder, security file, and computer activity records, including Lotus Notes messages and calendar entries, and OIG reviewed applicable federal criminal statutes and federal and Agency regulations.

1 (U//FOUO) For full-time employees, the standard work schedule for a 40-hour workweek consists of five consecutive duty days, usually Monday through Friday, with the same working hours in each day.

3 (U//FOUO) Any subsequent reference to a Lotus Note message will be cited in this report as an e-mail message.
12. (U//FOUO) Consistent with OIG's standard policy, had the opportunity to review and comment on the draft report for factual accuracy and completeness. Only comment was that the report was accurate. Likewise, the draft report was sent to the for the opportunity to review and comment. had no comments on this report, and concurred with the recommendations.

QUESTIONS PRESENTED

13. (U//FOUO) This Report addresses the following issues:

- What were T&A practices between and ?
What federal criminal laws and CIA regulations pertain to T&A abuse?
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

FINDINGS

(U//FOUO) What were T&A practices between
(b)(6)
(b)(7)(c)

AND

14. (U//FOUO) Badge Records. Complete Agency badge machine records were available for 99 percent of the period under review. Badge machine records were not available for three days of the period under review. Consistent with OIG policy and in the interest of fairness, was given credit for all hours claimed on his T&A submissions for these three days based on computer activity for those days.

15. (U//FOUO) Analysis of Hours. A standard Agency work tour from to consisted of 260 days, or a total of 2,080 work hours. These figures are a baseline and do not take into account annual leave, sick leave, holidays, excused absences, or other authorized causes that typically reduce an employee's annual work tour. In this case, he claimed, via his submissions, to be present at work on 213 days after all recorded leave and holidays were excluded.

16. (U//FOUO) Analysis of Badge and T&A Records. OIG's analysis determined that, of the 213 work days claimed by there were 191 work days where was not present at work for some portion of his entire scheduled work tour. Of these 191 work days, Agency badge records reflect absence from the workplace on 131 days for at least one hour per work day and 60 days where the shortage was less than one hour. This yielded a total shortage of 371 hours or an average of approximately 2 hours per work day.
17. (U//FOOU) said he works a standard tour of eight hours per day, five days a week. said his arrival time varies widely, but he understands he is required to work eight hours of regular time each day. said he adds 10 minutes to each workday to account for the non-compensable meal break. said that if his lunch took longer than 30 minutes, he would work the additional time during that day.

18. (U//FOOU) said he had a regular pattern of coming in late, leaving early, and leaving during the day for personal reasons and not compensating for the time or taking annual or sick leave. said he would have taken leave, but he usually did not have sufficient accrued leave or had a low leave balance. said he had misled both of his supervisors about his absences from work. said that he knew his actions were wrong and he was willing to make full financial restitution to the Agency for the hours he did not work.
(U) **WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS PERTAIN TO T&A ABUSE?**

19. (U) Two provisions of Title 18 U.S.C. "Crime and Criminal Procedure," are pertinent to T&A fraud. Title 18 U.S.C. § 641 (*Embezzlement and Theft, Public money, property or records*) provides in part:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another or without authority, sells, conveys or disposes of any record, voucher, money or thing of value of the United States of any department or agency thereof ... shall be fined under this title or imprisoned not more than ten years, or both.

Title 18 U.S.C. § 1001 (*Fraud and False Statements, Statements or entries generally*) provides in part:

[W]hoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully ... makes any materially false, fictitious, or fraudulent statement or representation ... shall be fined under this title or imprisoned not more than 5 years or both.


Any abuse of the pay system will not be tolerated and could result in severe administrative action, including termination of employment, and/or criminal prosecution by the Department of Justice.

21. (U//FOHO) On 30 March 2010, an Assistant United States Attorney from the Eastern District of Virginia, DOJ, declined prosecution of CIA Act for embezzlement and false statements in favor of administrative action by the Agency.
CONCLUSION

(b)(3) CIA Act

22. (U//FOHO) (b)(6) committed T&A fraud by working less than the requisite 80 hours per pay period in 24 of the 26 pay periods from (b)(7)(c)

During that period, (b)(3) CIA Act compensated for 371 hours that he did not work, resulting in a net (b)(6)

overpayment of (b)(7)(c)

(b)(3) CIA Act

(b)(6)

(b)(7)(c)
RECOMMENDATIONS

(b)(3) CIA Act
(b)(5)
(b)(6)
(b)(7)(c)

CONCUR:
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

10/1/10
Date

Acting Inspector General
Page Denied
1 December 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Possible Ethics Violations and Contractor Fraud

CASE: 2007-8742-1G

INTRODUCTION:

1. (S) On 12 October 2007, the Office of Inspector General (OIG) initiated an investigation based on an allegation that former improperly sole sourced contracts to over a period of several years. was previously assigned as .

The initial contract was established on during tenure a . Although OIG's investigative results indicated that may have recommended the initial contract, he did not have any involvement in the award. Further, there was no evidence that improperly influenced the award.

2. (U//FOUO) The OIG investigation determined that did not generate the sole source documentation that resulted in the award of multiple contracts to .

(b)(3) CIA Act (b)(6) (b)(7)(c)

(b)(3) CIA Act (b)(6) (b)(7)(c)

(b)(3) CIA Act (b)(6) (b)(7)(c)
PROCEDURES AND RESOURCES:

3. (U//AF56) The investigation included reviews of Agency employee biographical information, a review of Lotus Notes (e-mails), and his Financial Disclosure Form (FDF) for 2006. OIG also reviewed e-mails. In addition, OIG evaluated the available contract documentation and various procurement data recorded in . Finally, four interviews were conducted to determine the extent, if any, of involvement with the award of the contracts.

FINDINGS:

4. (U//AR50) Initial Complaint. An undated anonymous written complaint was received in OIG via interagency mail. According to the complaint, reached out to for assistance. subsequently established an ongoing friendship with it was alleged, established a sole source contract with and that contract was subsequently renewed via sole source.

5. (U//AR50) A review of Official Personnel Folder found no significant issues.

6. (U//AR50) Lotus Notes A review of Lotus Notes did not reveal any significant information regarding the relationship between and .

\footnote{(U//AR50) was the Agency's Contract Management System until its replacement by in October 2010.}
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSION:

19. (U//ADJO) The OIG investigation determined that although [REDACTED] may have initially recommended [REDACTED] for the establishment of a sole source training and support contract, there is no clear evidence that he provided the supporting documentation to justify the award. Furthermore, [REDACTED] was never a certified COTR or CO and he did not act in the capacity of a procurement official. Furthermore, [REDACTED] did not provide approval for awarding contracts to [REDACTED].

RECOMMENDATION:

20. (U//ADJO) It is recommended that this case be closed with no further action.
REPORT OF INVESTIGATION

(U) UNACREDITED DEGREE: TELECOMMUNICATIONS INFORMATION SYSTEMS OFFICER
(2008-9001-IG)

28 February 2012

David B. Buckley
Inspector General

Assistant Inspector General
for Investigations

Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
Office of Inspector General
Investigations Staff

REPORT OF INVESTIGATION

(U) UNACCREDITED DEGREE: TELECOMMUNICATIONS
INFORMATION SYSTEMS OFFICER
(2008-9001-IG)

28 February 2012

Section 1 – Subject:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

Section 2 – Predication:

Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from an known fraudulent higher education organization (a.k.a. a diploma mill). The Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008, into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency Biography (BIO) information to identify any individuals who had provided degree evidence to Human Resources. A source with knowledge informed OIG that received a bachelor's degree from is an unaccredited institution and is not affiliated with the accredited

(b)(6)
(b)(7)(c)

(b)(6)
(b)(7)(c)

CONFIDENTIAL
Section 3 – Potential Violations:

1. (U) Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

   Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

   (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

   (2) makes any materially false, fictitious, or fraudulent statement or representation; or

   (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both . . .

2. (U) Title 18 U.S.C. § 287 (False, fictitious or fraudulent claims) provides in pertinent part:

   Whoever makes or presents to any person or officer in the civil, military or naval services of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

3. (U//FOHO) Agency Regulation (AR) 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

   (1)(d) ACADEMIC TRAINING

   (1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: . . .

   (c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement.

   (2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

Take into consideration the need to:
(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, H1Os, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

Section 4 - Investigative Results:

(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(b)(6) (b)(7)(c)

During a 5 March 2009 interview, [redacted] stated to OIG that the Agency provided reimbursement for three of the 10 courses he needed to obtain a diploma from [redacted]. He stated that he paid for various other costs to include [redacted] a co-worker and fellow telecommunications information systems officer. [redacted] stated that he did not research accreditation prior to entering the program.

[redacted] stated that he received money from the Department of Justice (DOJ) approximately two years after receiving the degree from [redacted] which he retained since he had paid most of the costs for the program. [redacted] stated that he did not think the degree was fraudulent until he received the letter from DOJ.
Section 5 – Conclusions:

OIG referred to the U.S. Attorney’s Office, Eastern District Virginia (EDVA) on 12 March 2009 for possible violation of Titles 18 U.S.C. (Fraud and False Statements, Statements or entries generally) and/or 18 U.S.C. § 287 (False, fictitious, or fraudulent claims). EDVA declined prosecution on 14 April 2009 for lack of prosecutive merit in favor of administrative action.

received reimbursement from the Agency for $1,110 for two years from and then received additional funds from the fraud settlement with DOJ. Based on an opinion provided by OIG Counsel, is not responsible for repaying the refunded money to the Agency.

1 (U) The attached letter is the template sent to all individuals reimbursed by the D of Justice. Individual letters were not retained.
Based on OIG's investigative findings, OIG believes there is no basis to indicate violated Titles 18 U.S.C. § 1001 or 18 U.S.C. § 287. The investigation did not establish that presented his degree to the Agency during the settlement. In addition, the investigation did not establish that was aware that was a fraudulent organization or that it was one whose enrollment costs were ineligible for government reimbursement at the time he sought partial reimbursement from the Agency. OIG is recommending no further action and that the case be closed.
24 August 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Contract Fraud

CASE: (U) 2008-9046-IG

ISSUES UNDER INVESTIGATION:

1. (U//A) On 15 September 2008, CIA’s Office of Inspector General (OIG) received a request from the to review Agency time records for was self-employed as reported concerns that may not have been working all the hours that he was billing to the contract. was working on a contract for the

2. (U/A) The specific issue under investigation by OIG was whether billed hours to the contract that he did not work. reported that in May 2008, additional hours were added to contract. explained that he was paying a lot of money per month for contract and wanted to ensure that the hours were justified.

3. (S) Additionally, in April 2010, OIG learned from that was indebted to the US Government in the approximate amount of $18,000 for a temporary duty (TDY) When the TDY was cancelled, was unable to repay the advanced funds.
INVESTIGATIVE EFFORTS:

4. (U//FOUO) OIG reviewed badge machine records, computer access, and electronic messages for the period as well as applicable federal statutes and federal and Agency regulations. Additionally, OIG reviewed security file.

5. (U//FOUO) OIG compared Agency records to the billing invoices provided by. The invoices from detailed the hours reported to his company on a monthly basis, which were used to bill the US Government customer.

6. OIG interviewed on three separate occasions and conducted key interviews with

7. (U//FOUO) Documentation reviewed indicated that inappropriately charged approximately 596 hours to his contract, resulting in an estimated loss of at least to the US Government.

8. A review of Agency financial records indicated that as advanced $18,762.40 for a TDY

RESULTS:

9. badge machine, computer records, monthly invoices and own time keeping records for each individual day were reviewed from
reported to have visited another facility. Based on witness interviews and own admissions, OIG estimated that visited on 15 occasions, two hours per visit.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
22. (6) In February 2010, after being notified in December 2009 that he needed to repay the advance for the trip to _______ wrote a check in the amount of the advance. In April 2010, the Agency learned that there were insufficient funds in _______ personal bank account to repay the money. _______ reported to _______ that he was unable to pay back the advance because he did not have the money _______.

**DISPOSITION:**

23. (U) On 3 December 2009, the facts of this case related to the contract overcharge were presented to Eastern District of Virginia (EDVA) Assistant United States Attorney (AUSA) _______ for prosecutorial review. On this date, AUSA _______ declined prosecution in favor of administrative action. _______.

24. (U//FOUO) On 24 December 2009, an official OIG memorandum was sent to _______ documenting the results of the investigation.

25. (U//FOUO) On 19 February 2010, _______ clearances were suspended.
26. (U//AD) On 23 March 2010, an official letter was submitted with a summary of missing hours in order to obtain restitution to the Agency.

27. (U) On 20 April 2010, agreed to reimburse CIA for the approximate contract overcharge. A modification was made to the contract to descope the value.

28. (U) On 17 May 2010, the facts of this case related to the outstanding advance of funds were presented to EDVA AUSA for prosecutorial review. On 24 May 2010, AU declined prosecution in favor of administrative action.
16 December 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Contract Fraud Allegations

CASE: 2009-9150-IG

INTRODUCTION:

1. (E) On 23 January 2009, the Office of Inspector General (OIG) received allegations, from an agency contractor, of contract fraud and mismanagement by an

| (b)(3) CIA Act | (b)(6) |
| (b)(7)(c) | (b)(7)(d) |

| (b)(1) |
| (b)(3) CIA Act |
| (b)(3) Nat Sec Act |
| (b)(6) |
| (b)(7)(c) |
| (b)(7)(d) |
She further stated that two employees were instructed to charge for additional hours not actually worked; however, she could not provide any names. She explained this was done to spend down the allotted funding. Lastly, alleged that

in a personal relationship with a employee.

SUMMARY:

3. (E) The investigation did not substantiate the allegations with respect to and Further, had no concerns with the quality of or their billable hours.

PROCEDURES AND RESOURCES:

4. (E) OIG reviewed relevant database records, the Statements of Work associated with the contract, the contract and all modifications, Management Plan and the Concept of Operations. OIG also reviewed hourly rates for each In addition, OIG interviewed
FINDINGS:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
TASKING AND INFLATION OF HOURS

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS:

28. (C) The investigation did not uncover any information to validate allegations that directed anyone to inflate their hours, or that a contract employee charged the contract for time spent working on . The allegation that had engaged in a personal relationship with an employee was investigated separately. That investigation did not corroborate the allegation but resulted in the reassignment of due to other performance factors. This case should be closed.

Special Agent

Supervisory Special Agent
30 September 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Nepotism

CASE: 2009-9347-IG

INTRODUCTION:

1. (S) The Office of Inspector General (OIG) initiated this investigation on 1 July 2009 after receiving an allegation from that may be in violation of Title 5 U.S.C. § 3110 (The Federal Anti-Nepotism Statute).
ISSUES UNDER INVESTIGATION:

2. (C) OIG's investigation addressed whether being hired constituted a violation of Title 5 U.S.C. § 3110, The Federal Anti-Nepotism Statute (Employment of relatives restrictions) or if nepotism or favoritism played a role in assigning tasks.

3. (U) Title 5 U.S.C. § 3110, The Federal Anti-Nepotism Statute (Employment of relative's restrictions) in part provides that:

A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official.

4. (C) OIG's investigation also addressed whether being in the violated Agency Regulation (AR) 20-9, Restrictions on the Employment of Relatives. AR 20-9 cautions Agency employees to avoid any action however well-intentioned that might jeopardize the job of the related applicant or employee. At the same time, the regulation, recognizing that related employees (including husbands and wives who are both Agency employees) are a valuable resource in whom the Agency has invested much time, effort, and money, does not prevent the assignment of related employees to the same field location. Such assignments must meet certain conditions. Specifically:

An employee couple (or other related individual) may be assigned to the same foreign field location if selection of the couple and approval of the assignment are made by an official or officials senior to both members of the employee couple. The official(s) approving the assignment will ensure that one member of the employee couple is not the direct supervisor of the other member; is not in a position to write or review the other’s Performance Appraisal Reports (PARs) or under any circumstances the PAR of the junior spouse's rating officer; or otherwise participate in any way in any evaluation of the other’s performance; and cannot recommend the other member for promotion, within grade increase, or other benefit or favorable personnel action. The official(s)
approving the assignment will also ensure there is effective management and supervision, including accountability to a higher level, of both employees.

d. RESTRICTIONS

(1) A public official may not advocate a relative for appointment, employment, promotion, or advancement in or to a civilian position in the Agency or over which the public official exercises jurisdiction or control in the Agency or in any other agency. A public official who recommends a relative or refers a relative for consideration for appointment, employment, promotion, or advancement by a public official standing lower in the chain of command is deemed to have advocated the appointment, employment, promotion, or advancement of the relative.

INVESTIGATIVE EFFORTS:

5. (C) OIG reviewed applicable statutes and regulations, Lotus Notes, security and personnel files, and the databases. OIG also consulted with the Office of General Counsel's (OGC) Agency Ethics Counsel, in the OGC Administrative Law Division. searched her files and requested other OGC attorneys assigned nepotism accounts check their files for any reports on related that no reports were located to suggest sought legal guidance or advice concerning nepotism.

6. (C) OIG intervie(b)(1) the following

| (b)(1) | (b)(3) CIAAct |
| (b)(3) CIAAct | (b)(3) NatSecAct |
| (b)(3) NatSecAct | (b)(6) |
| (b)(6) | (b)(7)(c) |
| (b)(7)(c) | (b)(7)(d) |

| (b)(7)(d) | (b)(6) |
| (b)(3) NatSecAct | (b)(7)(c) |
| (b)(7)(c) | (b)(7)(d) |

3

SECRET
FINDINGS:

7. (C) The OIG investigation found no evidence that actions constituted a criminal or regulatory violation of the "anti-nepotism" statute or AR 20-9. did not exercise control over the selection of to serve on did not act as the direct supervisor of and no evidence was found that participated in, or recommended, favorable personnel actions concerning There was nothing to indicate that requested, or was directly or indirectly involved in assigning jobs to or influencing subordinates to assign her jobs.

10. (C) OIG also determined that did not report to did not write PAR or participate in Career Service boards or panels which evaluated nor was he the Time and Attendance payment authorizer. was responsible for writing her PARs. also had the authority to deny
SECRET

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(e)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS:

26. (C) The OIG investigation did not substantiate the allegation that [Redacted] violated the anti-nepotism provisions of Title 5 U.S.C. § 3110 or AR 20-9, Restrictions on the Employment of Relatives, by working part-time in [Redacted] This case should be closed.

Special Agent

Supervisory Special Agent
13 September 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Computer Fraud and Abuse: (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

CASE: 2009-94241-G

ISSUES UNDER INVESTIGATION:

1. (C//NF) On 9 September 2009, the Office of Inspector General (OIG) Investigations Staff received a referral from the

   that was conducting inappropriate searches on determined that
   performing that had
   searched for himself as well as several foreign nationals

2. (U//AFI) The specific issue under investigation was whether Hairston violated Title 18 U.S.C. § 1030(a)(2)(B), (Fraud and related activity in connection with computers).

INVESTIGATIVE EFFORTS:

3. (U//AFI) OIG obtained and reviewed the audit records of the classified systems to which had access

   (b)(3) CIAAct
   (b)(3) NatSecAct
   (b)(6)
   (b)(7)(c)

   (b)(3) CIAAct
   (b)(3) NatSecAct
   (b)(6)
   (b)(7)(c)

10. (U) OIG referred the results of the investigation to the Department of Justice on 5 October 2009.

RESULTS:

11. (U//FOUO) entered on duty with the Agency on as a

12. (U//FOUO) attended the Agency training course "a pre-requisite for access to the systems. The training consisted of an online module, which stated that users are prohibited from running searches on "their own names, relatives, acquaintances, or prominent personalities."
16. (U// Heights) The Common Workgroup Environment banner that was required to click through on every login stated that he was logging-in to a "United States Government system" to be used for "authorized purposes only" and that any unauthorized use "may be criminally prosecuted."

17. (U// Heights) In a 2 October 2009 interview with OIG, stated that he was aware that he was not authorized to search for friends and co-workers on either
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
40. (U//FOUO) On [redacted], resigned from the Agency and consented to the revocation of his clearances. [redacted] agreed to waive any rights to appeal the revocation or the separation.

41. (U) On [redacted], was convicted of violating Title 18 U.S.C. § 1030(a)(2)(B) in the Eastern District of Virginia. [redacted] was sentenced to six months of probation, mandatory mental health counseling, a $500 fine, a $105 special assessment, and 50 hours of community service.

Special Agent

Division Chief
5 October 2010

DISPOSITION MEMORANDUM

SUBJECTS: (U/ //FOUO) (1) Possible Contract Fraud—False Time and Attendance Claims; (2) Possible Conflict of Interest of COTR

CASE: (U) 2009-09454-1G

INTRODUCTION:

1. (S) On 30 September 2009, Agency employee notified the Office of Inspector General Investigations Staff (OIG/INV) of concerns that was directing Agency contract employees to improperly charge 40 hours of overtime every two weeks. In reviewing this allegation, INV also discovered that the of the Contracting Officer's Technical Representative (COTR) is assigned to this contract, suggesting a possible conflict of interest. The investigation, however, did not substantiate either matter.

PROCEDURES AND RESOURCES:

2. (S) INV reviewed applicable contract data such as contractor roles and responsibilities, work schedules, monthly reports, and badge records. Investigators interviewed
FINDINGS:

3. (§) reported that a (b)(3) CIA Act contract employee working shifts at was told to charge 40 hours of regular time plus 40 hours overtime biweekly. According to also claimed that did not have sufficient work when working nights, watched movies, and sometimes slept during his shift.
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSION:

12. (U//AD) A review of the contract and other applicable Agency records as well as pertinent interviews did not corroborate the allegations. This case should be closed.

Special Agent

Supervisory Special Agent
12 May 2010

DISPOSITION MEMORANDUM

SUBJECT: (U//AFS0) Conflict of Interest in

CASE: 2006-8841-IG

ISSUES UNDER INVESTIGATION: (b)(3) CIAAct

1. (U//AFS0) On 30 January 2008, CIA’s Office of Inspector General (OIG) received an anonymous allegation, which was written to the OIG Investigations Officer, reporting a concern of impropriety between (b)(3) CIAAct and (b)(7)(c) a contractor working in the (b)(3) CIAAct

2. (U//AFS0) The specific issue under investigation by OIG was whether took steps to recuse herself from contract matters involving interests within the Division: Did she take any actions or make any decisions that benefited (b)(3) CIAAct or was there an appearance of a conflict of interest? (b)(6) (b)(7)(c)

The anonymous source reported no knowledge of the ethical concerns, but stressed the appearance of impropriety within the Division and requested OIG review the situation.

CONFIDENTIAL

Approved for Release: 2017/06/29 C06688717
3. (U// Unclassified) During the course of the investigation, information obtained from Agency electronic (e-mail) records indicated that [REDACTED] solicited staff and contractors for business opportunities. The information suggested that [REDACTED] actively contacted staff and contractors advertising potential candidates for employment, and approached other contractors to establish subcontractor relationships.

INVESTIGATIVE EFFORTS:

4. (U// Unclassified) OIG reviewed Agency classified and unclassified e-mail messages for [REDACTED] and [REDACTED] for the period [REDACTED] through [REDACTED] as well as applicable federal statutes and federal and Agency regulations. OIG also reviewed [REDACTED] Agency Personnel Folder and Performance Appraisal Reports (PARs). OIG reviewed [REDACTED] and [REDACTED] Agency security files.

5. (U// Unclassified) The Office of General Counsel (OGC) was queried as to whether [REDACTED] had inquired about recusing herself from contract matters within the Division that may have affected [REDACTED].

---

[2] (U// Unclassified) The Agency classified system is designated as "CWE" and the unclassified system is designated as "AIN."
RESULTS:

Agency e-mail records revealed that communicated via e-mail on a regular basis during work hours. The review indicated that and primarily discussed personal matters, but it was noted that did occasionally request assistance for computer and database support. Additionally, OIG identified seven occasions in which sent Division-related messages from her personal e-mail account to AIN e-mail address. forwarded those e-mails to high-side (CWE) account. The search also revealed an e-mail message sent from to on 14 May 2007, in which wrote, "...you didn’t hear this from me." forwarded his concerns regarding an upcoming presentation. told "don’t say anything" and that would receive the slides for the presentation that afternoon. Additionally, the review revealed that sent at least six e-mail messages on the Agency’s CWE system to Staff and contractors between in which solicited business for \[(b)(3)\] **CIA Act**
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
19. (U//AT//FO) OIG learned from OGC attorney that OGC was not queried by with regard to recusing herself from contract matters in her Division.
29. (U//AD) OIG concluded, that while [REDACTED] officially recused herself from contract matters involving [REDACTED] there was a perception that [REDACTED] was advantaged [REDACTED] As evidenced by e-mail traffic, [REDACTED] and [REDACTED] shared information regarding Division business. The investigation did not reveal any financial advantages to [REDACTED] as a result of influence. [REDACTED] [REDACTED] [REDACTED]
31. (U//ADFO) On 17 December 2009, OIG notified _______ via e-mail regarding _______ business development on Agency computer systems. OIG informed _______ that _______ actions could be considered a violation of Agency Regulation 7-21, Limited Personal Use of Government Office Equipment, Including Information Technology.⁹

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⁹ (U//ADFO) Use for commercial purposes or in support of "for-profit" activities or in support of other outside employment or business activity (such as consulting for pay, sales or administration of business transactions, sale of goods or services).
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
DISPOSITION MEMORANDUM

SUBJECT: (U) Allegations of Misuse of Position – Performance of Official Duties Affecting a Private Interest

CASE: 2009-09470-IG

INTRODUCTION:

1. (U//ATUO) This investigation was initiated on 21 October 2009, based upon allegations received by the Office of Inspector General, Investigations Staff (OIG) indicating that in or about calendar year (b)(7)(c) used his position to influence the awarding of a non-competitive Independent Contract to both Agency retirees.

PROCEDURES AND RESOURCES:

3. (U//ATUO) OIG reviewed the allegations of misuse of position, as well as applicable ethical regulations and policies. At OIG request, the Office of Security/Clearance Division verified the security clearance status and post-retirement employment history of OIG.
interviewed two witnesses familiar with the mission

FINDINGS:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
CONCLUSIONS:

15. (U//ARIS) In view of the facts and circumstances surrounding the hiring of [redacted] as described by the above witnesses, the allegations of misuse of position against [redacted] associated with performance of official duties affecting a private interest, were not substantiated. (b)(3) CIA Act (b)(6) (b)(7)(c)

16. (U//ARIS) Two witnesses with direct knowledge of [redacted] and its mission, interviewed by OIG, indicated that [redacted] apparently facilitated the hiring of [redacted] based upon his own first hand knowledge of their experience, skills and ability to accomplish a specific project. According to Agency records, [redacted] whom witnesses described as being highly qualified to work on projects, served with [redacted] as Staff employees in past assignments. (b)(3) CIA Act (b)(6) (b)(7)(c)

17. (U//ARIS) [redacted] actions in support of what the project, were highly visible. Although his decision to hire [redacted] indicate that he may have exercised favoritism (based on previous acquaintanceship from prior assignments), it does not rise to the level of regulatory violations. According to the witnesses, [redacted] was strictly mission oriented and he wanted to hire the best qualified employees for a valid and worthwhile project. [redacted] has since retired from his Staff position with the Agency. (b)(3) CIA Act (b)(6) (b)(7)(c)
18. (U//A)//O OIG plans no further action on this case.
20 July 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Labor Mischarging by Agency Industrial Contractor

CASE: 2010-09618

INTRODUCTION:

1. (U//FOUO) In March 2010, reported an allegation of labor mischarging to the Office of Inspector General (OIG), Investigations Staff. According to was allegedly misreporting the number of hours he worked on the contract. At the time of the investigation, was employed by as an Industrial Contractor assigned to the .

Reportedly, regularly departed work without completing a full work day, thereby mischarging the contract for work he did not perform.

2. (U//FOUO) The OIG investigation focused on time and attendance (T&A) activity from through This period of analysis reflected almost the entire duration that worked at the CIA. Previous to , had never worked at the CIA in any capacity. subsequently resigned from While working at the Agency, was assigned to the . Badge machine data records were available for 100 percent of the period under review.
3. (U//FOUO) OIG interviewed ___ who subsequently confessed to knowingly submitting hours he did not work. In a signed sworn statement, ___ expressed an apology for not accurately recording the number of work hours performed. ___ explained that his personal life required a significant amount of time to the detriment of his work life. ___ said he understood the number of unworked hours was significant, and he was willing to make restitution. ___ wrote that these mistakes would never happen again.

4. (U//FOUO) The investigation found that ___ was compensated for 367 hours of regular time he did not perform. The cost to the United States Government (USG) through fee was ___.

5. (U) On 3 June 2010, the United States Attorney's Office (USAO) declined prosecution of ___ on embezzlement and false statement charges in favor of Agency administrative action.

6. (U//FOUO) OIG provided its finding to the ___ to review the information and determine appropriate action, including restitution for the hours that were billed but not worked. Additionally, OIG provided its findings to the C/Clearance Division, Personnel Security Group, Office of Security (OS/CD) to review the information to determine suitability for continued access to classified information.

PROCEDURES AND RESOURCES:

7. (U//FOUO) The investigation included the following:

- A review of security file and Agency employee biographical information.

- A review of badge machine records and Agency computer access records.

- A review of invoices for reported work hours.
FINDINGS:

10. (U//FOUO) Data Analysis. Between _______ and _______ badge records reflected a shortage of 367 hours. In determining this number, OIG reviewed badge records to calculate the number of hours _______ was physically in the _______ or any other CIA facility. This number was then compared to the number of hours _______ claimed as billable hours. The overall difference between these two numbers yielded a shortage of 367 hours. The 367 hours was

reported hours were extracted from invoices that were submitted to for payment.

(1) (b)(3) CIA Act (b)(6) (b)(7)(c)
multiplied by [redacted] billable rate with an additional 10 percent surcharge added as required by [redacted]. Ultimately, the cost to the USG through fee was calculated to be [redacted].

11. (U//FODD) Badge Records. Badge machine data records were available for 100 percent of the period under review. [redacted] badge records indicated that [redacted] routinely departed [redacted] for one to five hours early nearly every day.


(b)(3) CIAAct
(b)(6)
(b)(7)(c)
20. (U//FOUO) said he only worked about six hours per day yet reported eight. said he understood the USG deserved better.

21. (U//FOUO) provided a signed sworn statement expressing an apology for not accurately recording the number of work hours performed. explained that his personal life required a significant amount of time to the detriment of his work life.
understood the number of unworked hours was significant, and he was willing to make restitution. wrote that these mistakes would never happen again.

22. (U//FOUO) Case Referrals and Briefings. On 27 May 2010, OIG provided its findings to the to review the information and determine appropriate action including restitution from for the hours that were billed but not worked. On 16 June 2010, contacted and requested that make full restitution in the amount of for unworked hours. On 17 June 2010, agreed to repay the Agency the full sum for unworked hours.

23. (U//FOUO) On 27 May 2010, OIG also provided its findings to the C/CD to review the information to determine suitability for continued access to classified information.

24. (U) On 3 June 2010, OIG presented its findings to the USAO, Eastern District of Virginia, who declined prosecution of embezzlement and false statement charges in favor of Agency administrative action.

CONCLUSIONS:

25. (U//FOUO) mischarged his labor hours by working less than the hours he reported from through during that period, was compensated for 367 hours, for which he was not present for work. The cost to the USG through fee was.

26. (U//FOUO) On 3 June 2010, the USAO declined prosecution of on embezzlement and false statement charges in favor of Agency administrative action. On 17 June 2010, agreed to repay the Agency for unworked hours. Additionally, OS reviewed conduct and revoked his security clearance.
RECOMMENDATION:

27. (U) It is recommended that this case be closed with no further action.

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Division Chief

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
DISPOSITION MEMORANDUM

SUBJECT: (U) Allegation of Potential Conflict of Interest

CASE: 2010-09664-IG

INTRODUCTION:

1. (S) On 29 April 2010, CIA's Office of Inspector General (OIG) received an allegation from [redacted] that [redacted], may have violated statutory and/or regulatory conflicts of interest while serving as the Acting Chief of Station (ACOS). [redacted] was working part-time [redacted] in that same Station.

2. (S) The specific issues under investigation by OIG were what actions or decisions did [redacted] take with respect to [redacted] while he [redacted] was serving as the ACOS. Specifically, did [redacted] take action to affect the financial interests of [redacted]. According to [redacted] a conflict of interest memorandum was never drafted for this assignment.
PROCEDURES AND RESOURCES:

3. (C) OIG reviewed time and attendance (T&A) records, vouchers, and electronic messages (e-mail), cables, as well as applicable federal statutes and federal and Agency regulations.

4. (C) OIG interviewed and Additionally, the were consulted during the course of this investigation. OIG also contacted the Office of General Counsel (OGC) for consideration and advisement on whether actions taken by toward while he served as ACOS, violated statutory or regulatory conflicts of interest.

RESULTS:

7. (S) Based on OIG's own review of vouchers, three of the approved were RF accountings and one voucher was for a advance. Additionally, OIG reviewed T&A records and verified that did not approve T&A.
Interview. On 20 August 2010, was contacted by OIG.
Interview. On 27 August 2010, OIG contacted
14. (C) OGC Opinion. According to an opinion received by OIG on December 2010 from OGC, there was no apparent statutory conflict of interest as there was no apparent financial gain to OGC. OGC also advised that there would be no apparent regulatory violation if prior to making decisions which involved considering whether a reasonable person would question his impartiality toward

15. (C) Actions taken by . Upon learning of the potential conflict of interest, took immediate action by securing a conflict of interest memorandum. Also, drafted a nepotism memorandum to address any future absences of the COS. was sent home on leave until the recusal memo was signed by estimated that in the middle to late March 2010, within about one day of her office discovering the potential conflict of interest, a Notification of Commitment to Recuse was drafted in both of their names and signed.

CONCLUSIONS:

16. (C) The investigation found no evidence that while serving as ACOS, made decisions that directly affected financial interests. did not approve T&A, nominate her for an EPA or contribute to her PAR. did, however, approve four vouchers for Upon approving the vouchers, did consider whether a reasonable person would question his impartiality, thus, according to OGC guidance, there was no apparent regulatory violation.
RECOMMENDATIONS:

17. (U//FOOU) It is recommended this case be closed in OIG with no further action.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Acting Division Chief
17 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: Telecommunications Information Systems Officer

CASE: 2010-10166-IG

ISSUES UNDER INVESTIGATION:

1. (C) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources.1,2 One of the individuals identified claimed a bachelor's degree from an unaccredited institution, on his Agency BIO.

1 (U//FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U//FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.
2. (C) OIG reviewed the claims made by regarding his degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

INVESTIGATIVE EFFORTS:

3. (U//FOIA) OIG reviewed security file for any degree claims.

4. (U//FOIA) OIG reviewed Official Personnel Folder (OPF) and online Agency BIO.

5. (U//FOIA) OIG interviewed on 9 October 2008, regarding his unaccredited degree.

6. (U//FOIA) OIG obtained and reviewed internal job applications and resumes for positions that he held at the Agency as well as his Performance Appraisal Reports.

7. (U//FOIA) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

8. (C) holds a bachelor of science "degree" in with a minor in from that he received
10. (U) provides bachelor's, master's, and doctoral "degrees" through "life experience."

13. (U) claims accreditation by Both of these are accreditation mills, and neither is approved by the US Department of Education (DoE) was never accredited by the US DoE.  

14. (C) In a 9 October 2008 sworn statement to OIG, stated that after receiving a diploma from during a transfer between assignments, he provided an HR Officer with documents showing completion of his bachelor's degree. He said that the documents were then inserted into his personnel file. He stated that he went into his Agency BIO profile and added his "degree" because he wanted recognition.

(4) According to Title 20 U.S.C. §1099b (Recognition of accrediting agency or association), the Secretary of Education is responsible for recognizing accrediting bodies, which in turn recognize institutions.
15. (E) In a PAR for the rating period of recently completed his bachelor of science degree from through the rating official reported that he recently completed his bachelor of science degree from.

16. (E) On 9 October 2008, told OIG that he believed was a good option to assess his prior course credits, experience, and work experience, especially because he was moving so frequently. He said he believed claimed to be accredited. He acknowledged that he would have had to do more work to obtain a degree from a more traditional university. He added that he "tested" prior to enrollment to assess its legitimacy by submitting false information to review response. was unable to provide any substantiation for this assertion or why he would need to "test" the legitimacy of.

17. (E) stated that after he received his "degree" from his instinct at the time was that not accredited, but he indicated its Web site did not cite whether or not it was accredited. As a result of the interview with OIG, he said he became aware that was not an accredited university and not something that he can present as a legitimate degree.

18. (E) During his interview with OIG, stated that his "degree" from was not a credential he used or ever needed to use. A records review confirmed that submitted his completion evidence to HR and included the degree completion in his PAR.
DISPOSITION:

reported that he had a degree on his PAR, and it was present on his Agency BIO between and the present, where it would have been used in consideration for obtaining positions. Based on the currently available information, no disciplinary action or further investigation is recommended. OIG will notify HR and request degree information be removed from his Agency BIO.

Special Agent

Supervisory Special Agent
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

- Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

  Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

  (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

  (2) makes any materially false, fictitious, or fraudulent statement or representation; or

  (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both...

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

- Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

  (A)

  (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary of Education...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a)... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body. ¹

3. (U) One Office of Personnel Management standard is pertinent to this investigation:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational

¹ (U) Subparagraph 3 was added to the statute in 2002.
institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education, granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]". For more information on the subject of diploma mills, refer to the following websites:
http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

4. (U//FOUO) Three Agency regulations are pertinent to this investigation:

- Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(13) (1) (c) (1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;
(b) Federal statutes and Congressional resolutions;
(c) Executive Orders and other Presidential directives;
(d) Regulations of US Government agencies that apply to the CIA;
(e) Applicable state statutes;
(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2) ... 

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

♦ AR 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ...

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement. ²

² (U//FOUO) AR 18-1 was revised in 2004 to include the requirement for accreditation.
(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HIos, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

♦ AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.
18 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: Project Manager

CASE: 2011-101541G

ISSUES UNDER INVESTIGATION:

1. (U/FOUO) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources.\(^1\)\(^2\) One of the individuals identified, claimed a master’s degree from an unaccredited institution, on his Agency BIO.\(^{b}(6)\)\(^{b}(7)\)\(^{c}\)

2. (U/FOUO) OIG reviewed the claims made by regarding his degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

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\(^1\) (U/FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

\(^2\) (U/FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.
INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG reviewed security file for any degree claims.

4. (U//FOUO) OIG reviewed Official Personnel Folder (OPF) and online Agency BIO.

5. (U//FOUO) OIG interviewed on 9 October 2008, regarding his unaccredited degree.

6. (U//FOUO) OIG obtained and reviewed internal job applications and resumes for positions that he held at the Agency as well as his Performance Appraisal Reports.

7. (U//FOUO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

8. (U//FOUO) holds a bachelor's degree from also holds a master of science (MS) "degree" in that he received in

9. (b)(6) (b)(6) (b)(7)(c) (b)(7)(c)

10. (U) provides bachelor's, master's, and doctoral "degrees" through "life experience."

(b)(6) (b)(6) (b)(7)(c) (b)(7)(c)
13. (U) [ ] claims accreditation by [ (b)(6) 
(b)(7)(c) ]

Both of these are accreditation mills, and neither is approved by the US Department of Education (DoE). (b)(6) was never accredited by the US DoE.¹

14. (U//FOUO) During an interview with OIG on 18 September 2008, [ ] stated that he did not receive tuition reimbursement from the Agency. (b)(6) (b)(7)(c)

added that when he first checked into [ ] he was told by the individual at [ ] whom he contacted that it was fully accredited.

15. (U//FOUO) [ ] told OIG that upon receiving his master's degree from [ ] he went online (b)(3) CIAAct (b)(7)(c) and updated his Agency BIO profile. He stated that he also reported his degree to [ ] via e mail. [ ] also stated that his degree from (b)(6) was listed on his resume.

¹ (U//FOUO) According to Title 20 U.S.C. § 1099b (Recognition of accrediting agency or association), the Secretary of Education is responsible for recognizing accrediting bodies, which in turn recognize institutions.
16. (U//FOUO) On a SPHS dated _______________ listed an MS from _______________, attended _______________, and received on _______________.

17. (U//FOUO) During a routine background investigation, he told an Office of Security (OS) investigator that he had received his master's degree in _______________ from _______________. The investigator conducting the re-investigation found that the MS did not have a physical address, and when the investigator searched for it on the internet, the investigator discovered that the school was linked to diploma mills and reportedly not credible. The OS investigator did not confront him over the degree issues at the time of the re-investigation.

18. (U//FOUO) In 2005. According to him, he received information about _______________ from the BBB prior to enrolling and felt better about his choice to attend _______________. He told OIG that he had consulted the Better Business Bureau (BBB) about _______________. He contends that, at the time, he thought that could not be right. OIG verified the status of _______________ with the BBB and confirmed that the BBB report on _______________ cites the institution as not accredited.

19. (U//FOUO) In _______________ he did additional research on the degree. He said he checked with the BBB again, and _______________ was cited as disreputable. He contended that he did additional research and discovered that _______________.

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accreditation was revoked by the DoE in 2008. explained that the organization that allegedly accredited is now defunct and found to not be legitimate.  

20. (U//FOUO) On his PAR, rating period cited that he received an MS degree in during the reporting period. He wrote that he graduated with honors, but the narrative was worded in an ambiguous manner and never mentioned where he completed his master's degree:

21. (U//FOUO) When interviewed by OIG in 2008, stated that his promotion in was due to his work product, not his degree from. He stated that his supervisors knew about his degree from and he believed that he listed earning a master's degree as one of his objectives in his PAR.

22. (U//FOUO) In his PAR for the rating period of states that he earned two Exceptional Performance Awards (EPAs). It was during this reporting period that claimed to have earned his master's degree in with no school listed. specifically cited completion of his master's degree while managing two busy branches as a "exceptional effort" and gave him the highest rating on his PAR for "Personal and Professional Development."

23. (U//FOUO) specifically acknowledged in his OIG interview that, when he received his degree three weeks after applying, he realized it was a bad purchase and that it was "worthless." cooperated with investigators and agreed to remove the degree from his resume.

5 (U) did not source his statement that he discovered the accreditation was revoked, and it is not accurate. was never accredited by the US Department of Education, and therefore was not subject to having its accreditation status revoked.
DISPOSITION:

24. (U//FOB)  (b)(3) CIA Act
   (b)(6)
   (b)(7)(c)

reported that he had a degree on his PAR, and it was present on his Agency BIO between where it would have been used in consideration for obtaining one position. acknowledged his "degree" was "worthless" and cooperated with OIG. voluntarily removed his "degree" from his Agency BIO following his OIG interview. Based on the currently available information, no disciplinary action or further investigation is recommended.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Special Agent
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent

UNCLASSIFIED//FOB
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

   - Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

     Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

     (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

     (2) makes any materially false, fictitious, or fraudulent statement or representation; or

     (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

   - Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

      (A)

      (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary [of Education]...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

♦ Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

...(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

3. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational

¹ (U) Subparagraph 3 was added to the statute in 2002.
institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education, granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]". For more information on the subject of diploma mills, refer to the following web sites:
http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

4. (U//FOO) Three Agency regulations are pertinent to this investigation:

- Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(13) (1) (c) (1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;

(b) Federal statutes and Congressional resolutions;

(c) Executive Orders and other Presidential directives;

(d) Regulations of US Government agencies that apply to the CIA;

(b)(6)
(b)(7)(c)
(e) Applicable state statutes;

(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2) ...

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

♦ AR 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ...

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the
granting institution is required for a degree to be eligible for payment or reimbursement. 3

(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HIOs, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

* AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

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3 (U//FOUO) AR 18-1 was revised in 2004 to include the requirement for accreditation.
18 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: Adjudicator

CASE: 2011-10152-IG

ISSUES UNDER INVESTIGATION:

1. (U//FOUO) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified claimed bachelor’s and master’s degrees from an unaccredited institution, on his Agency BIO.

2. (U//FOUO) OIG reviewed the claims made by regarding his degrees and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degrees by the Agency.

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1 (U//FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U//FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.
UNCLASSIFIED//FOUO

INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG reviewed (b)(3) CIA Act security file for any degree claims.

4. (U//FOUO) OIG reviewed (b)(6) Official Personnel Folder (OPF) and online Agency BIO.

5. (U//FOUO) OIG interviewed (b)(4) 4 September 2008, regarding his unaccredited degrees.

6. (U//FOUO) OIG obtained and reviewed (b)(6) internal job applications and resumes for positions that he held at the Agency as well as his Performance Appraisal Reports.

7. (U//FOUO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

9. (U//FOUO) received a bachelor of science "degree" in from (b)(6) and a master of science "degree" in from (b)(7)(c). Transcripts noted that he enrolled in his bachelor's program on and that he enrolled in his master's program on graduating on These transcripts list a completion of 12 and 10 courses, respectively, for the bachelor's and master's programs. The transcripts do not provide course completion dates for any courses at (b)(6) (b)(7)(c) (b)(6) (b)(7)(c)

2 UNCLASSIFIED//FOUO
12. (U) **(b)(6)** claimed accreditation by a **(b)(6)**

**(b)(7)(c)** The accreditor is not recognized by the US Department of Education (DoE). **(b)(6)** was never accredited by the US DOE. **(b)(6)**

13. (U/FOUO) According to **(b)(6)** he had taken classes at other schools, but confirmed that his only degrees were from **(b)(6)**. During a 4 September 2008 OIG interview, **(b)(6)** stated that he was unsure of the total cost of his degrees, as both were funded by his then-employer, **(b)(6)** but he believed the cost to be approximately $8,000 to $10,000 **(b)(7)(c)**.

14. (U/FOUO) **(b)(6)** initially presented his master's degree information to the Agency in his applicant Questionnaire for National Security Positions (SF-86 EG) dated **(b)(6)** did not include his bachelor's degree information despite the form's instructions to "list college or university degrees and the dates they were received." He cited the attendance dates as **(b)(6)** which did not correspond accurately to either his master's program **(b)(6)** or his initial **(b)(7)(c)**.

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3 (U/FOUO) According to Title 20 U.S.C. § 1099b (Recognition of accrediting agency or association), the Secretary of Education is responsible for recognizing accrediting bodies, which in turn recognize institutions.
bachelor's program, which began in [redacted] according to his [redacted] transcripts. [redacted] included his degree information in his Agency BIO, where it remains. [redacted] also presented his bachelor's and master's degree information as part of his application for his last position at the [redacted] agency.

15. (U//FOUO) [redacted] stated in his OIG interview that he first learned of the non-accreditation of his degrees from OIG investigators during his interview. [redacted] claimed that he had researched [redacted] accreditation when first reviewing potential on-line schools, and that he believed at that time that [redacted] was accredited. [redacted] stated that he did not find [redacted] program to be substandard in any way and that he worked hard to complete the coursework.

16. (U//FOUO) [redacted] was qualified for his initial position as a [redacted] on the basis of his experience, and a degree was not required for the position.

18. (U//FOUO) [redacted] resume indicates his experience is limited to [redacted] and does not indicate that he possesses the requisite equivalent experience to qualify for the [redacted] position in lieu of an accredited bachelor's degree.
19. (U//FOUO) [Box: Obtained a position] using his non-accredited "degrees." [Box: Degrees] have been present on his Agency BIO between [ ] and the present, where they would have been used in consideration for obtaining one additional position. Additionally, [Box: Name] has continued to present his degrees on his BIO after notification by OIG of their non-accredited status. Based on the currently available information, no disciplinary action or further investigation is recommended. OIG will notify HR and request [Box: Degree Information] be removed from his Agency BIO.
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

- Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

  Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

  (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

  (2) makes any materially false, fictitious, or fraudulent statement or representation; or

  (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both . . .

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

- Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

  (A)

  (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary [of Education]...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

3. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational

¹ (U) Subparagraph 3 was added to the statute in 2002.
institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education, granting degrees with few or no academic requirements [Merriam-Webster’s Collegiate Dictionary (tenth edition)]." For more information on the subject of diploma mills, refer to the following websites:

http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

4. (U//FOUO) Three Agency regulations are pertinent to this investigation:

♦ Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(13) (1) (c) (1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;

(b) Federal statutes and Congressional resolutions;

(c) Executive Orders and other Presidential directives;

(d) Regulations of US Government agencies that apply to the CIA;

(e) Applicable state statutes;

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(e) Applicable state statutes;

(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2) ...

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

AR 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ...

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the
(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HI0s, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

◊ AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.
18 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: Logistics Officer

CASE: 2011-10158-1G

ISSUES UNDER INVESTIGATION:

1. (U//FOUO) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified, claimed a bachelor's degree from an unaccredited institution, on her Agency BIO.

2. (U//FOUO) OIG reviewed the claims made by regarding her degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

1 (U//FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U//FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.

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INVESTIGATIVE EFFORTS:

3. (U//FOfO) OIG reviewed security file for any degree claims.

4. (U//FOfO) OIG reviewed Official Personnel Folder (OPF) and online Agency BIO.

5. (U//FOfO) OIG interviewed on 4 September 2008, regarding her unaccredited degree.

6. (U//FOfO) OIG obtained and reviewed internal job applications and resumes for positions that he held at the Agency as well as her Performance Appraisal Reports.

7. (U//FOfO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

9. (U//FOfO) Agency BIO listed that she received her bachelor's degree in . According to , this is not correct. stated that she started her coursework with in and received her degree in . Agency BIO indicates that she was selected for positions within the Agency since adding her "degree" to her record.
12. (U) (b)(6) claims accreditation by a (b)(7)(c)

The accreditor is not recognized by the US Department of Education (DoE). University was never accredited by the US DoE.

13. (U/FOUO) initially noted that, when she applied for employment at CIA in she needed to complete two classes before she received her bachelors degree from. However, notes on her resume contained in her Official Personnel Folder (OPF) indicate that she was interviewed for an entry-level position based on her experience. In her applicant Questionnaire for National Security Positions (SF-86 EG) dated she listed under education with under the column that asked for "Date attended, From – To." Prior to entrance on duty, provided a transcript dated which is in OPF. There are seven courses listed and under degree granted it lists "N/A." According to information in security file, on informed a security background investigator that she received her bachelors degree from and that she attended from. This contrasts with information provided by in a interview with a background investigator. At that time, reported that she received her bachelors degree in.
14. (U//FOUO) During the OIG interview, stated that she did not believe that the US Government paid for her "degree" and that she was not reimbursed for her degree by any other organization. Information in OPF indicates that stated she received tuition assistance from the to pay for her tuition. Subsequent to interview with OIG, she provided documentation that she paid $1,740 for her bachelor's degree and she paid it in a lump sum with a personal credit card.

15. (U//FOUO) stated that she believed her "degree" was legitimate. During the interview with OIG, contended that she believed that was a legitimate educational institution. Following the interview, provided OIG with a volume of documentation, including transcripts and admission letters. stated that she first learned that the "degree" was from a non-accredited university when OIG investigators advised her of the fact during her interview.
16. (U//FOUO) [REDACTED] "degree" from [REDACTED] was present on her Agency BIO for her selection to [REDACTED] different positions within the CIA. [REDACTED] paid a total of [REDACTED] for her bachelor's degree.

OIG Deputy Counsel determined there was no criminal or regulatory violation on the part of [REDACTED]. Based on the currently available information, no disciplinary action or further investigation is recommended. OIG will notify HR and request [REDACTED] degree information be removed from her Agency BIO.

Special Agent

Supervisory Special Agent
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

- Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

  Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:

  (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

  (2) makes any materially false, fictitious, or fraudulent statement or representation; or

  (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

- Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

  (A)

  (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and
(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by:

(i) the Secretary [of Education]...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

• Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training—

(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

3. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational

¹ (U) Subparagraph 3 was added to the statute in 2002.
institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education, granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]". For more information on the subject of diploma mills, refer to the following websites:
http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

4. (U//FOUO) Three Agency regulations are pertinent to this investigation:

- Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(13) (1) (c) (1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;

(b) Federal statutes and Congressional resolutions;

(c) Executive Orders and other Presidential directives;

(d) Regulations of US Government agencies that apply to the CIA;

(e) Applicable state statutes;
(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2) ... 

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty ... 

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

AR 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ... 

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement.  

AR 18-1 was revised in 2004 to include the requirement for accreditation.
(2) In exercising this authority each DD, C/MSO, or HIO or
designee shall:

Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of
providing an employee an opportunity to obtain an academic
degree or qualify for appointment to a particular position for
which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online
degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full
academic degrees, and in all such cases, accreditation of the
granting institution is required for that degree to be eligible for
payment or reimbursement. However, Operating Officials,
HIOs, and the Deputy Director of the National Reconnaissance
Office (DD/NRO) may fund individual training courses
provided by colleges, universities, and private vendors,
including non-accredited institutions. Care must be taken to
ensure that, through careful supervisory approval and vigilant
HR office oversight, any such training must be clearly job
related, and that the provider actually delivers the quality and
quantity of training purchased.

♦ AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007,
provides in pertinent part:

All Agency employees, independent contractors of the Agency,
and employees of a contractor of the Agency are required to
cooperate fully with OIG and provide accurate, candid, complete,
and forthcoming responses to all questions posed by OIG
personnel during the conduct of IG audits or inspections or
investigations to the extent required by law.
16 August 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Unaccredited Degree: Global Response Staff Officer

CASE: 2011-101621G

ISSUES UNDER INVESTIGATION:

1. (U)/FOUO) Based on a 2008 United States Secret Service investigation that identified an Agency contractor as possessing a degree from a known diploma mill, the Office of Inspector General (OIG) initiated a proactive investigation on 5 August 2008 into Agency staff claiming degrees from non-accredited institutions. OIG matched a list of unaccredited institutions against Agency BIO information to identify any individuals who had provided degree evidence to Human Resources. One of the individuals identified, presented a bachelor of science "degree" from a non-accredited institution. Xe) (b)(6) (b)(7)(c) is an unaccredited institution.

2. (U)/FOUO) OIG reviewed the claims made by regarding his degree and the associated education to determine if there were false statements or improper use of an unaccredited degree, and if there was an improper reimbursement for the degree by the Agency.

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1 (U)/FOUO) The term unaccredited refers to the recognition and acceptability of a degree for use in federal employment as recognized by the Office of Personnel Management. Unaccredited degrees cannot be used to meet the qualifications for federal positions that require a degree. The complete definitions of accreditation are included in the Appendix.

2 (U)/FOUO) The Agency biographical profile (Agency BIO) is the mechanism for tracking information on individuals who officially declare their education to the Agency by providing proof of attendance. The Agency BIO is made available to hiring managers and used directly in staffing decisions. Only staff employees and former employees were covered by this review because there is no central database on contractor educational records.
INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG reviewed security file for any degree claims.

4. (U//FOUO) OIG reviewed Official Personnel Folder (OPF) and online Agency BIO.

5. (U//FOUO) OIG interviewed on 5 September 2008, regarding his unaccredited degree.

6. (U//FOUO) OIG obtained and reviewed internal job applications and resumes for positions that he held at the Agency as well as his Performance Appraisal Reports.

7. (U//FOUO) OIG reviewed Agency regulations and relevant laws related to the allegations.

RESULTS:

9. (U//FOUO) holds a bachelor of science "degree" in courses at other schools, but confirmed that his only "degree" was from . In a 5 September 2008 interview with OIG, stated that he started at and finished in . estimated the total cost of his degree as between $2,500 and $2,900.
13. (U) [Redacted] claimed accreditation by [Redacted] was never accredited by the US Department of Education.\(^3\)

14. (U//FOUO) [Redacted] initially presented his bachelor's degree information to this Agency in his applicant Questionnaire for National Security Positions (SF-86) dated [Redacted] included his degree information in his Agency BIO, where it remains.

15. (U//FOUO) In an interview with OIG, [Redacted] stated that he was advised by the background investigator who conducted his initial applicant background investigation that [Redacted] was a diploma mill. This information was based on the investigator's travel to [Redacted] as well as subsequent internet research. [Redacted]

\(^3\) (U//FOUO) According to Title 20 U.S.C. § 1099b (Recognition of accrediting agency or association), the Secretary of Education is responsible for recognizing accrediting bodies, which in turn recognize institutions.
acknowledged that he considered the whole experience embarrassing and was not aware that was a fraudulent institution.

17. (U//FOUO) non-accredited degree does not meet that requirement; however, his resume indicates that he does possess the requisite equivalent experience, to qualify for the position in lieu of an accredited bachelor's degree. It is unclear to what extent, if any, that listing the bachelor's degree may have influenced the Agency's decision to hire him at the pay grade of. No record was present in his personnel file indicating he received a higher grade or step due to his degree.

18. (U//FOUO) During his OIG interview, acknowledged that his degree consisted of transfer and life experience credit granted by and that he had not taken the courses listed on his transcripts through. stated that his experience more than qualified him for his duties, and that he had obtained his degree through because he believed he needed a degree but wished to minimize the cost and time expenditure.

DISPOSITION:

19. (U//FOUO) While is an archetypical diploma mill, requiring neither coursework nor testing, there is no evidence that profited from the degree. provided information on his

4 (U) The Human Resources/Recruitment and Retention Center (RRC) provided information that confirmed individuals who had degrees when applying for jobs that did not require them were given step and, in some cases, grade increases. According to RRC, degrees were only one of the factors considered in grade/step determination and this would only be documented in the hiring notes if they still existed.
degree to be included in his Agency BIO after being informed by background investigators that it was a diploma mill. OIG Deputy Counsel determined there was no criminal or regulatory violation on the part of

Based on the currently available information, no disciplinary action or further investigation is recommended. OIG will notify HR and request

(b)(6) degree information be removed from his Agency BIO. (b)(7)(c)

Special Agent

Supervisory Special Agent
Appendix: Relevant Laws and Regulations

1. (U) One provision of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, is pertinent to this investigation:

   ♦ Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides in pertinent part:

     Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:

     (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

     (2) makes any materially false, fictitious, or fraudulent statement or representation; or

     (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both...

2. (U) In civil law, three provisions of Titles 5 and 20 are pertinent to this investigation:

   ♦ Title 20 U.S.C. § 1003 (Additional definitions) defines a diploma mill as an institution that:

     (A)

     (i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such as degree, diploma, or certificate has completed a program of postsecondary education or training; and

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(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education by-

(i) the Secretary [of Education]...; or
(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

Title 5 U.S.C. § 4107 (Academic Degree Training) provides in pertinent part:

(a) ... an agency may select and assign an employee to academic degree training and may pay or reimburse costs of academic degree training from appropriated or other available funds if such training –

(3) Is accredited and is provided by a college or university that is accredited by a nationally recognized body.¹

3. (U) One Office of Personnel Management standard is pertinent to this investigation:

Office of Personnel Management, Operating Manual, Qualification Standards for General Schedule Positions, General Policies and Instructions (E.4), provides in pertinent part:

Acceptability of Higher Education for Meeting Minimum Qualification Requirements

(d) Non-Qualifying Education—Non-qualifying education is education that is not accredited or determined to be equivalent to conventional, accredited educational programs as described in paragraphs (a), (b), or (c) above. This category includes educational institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education,

¹ (U) Subparagraph 3 was added to the statute in 2002.
institutions or sources commonly known as "diploma mills" which are defined as "unregulated institutions of higher education, granting degrees with few or no academic requirements [Merriam-Webster's Collegiate Dictionary (tenth edition)]". For more information on the subject of diploma mills, refer to the following websites:
http://www.ed.gov/students/prep/college/consumerinfo/considerations.html or http://www.chea.org. Agencies must not consider or accept such education, degrees, or credentials for any aspect of Federal employment, including basic eligibility and the rating/ranking process [Emphasis added].

4. (U//FOUO) Three Agency regulations are pertinent to this investigation:

   ♦ Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

   Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

   (13) (1) (c) (1) Employees shall comply with legal requirements established by:

   (a) The United States Constitution;

   (b) Federal statutes and Congressional resolutions;

   (c) Executive Orders and other Presidential directives;

   (d) Regulations of US Government agencies that apply to the CIA;

   (e) Applicable state statutes;
(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2)...

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty...

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

* AR 18-1, CIA University - General, dated 21 April 2004, provides in pertinent part:

(1)(d) ACADEMIC TRAINING

(1) Each Deputy Director, Chief, Mission Support Office, or Head of Independent Office (DD, C/MSO, or HIO) or designee may select and assign employees to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training meets the following three criteria: ... 

(c) Is accredited and is provided by a college or university that is accredited by a nationally recognized accrediting body, as identified by the Department of Education. Accreditation of the granting institution is required for a degree to be eligible for payment or reimbursement. 3

(2) In exercising this authority each DD, C/MSO, or HIO or designee shall:

3 (U//FOUO) AR 18-1 was revised in 2004 to include the requirement for accreditation.
Take into consideration the need to:

(b) Ensure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or qualify for appointment to a particular position for which the academic degree is a basic requirement.

(c) To the greatest extent practicable, facilitate the use of online degree training.

(3) The guidance in sections d(1) and d(2) above pertain to full academic degrees, and in all such cases, accreditation of the granting institution is required for that degree to be eligible for payment or reimbursement. However, Operating Officials, HIOs, and the Deputy Director of the National Reconnaissance Office (DD/NRO) may fund individual training courses provided by colleges, universities, and private vendors, including non-accredited institutions. Care must be taken to ensure that, through careful supervisory approval and vigilant HR office oversight, any such training must be clearly job related, and that the provider actually delivers the quality and quantity of training purchased.

AR 1-3a(5)(a), Office of Inspector General, dated 26 March 2007, provides in pertinent part:

All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.
CIA INSPECTOR GENERAL REPORTS

February 14, 2018 Release

BuzzFeed News
Unfortunately I can’t help too much. None of the medics who were here in early November are still at station. Their medical search of Rahman would have been done at the time of our taking custody of him. A rendition medical exam has a twofold purpose, to conduct a cavity search for possible weapons and to ensure the subject is fit enough to survive the rendition to the destination point. To my knowledge station has no Rahman photos or medical records - and no medical document is kept from such rendition medical checks. We do not have or keep medical documentation of any detainees normally, and Rahman was no exception. Additionally, the digital photos which were taken of Rahman have long ago been written over. Sorry not much help this time.

From the Desk of
Chief, Counterintelligence Evaluation Branch

We are winding down the inquiry and writing the final report. As I mentioned earlier, we will have a number of questions in the next few weeks.
weeks and we will need your assistance. I hope you can help me with the following:

- Rahman was transferred from _______ on _______ November 2002.
- According to _______ Nov 2002, he underwent a physical examination upon his arrival in _______.
- According to our interview with you on _______ Dec 2002, you stated that during renditions, prisoners are stripped searched and photographed to document their condition (protects us in the event they were beaten _______ prior to their rendition).

Questions

1. Which doc examined Rahman upon his arrival _______?
2. What were the results of that examination?
3. Where are the photographs of Rahman taken during rendition? If you have them, please forward them via e-mail.

Thanks for your help

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct

CC:

Sent on _______ January 2003 at 11:04:44 AM

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct

CC:

Sent on _______ January 2003 at 06:08:55 AM

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct
MEMORANDUM FOR THE RECORD

FROM:

CHIEF, COUNTERINTELLIGENCE EVALUATION BRANCH
COUNTERINTELLIGENCE CENTER

SUBJECT: RAHMAN DEATH INVESTIGATION - INTERVIEW OF JOHN B. JESSEN

ON JANUARY 2003, I INTERVIEWED JOHN BRUCE JESSEN REGARDING THE DEATH OF GUL RAHMAN. JESSEN IS A CLINICAL PSYCHOLOGIST EMPLOYED BY CIA AS AN INDEPENDENT CONTRACTOR. JESSEN WAS DIRECTLY INVOLVED IN THE INTERROGATION OF GUL RAHMAN.

JESSEN HAS A PHD IN CLINICAL PSYCHOLOGY AND SPENT 20 YEARS ON ACTIVE DUTY WITH THE US AIR FORCE. WHILE ON ACTIVE DUTY WITH USAF, JESSEN WORKED AS A PSYCHOLOGIST WITH THE JOINT PERSONNEL RECOVERY AGENCY. AFTER LEAVING ACTIVE DUTY WITH USAF, JESSEN WENT TO WORK DOD AS A CIVILIAN PSYCHOLOGIST. WHILE EMPLOYED BY DOD, HE SERVED AS THE SENIOR PSYCHOLOGIST FOR THE SURVIVAL, EVASION, RESISTANCE, AND ESCAPE (SERE) PROGRAM. ONE OF THE THINGS JESSEN WAS INVOLVED WITH IN THIS PROGRAM WAS THE INTERROGATION OF PRISONERS. DURING THIS PERIOD, JESSEN HAD CONTACT WITH CIA THROUGH DOD ON CAPTIVITY RELATED ISSUES. JESSEN STATED THAT HE WORKED FOR DOD FOR EIGHT YEARS. HE WAS SUBSEQUENTLY CONTACTED BY JOSE RODRIGUEZ, C/CTC AND ASKED TO COME TO WORK FOR CIA ON A SPECIAL PROJECT. JESSEN BEGAN WORK FOR CIA ON 20 JUL 2002.

JESSEN STATED THAT HIS DUTIES AT CIA HAVE INVOLVED THE INTERROGATION
Jessen stated that his first trip was in November 2002.

Jessen stated that he was at ______ until he received a message asking him to proceed to ______ to look at a few prisoners. Gul Rahman was one of these prisoners.

Jessen stated that he was asked to look at the prisoners to determine if they should be considered for enhanced interrogation techniques. Jessen stated that ______ turned out to be pretty cooperative.

Jessen stated that he departed ______ on ______ October 2002 and went through ______ circa Nov 2002. Jessen could not recall if ______ was there when he initially arrived, but he thinks he Rahman arrived shortly thereafter. Jessen recalled that he was getting oriented to ______ when Rahman arrived. Jessen stated that he was not part of Rahman's rendition. He stayed ______ approximately 2 1/2 weeks.

Jessen could not recall the date he first had contact with Rahman, but he did remember that people in the station were very optimistic that they had someone who was going to have some good information. ______ spoke to Jessen about Rahman at some point.

Jessen stated that ______ asked him about interrogating the guy. Upon reflection, Jessen stated that he may have been there for Rahman's first interrogation, but that ______ actually did the interrogation. ______ and Jessen consulted about the interrogation beforehand. Jessen stated that they collaborated on some of the approaches he might want to take with Rahman. Jessen stated that he may have been there from the start of Rahman's interrogations, but he didn't begin interrogating until later because he was working with the other prisoners. Jessen stated that he listened in on one of the early interrogations conducted by ______. After thinking about it, he stated that it may have been the first interrogation. Jessen stated that he sat behind ______ during the first interrogation while ______ conducted it.

When describing Rahman's physical appearance during the first interrogation, Jessen initially stated that he was wearing pajamas or sweatpants. After some reflection he stated, "He may have just had a shirt on." Jessen stated that Rahman had clothes on and off as part of what they were doing to him. Jessen stated that he could not remember specifically what he was wearing. Sometimes he would have a blanket.

In terms of his physical appearance, he did look robust. He did look tired, his posture was pretty good, pretty composed.
JESSEN REVIEWED THE CABLE RECOUNTING THE FIRST TWO INTERROGATIONS.

JESSEN STATED THAT THE CABLE IS PRETTY MUCH WHAT HE RECALLS. JESSEN SAID HE GAVE MANY OF THE BULLETS THAT WERE USED IN THE CABLE. JESSEN STATED THAT WAS A CAPABLE GUY, BUT HE REALLY HADN'T DONE THIS KIND OF THING BEFORE. JESSEN STATED THAT HE PROVIDED WITH DESCRIPTIONS OF WAS ALREADY NOTICING.

JESSEN STATED THAT HE HAD GENERAL DISCUSSIONS WITH OVER A PERIOD OF TIME. JESSEN STATED THAT RAHMAN WAS OBVIOUSLY A VERY TOUGH CHARACTER. IT APPEARED TO US THAT HE WAS SMARTER THAN HE WAS LETTING ON. THE INTERPRETER SAID HIS LANGUAGE WAS GOOD SUGGESTING A LEVEL OF SOPHISTICATION THAT WAS A LITTLE HIGHER THAN HE WAS PORTRAYING. JESSEN STATED THAT RAHMAN COULD HAVE BEEN SIMPLY AN INNATELY BRIGHT PERSON.

Fortunately, the interrogation was going nowhere. Rahman was not even admitting to his name despite a preponderance of information. JESSEN NEVER SAW USE AGGRESSIVE OR HOSTILE INTERROGATION ON HIM. IT WAS ALL BUSINESSLIKE, BUT IT DIDN'T GO ANYWHERE. JESSEN STATED THAT ONE TIME HE INTERROGATED RAHMAN BY HIMSELF AND SLAPPED HIM. JESSEN DESCRIBED IT AS AN INSULT SLAP. JESSEN STATED THAT HE FELT HE LOST MORE GROUND THAN HE GAINED. JESSEN COMMENTED THAT SOME PEOPLE CAN BE INTIMIDATED, BUT WITH OTHERS IT SIMPLY BOLSTERS THEIR RESISTANCE. JESSEN AND MADE THE DECISION AT THAT TIME NOT TO USE THAT TYPE OF TECHNIQUE RAHMAN. JESSEN AND TALKED ABOUT THE FACT THAT RAHMAN WOULD NEED PHYSICAL AND PSYCHOLOGICAL DEPRIVATION TO WEAR HIM DOWN SO HE WOULD HOPFULLY BE MORE COOPERATIVE. JESSEN MADE SOME SPECIFIC RECOMMENDATIONS TO NOT AFTER THE FIRST INTERROGATION, AND PUT A RECOMMENDED PLAN IN A CABLE. JESSEN RECALLED STATING SOMETHING TO THE EFFECT OF, "IT WASN'T GOING TO HAPPEN FAST, HE IS PHYSICALLY STRONG, HITTING HIM ISN'T GOING TO DO ANY GOOD. YOU HAVE TO WEAR HIM DOWN PHYSICALLY AND PSYCHOLOGICALLY. HAMMER HIM CONSISTENTLY WITH THE FACTS. IT WOULD ONE TO SEVERAL MONTHS TO GET HIM TO A LEVEL OF COOPERATION."

JESSEN STATED THAT HE THOUGHT THAT THE SLEEP DEPRIVATION STARTED RIGHT FROM THE BEGINNING.

JESSEN STATED THAT DID A GREAT JOB SETTING UP DID NOT HAVE A VETTED PROTOCOL LIKE JESSEN SPOKE ABOUT THAT WITH AND A FEW PEOPLE IN HIS "FOOD CHAIN." JESSEN SPOKE ABOUT ESTABLISHING PROTOCOLS TO PROTECT THE PRISONERS, AND ENSURE THAT WAS WENT ACCORDING TO HOYLE. JESSEN USED THE EXAMPLE OF HARD TAKEDOWNS THAT THEY USE TO SCARE A GUY. JESSEN STATED THAT IT WAS A GOOD TECHNIQUE, BUT THESE KINDS OF THINGS NEED TO BE WRITTEN DOWN AND CODIFIED WITH A STAMP OF APPROVAL OR YOU'RE GOING TO BE LIABLE. ALSO, IF YOU DON'T HAVE PARAMETERS OF WHAT YOU CAN AND CANNOT DO, YOU WILL TEND TO DRIFT. JESSEN ALSO STATED THAT WE HAVE INDIGENOUS GUARDS WHO ARE DOING A GOOD JOB.
JESSEN STATED THAT

HAD A GOOD COURSE OF ACTION, BUT NOT IN

TERMS OF WRITTEN GUIDELINES. JESSEN STATED THAT HE HAD PLANNED TO DO THAT

FOR BUT GOT PULLED OUT BEFORE HE COULD BEGIN. JESSEN STATED THAT

WAS GOING TO PRODUCE SOME WRITTEN PROTOCOLS. JESSEN STATED THAT HE

RECOMMENDED THAT THOSE OFFICERS WHO WERE IN TRAINING AT

HEADQUARTERS IN INTERROGATION, SHOULD GO TO FOR OJT.

WHEN QUESTIONED ABOUT THE TIMING OF RAHMAN'S LOSS OF CLOTHING,

JESSEN STATED THAT RAHMAN HAD CLOTHING AND DIDN'T HAVE CLOTHING

PERPETUALLY WHILE HE WAS THERE. RAHMAN HAD HIS CLOTHING WHEN HE

ARRIVED, BUT IT WAS LONG THEREAFTER THAT HE DIDN'T HAVE THEM. HE WENT

BACK AND FORTH. USED HIS CLOTHING A FEW TIMES TO TRY TO MANIPULATE

MOTIVATE RAHMAN. JESSEN STATED THAT HE JUST COULD NOT RECALL

SPECIFICALLY WHEN HE DID OR DID NOT HAVE HIS CLOTHING. JESSEN RECALLED THAT

HE DIDN'T HAVE CLOTHING MORE THAN HE DID HAVE CLOTHING. USUALLY WHEN HE

DIDN'T HAVE CLOTHING, HE HAD A BLANKET. JESSEN STATED THAT ONCE THE

GUARDS HAD GIVEN RAHMAN A COLD SHOWER AS A DEPRIVATION TECHNIQUE.

JESSEN ADDED THAT "IT WAS PRETTY DARN COLD THERE." RAHMAN WAS SHAKING

A SHOWING THE EARLY STAGES OF HYPOTHERMIA. JESSEN ORDERED THE GUARDS TO

GIVE HIM A BLANKET. JESSEN BELIEVES THAT RAHMAN MAY HAVE BEEN NAKED

WHEN HE CAME FROM RENDITION WHICH IS NOT THAT UNCOMMON. JESSEN RECALLS

THAT RAHMAN WAS WITHOUT CLOTHES VERY EARLY ON IN HIS INCARCERATION.

JESSEN STATED THAT THERE WAS A LOT OF FOCUS ON THIS GUY. HE BECAME

THEIR NUMBER ONE PRIORITY.

JESSEN STATED THAT THE GUARDS WERE VERY FIRM AND DIRECT WITH ALL

PRISONERS. RAHMAN ONCE THREATENED TO KILL THE GUARDS. THE GUARDS

LAUGHED AT HIS THREATS

WHEN JESSEN

ASKED THEM TO PUT A BLANKET ON HIM AFTER HIS COLD SHOWER, THEY DID.

JESSEN STATED THAT AFTER HE LEARNED THAT RAHMAN HAD

STIMULATED THE GUARDS, HE DID PAY ATTENTION TO HOW THEY TREATED HIM,

JESSEN STATED THAT WHEN THE GUARDS GOT THE BOP TRAINING, THEY

SEEMED PRETTY SWITCHED ON. WHEN GAVE THEM INSTRUCTIONS THEY

ALWAYS CARRIED THEM OUT.

UPON QUERY, JESSEN DESCRIBED A "HARD TAKEDOWN." JESSEN STATED

THAT IF A DETAINEE IS STRONG AND RESILIENT, YOU HAVE TO ESTABLISH CONTROL IN
SOMETHING OR YOU'RE NOT GOING TO GET ANYWHERE. IF BOUND BY THE GENEVA
CONVENTION, THIS PERSON WOULD NOT BREAK. YOU HAVE TO TRY DIFFERENT
TECHNIQUES TO GET HIM TO OPEN UP. ONE OF THE TECHNIQUES IS ROUGH,
THREATENING TREATMENT. TREATMENT SHOULD NEVER BE TO THE POINT THAT YOU
HURT SOMEONE PHYSICALLY WHERE YOU INTERFERE WITH YOUR ABILITY TO GET
INFORMATION, BUT YOU WANT TO INSTALL FEAR AND DESPAIR.

JESSEN STATED THAT SOMEONE LIKE RAHMAN IS JUST "TOO DAMN TOUGH."
IF YOU WANT TO SEE IF IT'S GOING TO WORK YOU'RE GOING TO HAVE TO USE A
CONSIDERABLE AMOUNT CONTROLLED THREAT, THE INDUCEMENT OF PSYCHOLOGICAL
THREAT, NOT JUST PHYSICAL PAIN. THIS IS DONE BY SCREAMING AND YELLING,
MAKING THREATS, SLAPPING, WALLING, AND HARD TAKEDOWNS.

JESSEN STATED THAT HE WATCHED A HARD TAKEDOWN ON GUL RAHMAN.
IT WAS FORCEFUL, BUT THEY KNEW WHAT THEY WERE DOING. IT WAS DONE BY CIA'S
RENDITIONS TEAM. HE WAS IN HIS CELL, HE WAS INITIALLY CHAINED OVERHEAD FOR
SEVERAL DAYS. AS AN ASIDE, JESSEN STATED THAT HE WAS A VERY TOUGH GUY.
JESSEN STATED THAT HE WENT IN TO SEE HIM AFTER A CONSIDERABLE PERIOD OF
TIME AND HE HAD NOT HAD MUCH TO DRINK. WHEN ASKED IF HE WAS OKAY HE
REPLIED, "FINE." WHEN RAHMAN WAS ASKED IF HE NEEDED ANYTHING, HE SAID,
NO. I'M FINE." THE RENDITIONS TEAM REHEarsed THE ROLES BEFORE
EXECUTING THE TAKEDOWN. THE ALL HAD A ROLE AND KNEW WHAT THEY WERE
GOING TO DO. JESSEN STATED THAT HE WAS WATCHING. HAD ASKED FOR
SUGGESTIONS. JESSEN STATED THAT HE DOESN'T USE THIS AT ANY OF HIS FACILITIES.
JESSEN STATED THAT THEY ENTERED RAHMAN'S CELL SCREAMING AND YELLING FOR
HIM TO "GET DOWN." THEY DRAGGED HIM OUTSIDE AND CUT HIS CLOTHES OFF OF
HIM. THEY SECURED HIM WITH MYLAR TAPE AND PUT A HOOD OVER HIS HEAD.
THEY RAN HIM UP AND DOWN THE LONG CORRIDOR ADJACENT TO HIS CELL. THEY
SLAPPED HIM AND PUNCHEd HIM SEVERAL TIMES. ALTHOUGH IT WAS OBVIOUS
THAT THEY WERE NOT TRYING TO HURT HIM AS HARD AS THEY COULD, IT WAS
SOMETIMES PRETTY FORCEFUL. A COUPLE OF TIMES A HE STUMBELED AND WAS
DRAUGHTED ALONG THE GROUND. HE HAD ABRASIONS ON HIS HEAD AND LEG. HE
LOOKED LIKE HE HAD RECEIVED A "HARD TAKEDOWN" WHEN IT WAS OVER. HE
HAD CRUSTY CONTUSIONS ON HIS FACE, LEG, AND HANDS. NOTHING THAT REQUIRED
TREATMENT. HE WAS PLACED BACK IN HIS CELL. MAY HAVE SAID
SOMETHING TO HIM.

THIS HAPPENED EARLY, AFTER ONLY 2-3
INTERROGATIONS.

JESSEN STATED THAT THE USE OF SLEEP DEPRIVATION WITH RAHMAN
STARTED
VERY EARLY. THE SLEEP DEPRIVATION WAS CONSISTENT FOR THE FIRST FEW DAYS. HE
WAS CHAINED TO THE OVERHEAD BAR IN HIS CELL. HE WAS WITHOUT HIS CLOTHS
MORE THAN HE WAS WITH THEM. WE GAVE HIM SOME CLOTHS AFTER HE
ADMITTED HE WAS RAHMAN. PEOPLE CAN GO HUNDREDS OF HOURS WITH SLEEP
DEPRIVATION AND NOT HAVE ILL EFFECTS. IT WEAKENS YOUR ABILITY TO RESIST AND
MUSTER THAT ENERGY TO FIGHT BACK AGAINST WHAT IS GOING ON. IT'S A GREAT
TECHNIQUE TO USE AND DOESN'T HURT ANYONE. FEAR OF THE UNKNOWN, SLEEP
DEPRIVATION, WITH A FRIENDLY APPROACH MIXED IN ARE THE BEST TECHNIQUES.
YOU CAN USE THIS ALMOST INDEFINITELY AND NOT HURT ANYONE. STANDING WITH

YOUR HANDS CUFFED OVER A BAR, YOU CAN'T DO THAT FOREVER. THEY DIDN'T
LEAVE RAHMAN CHAINED TO THE OVERHEAD BAR TOO LONG, THEY WOULD LET HIM
DOWN. SOME DAYS INTERROGATED RAHMAN TWICE A DAY, SOME DAYS
ONCE, AND SOME DAYS NOT AT ALL. HAD A LOT OR WORK ON HIS PLATE. HE
WAS RUNNING
HE WAS COMpletely SNowED UNDER WITH WORK. WOULD DO WHAT HE
COULD. THAT'S WHY WE RECOMMENDED THAT
SO WE COULD HAVE MULTIPLE PEOPLE WORK ON SOME OF
THE PRISONERS ALL THE TIME.

JESSEN STATED THAT RAHMAN WOULD HAVE LOST HIS CLOTHES AND DIAPER
AT OUR DIRECTION. THE GUARDS WERE NOT DOING THINGS ON THEIR OWN. THEY
WERE VERY ATTENTIVE TO WHAT TOLD THEM TO DO.

JESSEN DESCRIBED AS VERY BRIGHT AND MOTIVATED. HE HAS GOOD
INTUITION AND HIS INTERROGATION SKILLS ARE GETTING BETTER. HE SET UP
GOOD WAY. HE WAS DOING A GOOD JOB WITH THE GUARD FORCE AND WAS
VERY LEVEL HEADED, HE DID NOT DO THINGS IN A REACTIVE WAY-HE IS VERY
MEASURED. JESSEN SAID HE WAS THE GUY WITH ALL THE TRICKS BUT HE COULD TELL
THAT WAS RUNNING ALL OF HIS SUGGESTIONS THROUGH HIS "BULLSHIT FILTER"
FOR
AN MVT FACILITY. THE ATMOSPHERE WAS VERY GOOD. NASTY, BUT SAFE. FOR
SOMEONE WHO HAD NEVER BEEN INVOLVED IN ANYTHING LIKE THIS BEFORE, JESSEN
SAID HE DID NOT SEE ANY HICUPPS IN SECURITY OR PRISONER SAFETY. JESSEN THOUGHT THEY CHECKED PEOPLE MORE THOROUGHLY AT THE PRISON THAN
THEY DID TO GET ON THE STATION COMPOUND. THE GUARD
COMMANDER, SEEMED TO BE AN INTELLIGENT AND MOTIVATED PERSON. HE
SEEMED TO WORK WELL WITH JESSEN SAYS HE TOLD THAT HE DID
GOOD JOB PUTTING THINGS TOGETHER.

JESSEN SAID THERE WERE SOME WEAKNESS AT THE FACILITY. JESSEN
BELIEVED THAT YOU NEEDED SOME DISINTERESTED PARTY IN THERE WHOSE JOB IT
WAS TO WATCH THE PEOPLE DOING THEIR WORK. YOU NEED TO ESTABLISH
OPERATIONAL PROCEDURES FOR EVERYTHING. YOU HAVE TO DEVELOP WRITTEN
PROCEDURES FOR HOW OFTEN THEY GET WATER, THE TEMPERATURE OF THE FACILITY,
HOW LOUD THE NOISE WILL BE. THE GUARD FORCE HAS TO HAVE WRITTEN
PROCEDURES ON HOW TO HANDLE AND MOVE PEOPLE. YOU GOT TO HAVE
CAMERAS TO MONITOR PEOPLE (YOU CAN MONITOR PEOPLE IN THE DARK.) YOU
HAVE TO HAVE VIDEO COVERAGE IN THE INTERROGATION ROOMS. YOU HAVE TO
ABLE TO EXPLAIN EVERY PHYSICAL PRESSURE YOU USE IN GENERAL TERMS, AND
WHEN IT CAN BE USED, YOU HAVE TO TRAIN PEOPLE TO USE THEM, THEN HAVE
OVERSIGHT OVER THE PEOPLE WHO USE THEM. YOU HAVE TO DO ANNUAL STATUS
CHECKS OF THE PRACTICES TO ENSURE THEY ARE IN LINE WITH THE WRITTEN
PROCEDURES AND THAT THERE HAS BEEN NO RIFT. THERE HAS TO BE A MEDICAL
PERSON ON STAFF AND ON CALL. HE SHOULD MAKE ROUTINE VISITS TO THE PRISON.
YOU NEED TO PROTECT YOUR PEOPLE AND HAVE ADEQUATE STAFFING.
RAHMAN ADMISSION OF HIS IDENTITY WAS A COMPROMISE. HE KNEW HE
WAS IN TROUBLE OVER HIS IDENTITY. JESSEN BELIEVED THAT RAHMAN DECIDED
THAT SINCE WE HAD OVERWHELMING EVIDENCE THAT HE COULD ADMIT HIS
IDENTITY, IMPROVE HIS CONDITIONS, BUT STILL KEEP THE THINGS THAT WERE
IMPORTANT TO HIM A SECRET. IT WAS AN INTERROGATION BREAKTHROUGH, BUT
RAHMAN HAD NOT BROKEN DOWN. JESSEN BELIEVES THAT WITHOUT THE PRESSURES
THAT HAD BEEN EXERTED ON HIM, HE WOULD NOT HAVE MADE THE ADMISSION.

JESSEN STATED THAT HE INTERROGATED RAHMAN TWICE BY HIMSELF AND
TWO OR THREE OTHER TIMES WITH JIM MITCHELL, ANOTHER IC PSYCHOLOGIST
ALSO INTERROGATED HIM ONCE.

RAHMAN APPEARED TO BE HEALTHY, FATIGUED, COLD, AND HE KNEW HOW
TO USE PHYSICAL PROBLEMS OR DURESS AS A RESISTANCE TOOL. JESSEN STATED THAT
THEY ONCE TRIED A PRAGMATIC APPROACH WITH RAHMAN BUT IT DIDN'T WORK.
HE WAS STILL RESISTING WITH GREAT ENERGY.

JESSEN STATED THAT THERE WERE HEATERS PRESENT IN THE HOUSING AREA
WHEN HE WAS WORKING ON RAHMAN. WHEN JESSEN FIRST ARRIVED
IN THE 60'S DURING THE DAY, BUT WOULD DROP INTO THE 40'S AT NIGHT.
HOWEVER, PRIOR TO HIS DEPARTURE IT FROZE AT NIGHT A COUPLE OF TIMES. THE
PRISON WAS ALWAYS A LITTLE COOL BECAUSE IT WAS DARK. WHEN YOU ARE NOT
MOVING IT IS WORSE.

IN CLOSING, JESSEN STATED THAT HE WOULD WORK WITH
ANYTIME,
ANYDAY SHOULD BE MADE PART OF THE LEAD HVT ELEMENT.
SECRET

SUBJECT: RENDITION OF GUL RAHMAN

TEXT:

REGARDING NEED TO RENDER GUL RAHMAN

3. AS STATION IS WELL AWARE, THE PRISONER ABD
AL-(MANAN), WHO APPEARS TO BE IDENTIFIABLE WITH GUL VARIANT GHUL ((RAHMAN)), HAS BEEN LESS THAN COOPERATIVE DURING DEBRIEFING SESSIONS, AND INDEED, APPEARS DETERMINED TO KEEP HIS SECRETS.

(b)(1) CIAAct (b)(3) NatSecAct

WE THEREFORE CONCUR WITH STATION'S EFFORTS TO ELICIT FROM GUL RAHMAN INFORMATION REGARDING HIS INVOLVEMENT WITH AL-QA'IDA OPERATIVES AND HIS KNOWLEDGE OF ANY OPERATIONAL PLANNING. ABOVE SAID, REQUEST THAT STATION REQUEST THAT GUL RAHMAN BE PREPARED FOR RENDITION SO THAT HVTI INTERROGATORS CAN QUICKLY OUTLINE AND IMPLEMENT AN INTERROGATION PLAN TO BEST EXTRACT THIS INFORMATION.

(b)(1) CIAAct (b)(3) NatSecAct

END OF MESSAGE SECRET
SUBJECT: EYES ONLY - FOR CTC/UBL - MENTAL STATUS EXAMINATION AND RECOMMENDED INTERROGATION PLAN FOR GUL RAHMAN

TO: IMMEDIATE ALEC INFO DIRECTOR, (b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

ACTION REQUIRED: PLEASE SEND INTERROGATION TEAM PROPOSED REPLY, PER PARA 5.
2. GUL RAHMAN (SUBJECT) ARRIVED AT [DATE] ON [DATE].
   SUBJECT DEMONSTRATED A MARKEDLY RIGID AND INTRACTABLE RESISTANCE
   POSTURE FROM THE START. SUBJECT PROVIDED A NAME OTHER THAN HIS OWN
   AND STATED HE WOULD COOPERATE WHILE REFUSING TO PROVIDE ANY FURTHER
   INFORMATION. FROM THE OUTSET IT WAS APPARENT SUBJECT WAS USING A
   RATHER SOPHISTICATED RESISTANCE SKILLS. HE IS PHYSICALLY AND MENTALLY
   STRONG AND APPARENTLY DETERMINED TO CONTINUE HIS RESISTANCE STANCE
   WITHOUT COOPERATION. ON THE [DATE] OF NOVEMBER [DATE] CONDUCTED A
   PSYCHOLOGICAL CAPTIVITY ASSESSMENT ON THE SUBJECT. PLEASE SEE RESULTS

3. SUBJECT WAS ORIENTED X 3 NOTWITHSTANDING THE ENVIRONMENTAL
   PRESSURES OF HIS CAPTIVITY SETTING. HE WAS ABLE TO ACCURATELY
   IDENTIFY HIS CIRCUMSTANCES IN TERMS OF TIME AND LOCATION OF HIS
   CAPTURE. He ACCURATELY REMEMBERED THE INDIVIDUALS HE WAS CAPTURED
   WITH. WHILE HE WAS SLOW TO RESPOND TO SOME QUESTIONS IT APPEARED THIS
   WAS A COMBINATION OF HIS FATIGUE AND ACTIVE RESISTANCE. SUBJECT WAS
   ABLE TO ACCURATELY NAME THE MEMBERS OF HIS FAMILY, THEIR AGES AND
   BIRTH LOCATIONS. QUESTIONS WHICH WERE NON SENSITIVE AND CONVENIENT
   FOR HIM TO RESPOND TO, IN TERMS OF HIS RESISTANCE POSTURE, WERE
   ANSWERED QUICKLY AND ACCURATELY. SENSITIVE QUESTIONS YIELDED STALLING
   AND PREVARICATION. THROUGHOUT THIS EVALUATION AND IN THE 6
   INTERROGATION SESSIONS IN WHICH [VTI] [DATE] PARTICIPATED, SUBJECT
   SHOWED NO SIGNS OF PSYCHOPATHOLOGY. SUBJECT DID FEIGN INCOHERENCE AND
   PROFOUND CONFUSION AT TIMES HOWEVER SUBJECT WOULD IMMEDIATELY REVERT
   TO A COHERENT DIALOGUE WHEN IT WAS IN HIS INTEREST. SUBJECT IS
   ASSESSED TO BE OF ABOVE AVERAGE INTELLIGENCE. GUL RAHMAN IS A
   MENTALLY STABLE INDIVIDUAL EXHIBITING EXTRAORDINARY RESILIENCE IN HIS
   ABILITY TO WITHSTAND THE VICISSITUDES OF CAPTIVITY AND PERSIST IN AN
   EFFECTIVE RESISTANCE POSTURE. THERE IS NO INDICATION HE SUFFERS FROM
   ANY PSYCHOPATHOLOGY NOR THAT HE WOULD BE PROFOUNDLY OR PERMANENTLY
   AFFECTED BY CONTINUING INTERROGATIONS, TO INCLUDE [VTI] ENHANCED
   MEASURES.

4. INTERROGATION PLAN RECOMMENDATION: BECAUSE OF HIS
   REMARKABLE PHYSICAL AND PSYCHOLOGICAL RESILIENCE AND DETERMINATION TO
   PERSIST IN HIS EFFECTIVE RESISTANCE POSTURE employing ENHANCED
   MEASURES IS NOT THE FIRST OR BEST OPTION TO YIELD POSITIVE
   INTERROGATION RESULTS. IN FACT, WITH SUCH INDIVIDUALS, INCREASING
   PHYSICAL PRESSURES OFTEN BOLSTERS THEIR RESISTANCE. THE MOST
   EFFECTIVE INTERROGATION PLAN FOR GUL RAHMAN IS TO CONTINUE THE
   ENVIRONMENTAL DEPRIVATIONS HE IS EXPERIENCING AND INSTITUTE A
   CONCENTRATED INTERROGATION EXPOSURE REGIMEN. THIS REGIMEN WOULD
   IDEALLY CONSIST OF REPEATED AND SEEMINGLY CONSTANT INTERROGATIONS (18
   OUT OF 24 HOURS PER DAY). THESE INTERROGATION SESSIONS SHOULD BE
   COORDINATED AND PRESENT WITH THE SAME SET OF KEY SUBJECT AREAS.
   INTERROGATORS SHOULD HAVE THE FLEXIBILITY AND INSIGHT TO DEVIATE WITH
   THE SUBJECT WHEN HE BEGINS TO "MOVE8 IN A DESIRED DIRECTION. IT WILL
   BE THE CONSISTENT AND PERSISTENT APPLICATION OF DEPRIVATIONS (SLEEP
   LOSS AND FATIGUE) AND SEEMINGLY CONSTANT INTERROGATIONS WHICH WILL BE
   MOST EFFECTIVE IN WEARING DOWN THIS SUBJECT'S RESISTANCE
POSTURE. IT WILL BE IMPORTANT TO MANAGE THE DEPRIVATIONS SO AS TO ALLOW THE SUBJECT ADEQUATE REST AND NOURISHMENT SO HE REMAINS COHERENT AND CAPABLE OF PROVIDING ACCURATE INFORMATION. THE STATION PHYSICIAN SHOULD COLLABORATE WITH THE INTERROGATION TEAM TO ACHIEVE THIS OPTIMUM BALANCE. IT IS REASONABLE TO EXPECT 2 WEEKS OR MORE OF THIS REGIMEN BEFORE SIGNIFICANT MOVEMENT OCCURS.

5. STATION NOTES THAT NEWLY TRAINED HVT INTERROGATORS, PROPOSED REF B, WOULD BE IDEAL TO IMPLEMENT PARA FOUR SCENARIO. STATION IS SENDING A SEPARATE CABLE REQUESTING DEPLOYMENT PROPOSED REF B, AND WE LOOK FORWARD TO WORKING WITH INTERROGATION TEAM ON THIS IMPORTANT CASE.

(b)(1)
(b)(3) CIAAAct
(b)(3) NatSecAct

END OF MESSAGE  SECRET
DATE:  

TO:  

(b)(1)  
(b)(3) CIA Act  
(b)(3) NatSec Act

SUBJECT: EYES ONLY: GUL RAHMAN - REQUEST FOR ASSISTANCE IN INTERROGATION

------------- BODY -------------

(b)(1)  
(b)(3) CIA Act  
(b)(3) NatSec Act

SUBJECT: EYES ONLY: GUL RAHMAN - REQUEST FOR ASSISTANCE IN INTERROGATION

REF: NONE  
(b)(3) CIA Act  
(b)(3) NatSec Act

TEXT:

1. ACTION REQUIRED: __________ PLEASE COMMENT ON __________ TO PRESSURE RAHMAN.

2. GUL (RAHMAN) HAS PROVIDED __________ INTERROGATORS NO INFORMATION TO DATE, AND HE STILL REFUSES TO ADMIT THAT HIS TRUE IDENTITY IS GUL (RAHMAN). ALTHOUGH HE APPEARS SOMewhat FATIGUED

(b)(1)  
(b)(3) CIA Act  
(b)(3) NatSec Act
RELATIVE TO HIS APPEARANCE UPON ARRIVAL AT [REDACTED], HE REMAINS RESOLUTELY DEFIANT AS INTERROGATORS ATTEMPT TO OBTAIN INFORMATION FROM HIM. WE BELIEVE THAT PHYSICAL PRESSURE IS UNLIKELY TO CHANGE RAHMAN'S ATTITUDE, BUT ALTERNATIVE PSYCHOLOGICAL PRESSURES MAY HAVE MORE SUCCESS.

4. AS GUL RAHMAN HAS A WEALTH OF INFORMATION HE COULD IMPART, ANY ASSISTANCE [REDACTED] MAY BE ABLE TO PROVIDE US IN MOVING HIM TOWARD A DEBRIEFING MODE WOULD BE GREATLY APPRECIATED.

END OF MESSAGE
TO: IMMEDIATE DIRECTOR.

FOR: (b)(3) CIAAct

SUBJECT: EYES ONLY - GUL RAHMAN: CHRONOLOGY OF EVENTS

REF: NONE

TEXT:

1. ACTION REQUIRED: NOTE FOLLOWING CHRONOLOGY OF EVENTS.

2. THE FOLLOWING CHRONOLOGY OF EVENTS RELATING TO THE DEATH OF ENEMY COMBATANT GUL RAHMAN AT FACILITY WAS ASSEMBLED BY STATION OFFICERS FROM THE ACCOUNTS OF PERSONNEL AND GUARDS WHO HAD KNOWLEDGE RELEVANT TO THIS EVENT.

3. BACKGROUND: GUL RAHMAN WAS BROUGHT TO THE FACILITY ON NOVEMBER. HE WAS GIVEN A PHYSICAL EXAMINATION AND ALL HIS PERSONAL CLOTHES AND EFFECTS REMOVED. HE WAS DRESSED IN STANDARD PRISON GARB AND PLACED IN A SINGLE CELL. RAHMAN HAD BEEN CONSISTENTLY UNCOOPERATIVE SINCE ARRIVAL AND DISPLAYED EVIDENCE OF A HIGH LEVEL OF RESISTANCE TRAINING. HIS Demeanor IN THE PRESENCE OF HIS INTERROGATORS WAS EXTREMELY CALM AND CONTROLLED. HOWEVER, RAHMAN'S
ATTITUDE TOWARDS HIS GUARDS WAS REPORTEDLY VERY DIFFERENT. THE SENIOR OFFICER PRESENT AT NOTIFIED STATION ABOUT ONE WEEK AGO THAT RAHMAN HAD DIRECTLY THREATENED HIS GUARDS. OFFICERS NEVER WITNESSED THIS BEHAVIOR FIRSTHAND. SPECIFICALLY, RAHMAN REPORTEDLY TOLD THEM THAT HE KNEW THEIR FACES AND THAT HE WOULD KILL OR HAVE THEM ALL KILLED AFTER HIS RELEASE. AS A RESULT OF THE PHYSICAL THREAT HE POSED TO HIS GUARDS, HE WAS KEPT CONSISTENTLY RESTRAINED WITH HAND AND ANKLE RESTRAINTS IN THE CELL HE OCCUPIED BY HIMSELF.

4. CHRONOLOGY:

A. THE LAST TIME RAHMAN WAS SEEN BY OFFICER PRIOR TO HIS DEATH WAS NOV 2002. AT THAT TIME RAHMAN WAS ASSESSED TO BE IN GOOD OVERALL HEALTH. STATION NOTED THAT RAHMAN HAD SMALL ABRASIONS ON HIS WRISTS AND ANKLES AS A RESULT OF THE RESTRAINTS. HIS ANKLE RESTRAINTS WERE LOOSENED AND HIS HAND RESTRAINTS WERE REMOVED WHEN RAHMAN WAS RETURNED TO HIS CELL.

B. AT ON NOV 2002, THE COMMANDER TOLD STATION THAT WHEN RAHMAN HAD BEEN GIVEN FOOD AT 1500 LOCAL, HE HAD THROWN IT, HIS PLATE, HIS WATER BOTTLE AND DEFECTION BUCKET AT THE GUARDS WHO HAD DELIVERED THE FOOD. STATION REQUESTED THAT THE COMMANDER TO REPLACE RAHMAN’S HAND RESTRAINTS TO PREVENT THIS FROM REOCCURRING, OR PREVENT HIM FROM UNDERTAKING ANY OTHER VIOLENT ACTION.

C. INTERVIEWED SEPARATELY ON NOV, EACH OF THE GUARDS REPORTED THAT DURING NORMAL CELL CHECKS AT 2200, 0400, AND 0800 HOURS ON NOV, GUL RAHMAN WAS ALIVE IN HIS CELL. RAHMAN WAS VISUALLY INSPECTED THROUGH THE DOOR CELL SLOT BUT NO GUARD ENTERED HIS CELL. GUARDS ON THE 0800 CELL CHECK SAID INDEPENDENTLY THAT RAHMAN WAS DEFINITELY ALIVE, WITH HIS EYES OPEN, SEATED IN HIS CELL AT 0800 ON NOV.

D. SHORTLY AFTER 1000 HOURS ON NOV 2002, STATION PERSONNEL THEN PRESENT AT THE FACILITY TO CONDUCT AN INTERROGATION OF ANOTHER INDIVIDUAL WERE NOTIFIED BY GUARDS THAT GUL RAHMAN WAS SLEEPING IN HIS CELL BUT THERE WAS SOME PROBLEM. STATION OFFICERS WERE ESCORTED TO THE CELL BY THE GUARDS. THESE OFFICERS REALIZED RAHMAN WAS DECEASED AND THEY SUBSEQUENTLY REQUESTED THAT STATION MEDIC VISIT THE FACILITY. OFFICERS REPORTED THAT A SMALL AMOUNT (PALM-SIZED POOL) OF DRIED BLOOD WAS PRESENT IN AND AROUND THE MOUTH AND NOSE OF SUBJECT. RAHMAN WAS OBSERVED STILL SHACKLED, AND SLUMPED OVER IN THE SEATED POSITION.

E. AT APPROXIMATELY 1030 HOURS, STATION MEDIC ARRIVED AT THE LOCATION. THE STATION MEDIC INSPECTED THE BODY AND NOTICED NO OBVIOUS CONTUSIONS, ABRASIONS, MARKS, SWELLING, OR OTHER INDICATIONS OF SPECIFIC CAUSE OF DEATH. HE NOTED THAT THE BLOOD IN EVIDENCE WAS DARK, NOT IN KEEPING WITH A WOUND TO THE NOSE OR MOUTH AREA. THE MEDIC’S NOTES ON RAHMAN’S CONDITION ARE FILED AT STATION. HIS
ESTIMATION WAS THAT RAHMAN HAD BEEN DEAD LESS THAN A FEW HOURS.

5. PRELIMINARY ASSESSMENT: WITHOUT AN AUTOPSY IT IS NOT POSSIBLE TO DETERMINE THE CAUSE OF DEATH OF RAHMAN. PLANS ARE TO PLACE THE BODY IN IMPROVISED COLD STORAGE PENDING DECISION ON DISPOSITION.

END OF MESSAGE
(b)(1) CIAAct
(b)(3) NatSecAct

TO: IMMEDIATE DIRECTOR,
(b)(1) CIAAct
(b)(3) NatSecAct

FROM: (b)(1) CIAAct
(b)(3) NatSecAct

SUBJECT: EYES ONLY - COURSE OF ACTION FOR FUTURE HANDLING OF GUL RAHMAN

TEXT:

1. ACTION REQUIRED: IF POSSIBLE TO DO SO BEFORE PSYCHOLOGIST IC'S AND UPCOMING DEPARTURE ON ANOTHER OPERATION, REQUEST ONE/BOTH ADMINISTER GUL RAHMAN A MENTAL STATUS EXAM AND PROVIDE AN ASSESSMENT ON INTERROGATION MEASURES REQUIRED TO RENDER HIM COMPLIANT.

2. HQS/ALEC IS MOTIVATED TO EXTRACT ANY AND ALL OPERATIONAL
INFORMATION ON AL-QA'IDA AND HEZBI ISLAMI FROM GUL ((RAHMAN)).

WE

NOTE PER REF THAT IT IS THE ASSESSMENT OF THE DEBRIEFERS THAT RAHMAN MAY NEED TO BE SUBJECT TO ENHANCED INTERROGATION MEASURES TO INDUCE HIM TO COMPLY. DUE TO THE FACT RAHMAN LIKELY POSSESSES

INFORMATION REGARDING THREATS TO U.S. INTERESTS AND THOSE OF OUR ALLIES, WE RATE ACHIEVING RAHMAN'S COOPERATION TO BE OF GREAT IMPORTANCE. WE WOULD LIKE TO WORK QUICKLY TO CREATE CIRCUMSTANCES IN WHICH HE WILL COOPERATE.

3. THEREFORE, WE REQUEST THAT [I/C AND/OR ADMINISTER GUL RAHMAN A MENTAL STATUS (PHYSIOLOGICAL ASSESSMENT) EXAM AND PROVIDE AN ASSESSMENT ON WHAT SPECIFIC INTERROGATION MEASURES MAY BE REQUIRED TO RENDER HIM COMPLIANT. PLEASE SEND YOUR EVALUATION TO HQS WHERE DETERMINATION OF COURSES OF ACTION WILL BE MADE. REALIZE THEY WILL BE DEPARTING SHORTLY ON ANOTHER OPERATION; WE HOPE IT IS POSSIBLE TO DO THIS.

END OF MESSAGE

SECRET
SUBJECT: RESULTS OF (b)(3) NatSecAct INTERROGATIONS POSSIBLE IDENTIFICATION OF GUL RAHMAN

2. AS REPORTED REF B, DURING THE EARLY MORNING HOURS OF OCT 02 CONDUCTED A RAID DETAILS FOLLOW.
INTERROGATED INDIVIDUALS WHO WERE DETAINED

IT APPEARS THAT ONE INDIVIDUAL, IDENTIFIED BY THE NAME ('ABD AL-MANAN), MAY IN FACT BE GUL (RAHMAN).

('ABD AL-MANAN), AKA ('ABD AL-HAKIM), POSSIBLE IDENTIFIABLE WITH GUL (RAHMAN):
(b)(1) CIA Act
(b)(3) NatSec Act

4. PLANS: AT THIS POINT, STATION WILL WORK TO POSITIVELY IDENTIFY GHUL RAHMAN. STATION PLANS FOR FOLLOW-UP INTERROGATION SESSIONS WITH 'ABD AL-MANAN ASAP. REGARDS.

END OF MESSAGE

(b)(1) CIA Act
(b)(3) NatSec Act
TO: DIRECTOR, ALEC, CIA

FROM: ALEC

SUBJECT: EYES ONLY - NON-COMPLIANCE OF GUL RAHMAN

ACTION REQUIRED: HQS AND ALEC MAY WISH TO CONSIDER PLANNING FOR ALTERNATIVE ENHANCED INTERROGATION MEASURES FOR GUL RAHMAN, AND THE RELOCATION OF GUL RAHMAN THIS MAY REQUIRE.

SUMMARY: ON NOV 2002, GUL (RAHMAN) WAS INTERROGATED BY AND I/C PSYCHOLOGIST RAHMAN STEADFASTLY REFUSED TO PROVIDE HIS TRUE NAME AND DENIED MEETING OR KNOWING HEMATYAR. AFTER 48 HOURS INTERROGATORS HAVE MADE NO SIGNIFICANT PROGRESS WITH RAHMAN. IN THE OPINION OF BOTH INTERROGATORS, THE PHYSIOLOGICAL AND PSYCHOLOGICAL
PRESSURES WHICH CAN BE BROUGHT TO BEAR ON RAHMAN OVER THE NEXT SEVERAL DAYS AT WILL BE UNLIKELY TO MAKE HIM DIVERGE SIGNIFICANT INFORMATION. END SUMMARY.

3. INTERROGATIONS CONDUCTED TO DATE RAHMAN HAS CLAIMED THAT HIS NAME IS ABDUL ((MANAN)) AND THAT HE IS NOT GUL RAHMAN. HE HAS CONTINUED TO DENY THAT HE IS GUL RAHMAN DESPITE BEING CONFRONTED WITH HIS PHOTO IDENTIFICATION CARD DESPITE 48 HOURS OF SLEEP DEPRIVATION, AUDITORY OVERLOAD, TOTAL DARKNESS, ISOLATION, A COLD SHOWER, AND ROUGH TREATMENT, RAHMAN REMAINS STEADFAST IN MAINTAINING HIS HIGH RESISTANCE POSTURE AND DEMEANOR. INTERROGATORS WILL CONTINUE TO KEEP PRESSURE UPON RAHMAN, BUT IT IS THEIR ASSESSMENT THAT HIS ATTITUDE IS UNLIKELY TO SOON CHANGE.

4. TO PUT RAHMAN’S BEHAVIOR IN CONTEXT, STATION NOTES THAT WHILE THE OTHER DETAINNEES WHICH HAVE BEEN BROUGHT INTO HAVE DROPPED MOST OF THEIR RESISTANCE WITHIN 48 HOURS, RAHMAN’S ATTITUDE REMAINS RELATIVELY UNCHANGED FROM HIS ATTITUDE UPON ARRIVAL. RAHMAN HAS MAINTAINED HIS HIGH RESISTANCE POSTURE DESPITE A WEAK COVER STORY, AND INTERROGATORS CONFRONTING HIM WITH HIS OWN DOCUMENTS AND THEIR KNOWLEDGE THAT HIS CO-DETAINEES ALREADY GAVE UP HIS IDENTITY. HIS RESISTANCE POSTURE SUGGESTED A SOPHISTICATED LEVEL OF RESISTANCE TRAINING INCLUDING THESE SPECIFIC EXAMPLES:
   A. REMAINED STEADFAST IN OUTRIGHT DENIALS (IGNORED OBVIOUS FACTS)
   B. WAS UNRESPONSIVE TO PROVOCATION
   C. CLAIMED INABILITY TO THINK DUE TO CONDITIONS (COLD)
   D. COMPLAINED ABOUT POOR TREATMENT
   E. COMPLAINED ABOUT THE VIOLATION OF HIS HUMAN RIGHTS
   F. REMAINED CONSISTENTLY UNEMOTIONAL, CALM, AND COMPOSED
   G. BLATANTLY LIED WHILE ATTEMPTING TO APPEAR SINCERE IN HIS DESIRE TO COOPERATE
   H. CONSISTENTLY USED HIS COVER STORY
   I. DISPLAYED NO ANXIETY (CALMLY PICKED AT HIS SKIN/NAILS DURING CONFRONTATIONS WITH DAMNING EVIDENCE AGAINST HIM)
   J. WAS UNFAZED BY PHYSICAL AND PSYCHOLOGICAL CONFRONTATIONS

5. BASED UPON AVAILABLE INFORMATION, STATION BELIEVES SUBJECT IS LIKELY WITHHOLDING SIGNIFICANT THREAT RELATED INFORMATION IN ADDITION TO SIGNIFICANT INTELLIGENCE INFORMATION ON AL-QA’IDA AND HEKMATYAR.
UNFORTUNATELY, STATION WISHES TO APPRISE HEADQUARTERS THAT WE BELIEVE IT IS UNLIKELY RAHMAN WILL CHANGE HIS RESISTANCE POSTURE AND BEGIN TO COOPERATE IN THE NEAR FUTURE. OVER TIME THE AMBIENT PRESSURES OF ISOLATION, SLEEP AND SENSORY DEPRIVATION MAY BEGIN TO WEAR ON RAHMAN BUT A QUICK CHANGE IN HIS LEVEL OF COOPERATION IS HIGHLY UNLIKELY.

END OF MESSAGE

SECRET
TO: PRIORITY ALEC INFO DIRECTOR, (b)(1) CIAAct  
(b)(3) NatSecAct

FOR: (b)(1) CIAAct  
(b)(3) NatSecAct

SUBJECT: EYES ONLY - GUL RAHMAN ADMITS HIS IDENTITY

REF:  NONE

TEXT:

1. ACTION REQUIRED: NONE, FYI.

2. SUMMARY: STATION INTERROGATION TEAM--INCLUDING I/C AND HVT OFFICER MET WITH GUL (RAHMAN) AFTERNOON OF NOVEMBER AT

 Approved for Release: 2018/02/14 C06598279
RAHMAN SPENT THE DAYS SINCE HIS LAST SESSION WITH STATION OFFICERS IN COLD CONDITIONS WITH MINIMAL FOOD AND SLEEP. RAHMAN APPEARED SOMEWHAT INCOHERENT FOR PORTIONS OF THIS SESSION, BUT WAS COMPLETELY LUCID BY MID SESSION. WE BELIEVE HE MOVED HIS INTERNAL LINE OF RESISTANCE FOR ACCEPTABLE ADMISSIONS FORWARD SLIGHTLY. STATION IS ENCOURAGED BY THIS TURN OF EVENTS AND INTENDS TO HAVE ANOTHER SESSION WITH RAHMAN ON NOVEMBER.

3. ADMISSIONS: RAHMAN MADE SEVERAL ADMISSIONS AND STATEMENTS DURING THE NOVEMBER SESSION THAT ARE WORTHY OF NOTE. HOWEVER, IT MUST BE TAKEN INTO CONSIDERATION THAT RAHMAN WAS SOMEWHAT CONFUSED DUE TO FATIGUE AND DEHYDRATION FOR PORTIONS OF THIS INTERVIEW.

A. RAHMAN STATED HIS FAMILY AND SOME FRIENDS CALL HIM "ABDUL MANAN," BUT OTHER PEOPLE KNOW HIM AS "GUL RAHMAN." HE STATED HE IS A CIRCA 30 YEAR OLD AFGHAN FROM LOWGAR PROVINCE, POL-E-ALAM REGION, KOLANGAR VILLAGE.

B. RAHMAN STATED THAT HE WAS ARRESTED

_ RAHMAN WOULD NOT EXPLAIN WHAT HE WAS DOING _ HIS OBVIOUSLY REHEARSED REPLY.

C. RAHMAN CONTINUED TO PRODUCE HIS REHEARSED RESPONSES ABOUT HIS RELATIONSHIP WITH BAHIR AND GULBUDDIN (HEKMATYAR)-- STATING THAT HE HAD NOT SEEN HEKMATYAR IN 12-13 YEARS AND WAS BAHIR'S DRIVER FOR SIX MONTHS ENDING SEVEN MONTHS AGO.

D. RAHMAN STATED THAT HE HAD NO JOB IMMEDIATELY PRIOR TO HIS ARREST BUT THAT HE WAS A DRIVER AND DID OTHER MANUAL JOBS IN LOWGAR, KABUL, AND PESHAWAR. HE STATED AT ONE POINT THAT HE WOULD DELIVER MESSAGES AND RUN ERRANDS FOR HEZB-I ISLAMI, WHICH HE DESCRIBED AS HIS PARTY.

G. RAHMAN ADMITTED HE HAD FOUGHT IN THE JIHAD WITH HIS BROTHER AND IT WAS BECAUSE OF HIS MARTYRED OLDER BROTHER THAT HE
H. RAHMAN ACKNOWLEDGED THAT THE LARGE WOUND ON HIS ARM WAS A GUNSHOT WOUND. HE SAID HIS ARM TOOK FOUR MONTHS TO HEAL.

4. ASSESSMENT: RAHMAN WAS FINALLY SHOWING THE RESULTS OF HIS STAY AT [BLANK] DURING THIS SESSION. WHILE HE WAS STILL CLEARLY RESISTING, WE BELIEVE HE MAY HAVE CHOSEN TO COMPROMISE SOMEWHAT IN EXCHANGE FOR IMPROVED CONDITIONS. HOWEVER, IT WAS ALSO POSSIBLE THAT RAHMAN WAS SO FATIGUED THAT HE WAS UNABLE TO CONSISTENTLY STAY WITH HIS COVER STORY EVEN IF HE WISHED TO DO SO. DURING PORTIONS OF INTERROGATION, RAHMAN WAS CONFUSED AS TO HIS LOCATION, AND THE PASSAGE OF TIME. AT OTHER TIMES HE WOULD FORGET WHAT HE HAD BEEN ASKED AND C/O WOULD HAVE TO RECAPTURE HIS ATTENTION. IT IS DIFFICULT TO KNOW PRECISELY HOW MUCH OF THIS BEHAVIOR WAS FEIGNED AND HOW MUCH WAS A RESULT OF HIS PHYSICAL/PSYCHOLOGICAL CONDITION; HOWEVER, I/C IMPRESSION WAS THAT HE CONTINUES TO USE "HEALTH AND WELFARE" BEHAVIORS AND COMPLAINTS AS A MAJOR PART OF HIS RESISTANCE POSTURE. AFTER THE SESSION RAHMAN WAS AFFORDED SOME IMPROVEMENT IN HIS CONDITIONS. INTERROGATORS PLAN TO REINTERVIEW RAHMAN ON NOVEMBER. [BLANK]
MEMORANDUM FOR THE RECORD

FROM: CHIEF, COUNTERINTELLIGENCE EVALUATION BRANCH
COUNTERESPIONAGE GROUP
COUNTERINTELLIGENCE CENTER

SUBJECT: RAHMAN DEATH INVESTIGATION - INTERVIEW OF

1. ON [ ] NOVEMBER 2002, [ ] OGC, AND I
INTERVIEWED REGARDING THE DEATH OF GUL RAHMAN. [ ]
IS AN OPERATIONS OFFICER AND IS RESPONSIBLE FOR COORDINATING THE DEBRIEFING ACTIVITIES OF STATION PERSONNEL [ ]
GUARD FORCE [ ]
FACILITY KNOWN TO STATION PERSONNEL AS [ ]

(b)(1) [ ]
(b)(3) CIAAct [ ]
(b)(6) [ ]
(b)(7)(c) [ ]

(b)(1) [ ]
(b)(3) CIAAct [ ]
(b)(6) [ ]
(b)(7)(c) [ ]
THE PRISONERS ARE FED ONCE A DAY, ALTHOUGH THE PRISONERS ONLY RECEIVE ONE MEAL, IT IS A LARGE MEAL. THE FOOD IS BROUGHT TO THE PRISONER BY THE GUARDS. STATED THAT THE GUARDS DO NOT TALK TO THE PRISONER OR FROM ACTING INDEPENDENTLY TOWARD THE PRISONERS. IF THE GUARDS NOTICED THAT A PRISONER WAS COLD, NOTHING PREVENTED THEM FROM GIVING HIM A BLANKET.

STATED THAT GUL RAHMAN WAS BROUGHT TO CIRCA NOVEMBER 2002. RAHMAN WAS A PASHTUN MEMBER OF HIZBI ISLAMI. THE GUARDS DID NOT KNOW THE IDENTITY OF RAHMAN, BUT THEY DID KNOW THAT RAHMAN AND OTHER PRISONERS CONFUNDED TO WERE VERY BAD, DANGEROUS PEOPLE. TERRORISTS. THE GUARDS ALSO KNEW THAT THEY HAD TO BE CAREFUL AROUND THEM. A FEW DAYS AFTER HIS ARRIVAL AT RAHMAN TOLD THE GUARDS THAT HE HAD SEEN THEIR FACES AND WOULD FIND AND KILL THEM AFTER HIS RELEASE. ON THE AFTERNOON OF THE NOVEMBER, RAHMAN THREW HIS FOOD AND AT WATER AT THE GUARDS AND WAS SCREAMING AT THEM. STATED THAT THE PRISONERS ARE FED ONE LARGE MEAL EACH DAY. SINCE RAHMAN THREW HIS FOOD ON THE NOVEMBER, HIS PREVIOUS MEAL WOULD HAVE BEEN ON TROUBLE.

FIRST LEARNED OF RAHMAN'S DEATH AT MID-MORNING ON NOVEMBER 2002. ACCORDING TO DOC INFORMED HIM THAT RAHMAN HAD DIED. COULD NOT RECALL SPECIFICALLY WHAT DOC TOLD HIM. STATED THAT HE IMMEDIATELY INFORMED COS OF RAHMAN'S DEATH. STATED THAT HE TRAVELED TO APPROPRIATELY FOUR HOURS AFTER RAHMAN WAS DISCOVERED. SAID HE QUESTIONED THE GUARDS ABOUT WHAT HAPPENED ACXABED HEADQUARTERS WITH HIS FINDINGS. STATED THAT ACCORDING TO THE GUARDS, THEY MADE THEIR ROUTINE RAMDS TO CHECK ON THE PRISONERS AT 0400 AND 0800. THE BUREAU OF PRISONS HAD BEEN AT THE PREVIOUS WEEK TO ASSIST IN TRAINING THE GUARDS. ESTABLISHING A SCHEDULE OF RAMDS WAS ONE OF THEIR OBJECTIVES, FOR PURPOSES OF ACCOUNTABILITY. THE GUARDS STATED THAT DURING THESE CHECKS, RAHMAN WAS SEATED UPRIGHT AND HIS NECK WAS STRAIGHT. STATED THAT AT 1000, GUARDS MADE THE RAMDS AGAIN AND FOUND RAHMAN DEAD. AT THE TIME OF THE DISCOVERY, SEVERAL OF OUR CERS WERE PRESENT AT THEY WERE APPROACHED BY THE GUARDS WHO SAID THAT ONE OF THE PRISONERS WAS LYING ON THE FLOOR. CALLED NO PHOTOGRAPHS WERE TAKEN OF THE BODY PRIOR TO ITS REMOVAL FROM THE CELL.

STATED THAT WHEN RAHMAN WAS FOUND, HIS HANDS AND FEET WERE SHACKLED TOGETHER AND HE WAS WEARING A SWEATSHIRT WITH NO...
(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

BOTTOMS. STATED THAT SOMETIMES THE BOTTOMS WERE TAKEN FROM UNCOOPERATIVE PRISONERS BECAUSE IT WAS AN EMBARRASSMENT TO MUSLIMS.

STATED THAT HE WAS LAYING ON HIS RIGHT SIDE. STATED THAT HE HAD A NUMBER OF SCRATCHES ON HIS BODY AND FACE, AS WELL AS AN ABRASION ON HIS SHOULDER. STATED THAT THESE MINOR INJURIES LOOKED TO HAVE BEEN INCURRED MORE THAN 10 DAYS BEFORE HIS DEATH AS THEY CLEARLY HAD BEGUN TO

6. STATED THAT THERE WERE NO UNUSUAL SMELLS IN THE CELL WHEN HE ARRIVED AND DID NOT HEAR ANYONE DISCUSS ANY UNUSUAL SMELLS. STATED THAT HE DID NOT NOTICE ANYTHING OTHER THAN THE CELL SMELLED OF URINE FROM THE BUCKET THAT WAS KEPT THERE FOR THAT PURPOSE.

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

STATED THAT HE DID FIND IT UNUSUAL THAT WHEN RAHMAN WAS DISCOVERED, THE GUARD COMMANDER WAS NOT PRESENT AT THE FACILITY. HE WAS TOLD THAT THE COMMANDER WAS AT

(b)(1) (b)(3) NatSecAct
(b)(6)
(b)(7)(c)

7. STATED THAT IN THE DAYS PRECEDING RAHMAN'S DEATH, THE TEMPERATURE WAS COLD IT WAS BETWEEN 32-34 DEGREES. STATED THAT THERE IS NO INSULATION IN THE BUILDING AND NO THERMOMETERS.

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

8. THE EVENING OF RAHMAN'S DEATH BROUGHT A FREEZER WHERE RAHMAN COULD BE STORED UNTIL A DETERMINATION WAS MADE REGARDING WHAT TO DO WITH HIM.

(b)(1) (b)(3) NatSecAct

9. WAS ASKED TO SHOW US THE CELL RAHMAN WAS HOUSED IN. STATED THAT THE CELL HAD BEEN FIXED UP SINCE RAHMAN WAS REMOVED. NOW HAS CARPETING ON THE FLOOR AND SOME FURNITURE. STATED THAT THEY WERE TRYING TO TURN IT INTO A MODEL CELL SO THEY COULD SHOW PRISONER WHAT LIFE COULD BE LIKE IF THEY COOPERATED.

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

10. WAS ASKED IF THE GUARDS COULD HEAR THE PRISONERS IF THEY BEGAN YELLING FROM THEIR CELL. STATED THAT GIVEN THE MUSIC THAT WAS PLAYING AND THE SEPARATION OF THE PRISON INTO TWO PARTS; ONE WHERE THE PRISONERS WERE KEPT AND THE OTHER WHERE PRISONERS WERE INTERROGATED AND WATCHED CONGREGATED, IT WAS UNLIKELY THAT THE GUARDS WOULD BE ABLE TO THEM. EVEN IF THEY DID HEAR THEM, WASN'T SURE THE GUARDS WOULD RESPOND.

(b)(1) (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

11. WAS ASKED TO DRAW A DIAGRAM OF WHICH HE PROVIDED THE NEXT DAY.

(b)(1) (b)(3) CIAAct
(b)(6)

(b)(3) CIAAct
(b)(3) NatSecAct DECEMBER 2002

MEMORANDUM FOR THE RECORD

Approved for Release: 2018/02/14 C06598283
INTERVIEW OF [REDacted] DECEMBER 2002

THIS INTERVIEW WAS CONDUCTED IN AN OFFICE

DIRED QUESTIONING, AUGMENTED BY A FEW QUESTIONS FROM [REDacted] IN THE

TEXT BELOW, BRACKETS INDICATE EITHER QUESTIONS/CONCERNS ABOUT THE CORRECTNESS

OF THIS NOTE.

SUMMARY, OR TO ADD EXPLANATORY COMMENTS, INCLUDING TEXT THAT WAS IMPLIED

IN CONTEXT OF THE DISCUSSION.

THERE IS NO NEW INFORMATION. AT LEAST NOTHING THAT HAS COME TO [REDacted]

ATTENTION, REGARDING

THE DEATH OF RAHMAN, SINCE OUR VISIT LAST MONTH.


THE DETENTION FACILITY WAS NOT YET FULLY OPERATIONAL WHEN [REDacted] arrived at

STATION; SOME

CONSTRUCTION WAS STILL BEING COMPLETED. THE GUARDS WERE STOOD UP AT THE

BEGINNING

OF SEPTEMBER. AT THAT TIME, CONSTRUCTION WAS ONGOING. THE FACILITY WAS NOT

COMPLETE, ALTHOUGH IT WAS FUNCTIONAL.
Said he was not assigned to ______ until he had been at station for three days, in which time he was placed in charge of detainee affairs. He did not know he was to have this job when he departed for PCS.

He did not know of the existence of ______ (although it was ______ then) when he departed ______ on PCS.

With the questioner offering the observation that there is no standard operating procedure ("SOI") but that there are "evolving" prescribed standards, ______ was asked who devised the detention facility procedures such as for the use of darkness, music, etc. He replied that he did not know how the cells were constructed. ______

The stereo, he purchased. As to darkness, that again was his decision. It was arrived at simply [as an almost necessary expedient], since there was only one light switch for all lights in the cell areas. It was he, therefore, who decided to keep all lights off, (unless they have to do work in there). Faced with the choice to keep them on all the time or off all the time, he chose the latter.
IN ABOUT AUGUST, AGENCY HEADQUARTERS ARRANGED WITH THE BUREAU OF PRISONS (PRISON) FOR TRAINING, AS THE FIELD [I.E., STATION] WAS ALREADY REQUESTING TRAINING. THE BUPRISON TRAINERS DID NOT GET THERE UNTIL NOVEMBER. --- STRUGGLED A BIT TO REMEMBER THE DATE, SETTLING FIRST ON OCTOBER, THEN WITH THE QUESTIONER'S LEAD, NOVEMBER.] --- SAID HE UNDERSTANDS THAT BOTH THE BUPRISON OFFICERS ARE INTERESTED IN GOING OUT TO HELP WITH FACILITY MANAGEMENT. THAT, HE SAID, WOULD BE VERY BENEFICIAL. 

THUS, THERE WAS TRAINING FROM THE FBI, THE BUREAU OF PRISONS, AND OUR 

--- AS TO THE DARKNESS, IT WAS PRESCRIBED SO THE DETAINNEES WOULD NOT KNOW THE PASSAGE OF TIME. THIS WAS SOMETHING THAT WOULD DISORIENT THEM. THE INTENTION OF THE MUSIC TO PREVENT COMMUNICATIONS AMONG THE PRISONERS SO THEY ARE GIVEN THE SENSE THAT THEY EXIST IN ISOLATION, AND THUS SO THEY DO NOT KNOW THERE ARE OTHER PRISONERS. FOR THAT REASON, THE GUARDS DO NOT SHOUT AT THE PRISONERS; AS A CONSEQUENCE, THE PRISONERS CANNOT TELL THAT THERE ARE OTHER PRISONERS. THIS GIVES US MORE CONTROL OVER THE FACILITY. --- ADDED. EITHER HERE IN LATER DISCUSSION, THAT WHEN HE FIRST ARRIVED IN THE FACILITY HE WENT INTO ONE OF THE CELLS AND YELLED, WITH THE RESULT THAT THEY DETERMINED HE COULD BE HEARD FROM AN ADJOINING CELL. 

THUS, THERE HAD TO BE SOME FORM OF NOISE MASKING.)

--- ASKED ABOUT THEIR GENERAL RULES REGARDING SHACKLING. --- NOTED THERE ARE NO WRITTEN SOPS. INITIALLY, THE GENERAL RULE WAS THAT THEY WOULD SHACKLE ONE HAND TO THE WALL IN A TIED POSITION. THIS IS IN ORDER THAT WHEN THE GUARDS (OR RENDITION PERSONNEL) PLACE A PRISONER INTO A CELL, THEY CAN EXPEL THE CELL WITHOUT RISK THAT THE DETAINNEES WILL GET UP AND DO SOMETHING TO THEM. ASKED IF THIS WAS THUS AS A SECURITY MEASURE. --- ANSWERED YES.

--- ASKED IF THOSE RULES CHANGED AFTER THE BUPRISON VISIT, --- SAID WHEN THE DETAINNEES ARE Brought in, --- PERSONNEL DO THE TRANSPORTING, AND IT HAS BECOME HIS PRACTICE THAT WHEN THEY ASK "WHAT TO YOU WANT TO DO WITH THIS GUY?" HE TELLS

---
"SHACKLE ONE OF HIS HANDS TO THE WALL." THEY STILL DO THAT THE SAME WAY (TODAY).

ASKED WHEN THAT CHANGED FOR THE INDIVIDUAL DETAINEE - I.E., WHETHER THAT CONDITION WOULD BE RELAXED FOR DETAINEES - AND THUS, FOR EXAMPLE, WHETHER THE METHOD OF RESTRAINT IN THE CELL WOULD STILL BE AS ONEROUS ABOUT TWO WEEKS AFTER A DETAINEE'S ARRIVAL, ANSWERED THAT IT DEPENDS ON BEHAVIOR, LEVEL OF COOPERATION, AS WELL AS THEIR ASSESSMENT WHETHER THE PRISONER IS DANGEROUS. IF THE PRISONER IS OLDER, OR OTHERWISE NON-THREATENING, THEY MIGHT NOT NEED TO [SHACKLE HIM THAT WAY].

WAS ASKED WHAT WAS THE METHOD, THEN, IF THE PRISONER IS COOPERATIVE AND IS NOT DANGEROUS. SAID THEY NOW HAVE ABOUT 15 TO 20 PRISONERS. THERE IS SHACKLING FOR ALL THEM IN A VARIETY OF WAYS. HAND TO THE WALL, OR FEET TOGETHER, [OR SOME COMBINATION] SO THEY WILL NOT BE ABLE TO OVERPOWER THE SMALL GUARDS. THERE IS NEVER ANYBODY UNSHACKLED.

IF THE DETAINEE COOPERATES, THE BEST CONDITION WOULD BE TO HAVE ONLY THE FEET SHACKLED. OVER TIME, HOWEVER, THEY HAVE FOUND ABRASIONS ON THE FEET, AND THUS THEY HAVE TO GO BACK TO THE WALL. HAS ASKED THE GUARDS TO LOOK OUT FOR THAT.

NEVER, THAT DOESN'T ALWAYS GET DONE. [I.E., THE GUARDS AREN'T ALWAYS ATTENTIVE TO THAT, AND DON'T CHANGE THE PRISONERS' SHACKLES ON THEIR OWN INITIATIVE.]

ASKED ABOUT HOW THEY HANDLE UNCOOPERATIVE DETAINEES, SAID THAT "PRE-GUL RAHMAN" THERE WERE A COUPLE OF DIFFERENT WAYS. IF THEY HAND-SHACKLED A PRISONER, IT WAS BECAUSE HE WAS PRETTY MUCH NOT A THREAT. IN SUCH CASES THEY WOULD SHACKLE A HAND (OR TWO) TO THE, AND THE FEET WOULD BE SHACKLED TOGETHER. THE BUPRISON PEOPLE TAUGHT THE GUARDS HOW TO SHORT-CHAIN. THEY TOLD THE GUARDS NOT TO HOG-TIE THE PRISONERS, BECAUSE OF THE RISK OF ASPHYXIATION. SAID HE WAS NOT AN EXPERT, BUT HE UNDERSTOOD THAT THE BUPRISON METHOD KEEPS THE HANDS AND FEET REASONABLY CLOSE TOGETHER.

THE OVERHEAD BAR IS USED WHEN THEY WANT TO KEEP THE PRISONER AWAKE OVERNIGHT. ASKED WHETHER IT DECIDES TO USE THAT METHOD, ADVISED IT IS WHOEVER [AMONG THE AGENCY

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INTERROGATORS] IS WORKING THAT CASE. ASKED IF THERE WERE "OTHER PUNISHMENTS" EMPLOYED
BY THE FACILITY, [REPLIED, SOMewhat OBJECTING TO THAT CHARACTERIZATION, THAT THEY DO NOT
USE ANY METHODS "AS PUNISHMENT." HE MENTIONED THAT THEY KEEP A DETAINee AWAKE ALL
NIGHT SO THEY CAN INTERROGATE WHEN THE DETAINee IS NOT FRESH, E.G.,
EXAMPLE, IN THE CASE OF RAHMAN, HE WAS STOOD UP FOR A COUPLE OF DAYS, BUT GAVE NO
DIFFERENT INFORMATION, SO [DIRECTED THAT HE BE MOVED TO ANOTHER CELL. THIS WAS
CONSISTENT WITH THE GENERAL RECOMMENDATION/ADVICE OF THE PSYCHOLOGIST WHO
SUGGESTED THAT AFTER 72 HOURS OF SLEEP DEPRIVATION, A PERSON'S LUCIDITY DECLINES SUCH
THAT FURTHER QUESTIONING IS NOT LIKELY EFFECTIVE. [SPOKE TO THE PSYCHOLOGIST WHO
REFERRED ME TO AN INDEPENDENT CONTRACTOR ("IC") FORMER DOD SENIOR SEER PSYCHOLOGIST, BRUCE [BRUCE
JESSEN] WHO WORKED THE GUL RAHMAN CASE.

NOW THERE IS A PSYCH WHO TRAVELS WITH THE RENDITIONS TEAM, NOT AS AN
INTERROGATOR, BUT AS SOMEONE WHO PROVIDES ASSESSMENTS TO THE INTERROGATORS.

HE DID SOME MENTAL STATUS ASSESSMENTS OF RAHMAN AND OTHER DETAINees WHO CAME
IN AT ABOUT THE SAME TIME. HE SINCE HAS LEFT AND GONE TO [A ROOM WITH

ASKED ABOUT PUNISHMENTS, [SAID HE NEVER APPROACHED IT AS PUNISHMENT
FOR UNCOOPsRATIVE BEHAVIOR. THEY ALREADY HAVE DEPRIVED THE DETAINees SUBSTANTIALLY
AS A PREMISE FOR THE INTERROGATION PROCESS, THERE'S NOT REALLY MUCH TO TAKE AWAY.
INSTEAD, THEY CAN ADD COMFORTS. FOR EXAMPLE, THE LIGHTS, BLANKETS, MAT TO SLEEP ON. THEY
BUILT THE CELL IN THE ROCKING CHAIR. THEY CAN ALLOW A COOPERATING DETAINee TO SPEND SOME
TIME IN THAT ROOM, WITH FOAMIES FOR THEIR EARS FOR THE NOISE. [HAS HAD TO SCHEDULE USE
OF THAT ROOM BASED ON AVAILABILITY. IN GENERAL, PRIVILEGES ARE NOT TAKEN FROM PRISONERS,
RATHER REWARDS MAY BE GIVEN TO THEM.

IF THE DETAINees ARE COMPLAINING ABOUT SOMETHING, THAT'S A MATTER THAT SHOULD BE FIRST
HANDLED BY THE GUARDS. ASKED IF HE COULD DIRECT THAT A DETAINee BE GIVEN A
BLANKET.
SAID YES. IN THE SUMMER AND INTO FALL WHEN RAHMAN DIED, IT WAS STILL QUITE WARM. AT THAT TIME THEY COULD BE WORRIED ABOUT CREATURE COMFORTS. NOW, HOWEVER, THE CONCERN IS FOR SAFETY AS A PRIORITY. AS TO COLD, WE (I.E., STATION) TOOK THAT OPTION AWAY. WE NOW HAVE A LOT OF BLANKETS AND WARM CLOTHES.

QUESTIONED ABOUT THINGS BEING TAKEN AWAY, ANSWERED THAT THEY COULD PUT BODY IN THE LUXURY SUITE. FOR EXAMPLE, HE SAID, THEY HAD ALLOWED HIM INTO THE LUXURY SUITE, BUT LATER PUT HIM BACK INTO THE BASELINE ROOM WITH HIS CHAINED. THERE IS NOTHING ELSE THEY CAN REALLY TAKE AWAY. THERE ARE NO PRIVILEGES LIKE TEA OR EXOTIC FOOD.

ASKED ABOUT THE DECISION TO TAKE RAHMAN'S PANTS AWAY, EXPLAINED THAT INITIALLY HE AND BRUCE JOINTLY, WERE MOST INTENSELY QUESTIONING RAHMAN. THEY, HE AND BRUCE, WERE MOST INTENSELY QUESTIONING RAHMAN. SPoke TO RAHMAN AFTER BRUCE DEPARTED, AND HE COMPLAINED ABOUT THE COLD. BUT HE COMPLAINED ABOUT EVERYTHING, AS AN OBVIOUS IMPLEMENTATION OF RESISTANCE TECHNIQUES.

GAVE HIM A SWEATSHIRT AND SOCKS ABOUT TWO DAYS PRIOR TO HIS DEATH.

THUS, AGAIN, IT IS NOT THAT SOMETHING IS TAKEN AWAY. EVERYTHING IS TAKEN AWAY WHEN THEY FIRST ARRIVE. THE DIAPER CONSISTS TYPICALLY OF A DEPENDS WITH DUCT TAPE. THE INITIAL PURPOSE OF THE DIAPER IS HUMILIATION AND IF THERE IS AN ACCIDENT BETWEEN BREAKS [SUCH AS WHEN THE PRISONER IS CHAINED STANDING UP] - THERE ARE NO DRAINS IN THE CELLS SUCH AS WOULD FACILITATE CLEAN-UP - THEN THERE ARE HYGIENIC REASONS AS WELL.

IN RESPONSE TO THE QUESTION AS TO WHAT HAD HAPPENED TO RAHMAN'S DIAPER,
SAID HE DID NOT KNOW. HE ADDED THAT HE WOULD HAZARD A GUESS THAT THE GUARDS DID IT. THE GUARDS DON'T HAVE DIAPERS [TO REPLACE ANY THEY MAY HAVE HAD TO REMOVE]. LATER MODIFIED THIS BY SAYING THAT THEY MAY HAVE SOME DIAPERS.] PERSONNEL PUT THE DIAPERS ON AND OFF.

IN RENDITIONS, THE PERSONS BEING RENDERED ARE CLOTHED IN SWEATS AND SWEATSHIRT AND A DIAPER. THUS, THAT IS THE UNIFORM THAT RAHMAN CAME IN.

ASKED IF HE WOULD HAVE HAD PANTS FOR ABOUT THREE DAYS, KNOW IF IT WAS THAT LONG. HE ADDED THAT ALL OF RAHMAN'S CLOTHES WERE TAKEN FROM HIM (EXCEPT THE DIAPER) WHEN HE WAS BROUGHT IN TO BE INTERROGATED.

COULD NOT RECALL WHETHER OR NOT RAHMAN HAD A DIAPER WHEN HE SAW HIM TWO DAYS PRIOR TO HIS DEATH. MAYBE THREE DAYS. AT THAT OCCASION, RAHMAN HAD NOTHING TO SAY. IT WAS THE DAY BEFORE RAHMAN'S DEATH, THE GUARDS TOLD HIM, THAT RAHMAN WAS THROWING THINGS AT THEM. ASKED IF THE GUARDS, THEREFORE, HAD REMOVED THE DIAPER AFTER ABOUT TWO OR THREE DAYS, SAID HE WAS NOT SURE WHEN RAHMAN LOST HIS DIAPER. HE DID NOT KNOW. HE DID NOT RECALL IF RAHMAN HAD A DIAPER ON WHEN HE GAVE HIM HIS SWEATSHIRT.

ASKED WHEN RAHMAN LOST THE DIAPER, SAID SOMETHING TO THE EFFECT THAT ONE HALF OF THE PRISONERS HAVE BEEN NAKED, AND THAT THE ONLY DIAPER THEY HAD WOULD HAVE BEEN THE ONE WHEN RENDITIONED. [IT DEPENDS ON WHAT TYPE OF INTERROGATION IS BEING USED.] NOW, NOBODY IS NAKED BECAUSE IT IS REAL FREAKIN' COLD.

ASKED WHAT ARE THE OCCASIONS IN WHICH A DETAINEE MIGHT BE STRIPPED DOWN TO A DIAPER. ANSWERED (1) IF THERE WERE CURRENT THREAT INFORMATION THAT THEY NEEDED TO ELICIT, OR (2) IF THERE WERE INFORMATION OF SIGNIFICANT INTELLIGENCE VALUE THEY HAD TO ELICIT, OR (3) IF THE DETAINEE WAS NOT COOPERATING. ONE OF THEIR TECHNIQUES IS TO TAKE THE CLOTHES AND PUT ON A DIAPER. THERE IS ONE THERE NOW GOING THROUGH THAT, ALTHOUGH THERE IS NOT A LOT OF TIME FOR THAT.
There is no problem now with prisoners in diapers. There are no problems with genitalia or anal functions. Or at least none have been brought to attention.

Asking if there have been other instances of persons having or looking to develop "othermia," said no. A lot in diapers are in much better physical condition. Rahman was probably the most physically fit, strong [among those who have been put into diapers]. Others have been 95 pounds - an old man, for example.

At the time Rahman died - was that November? - it was a time of drastically dropping temperatures.

Thus, now nothing can be taken away, on account of the temperature.

There are a variety of things that have been modified as a result of the temperature. And there are other reasons. For example, we do not chain the detainee by both hands because they could not pull their clothes over their bodies. For the same reason, there is no standing up at night. These softening conditions are getting in the way, and we need to be concerned about them. There is no central heating.

There are now about 15 heaters in the cell area, spaced out. Spaced out to avoid a carbon monoxide problem. There are also fire extinguishers in place. They found they were empty.

Carbon monoxide is not a likely effect because most of the heat goes out the roof. There is no insulation.

Concerning the "slight breakthrough" that they'd had with Rahman before he died - at the point where he finally admitted he was Gul Rahman was asked if he attributed that to the conditions, it appearing to be a significant development in face of former
He knew that we knew he was Gul Rahman. We possessed pictures we had found on him. At first when we asked if that was him, he would answer no. He categorically denied it. Ultimately, he said "it could be me." That was not much, but it was a change from a categorical denial.

He asked about the treatment of the guards prior to the clothes being taken, and he did not know. The clothes were taken from Rahman for a couple of days, at the time they were subjecting him to sleep deprivation. Rahman's attitude was that he was controlled, not argumentative, not crying, not upset that he'd been incarcerated, not threatening to ramble. He might pause, a thinking pause, and then he would give a short answer. Rahman was committed ideologically. He had a high degree of loyalty to the persons he was serving. He would interject religious phrases, such as "thanks to God" (a way of saying, in effect, "all is well"). He said this as an answer to some or all questions. Said, this was distinguishable from the vast majority of prisoners they talked to.

Bruce described Rahman as one of the most fanatical interview resisters he had seen in his entire career. He had a fairly high degree of respect for Rahman, for his willingness to resist. He was an adversary to be respected. He was obviously quite intelligent, although he claimed not to have had much education.

Warm weather, keeping prisoners up (i.e., awake) was general SOP. If we could control the environmental situation - to keep it at 70 - it would be an effective way to deal with prisoners like Gul Rahman. Obviously it had the intended effect. Per the mental status exam, environmental deprivation, sleep deprivation made Rahman willing to change his response a little bit for improved treatment. There was certainly hoping to talk with Rahman over a longer period of time, so they could get some further session. Rahman would have clung to things he thought important, but he would give up ancillary things to improve his treatment, but not such as would betray his people.
UPON THE QUESTIONER’S OBSERVATION THAT THIS WAS AN OBVIOUSLY “SOLID PROGRAM,”
BUT THAT IT
SEEMED STRANGE THAT IT WOULD BE RUN BY A SOME
DAY.” I.E., HE EXPLAINED, HE IS NOT A BUT INSTEAD IS A

[THE QUESTIONER NOTED TO THAT IN TALKING TO THE GUARDS
INDICATED
THAT PANTS HAD BEEN ON ONLY A FEW DAYS, THEN WERE TAKEN FROM THE PRISONER.] ASKED IF HE
WOULD HAVE BEEN THE PERSON TO TELL THE GUARDS TO REMOVE PANTS, REPLIED

AND THUS EVEN IF ANOTHER INTERROGATOR WERE THE SOURCE OF THE
DIRECTION, IT
WOULD HAVE TO COME THROUGH HIM. HE DID NOT RECALL IN THE CASE OF GUL RAHMAN IF
IT WAS
HIMSELF OR

AND, SAID THEY DIDN’T TAKE HIS PANTS. THEY TOOK ALL OF HIS CLOTHES.
RAHMAN ALWAYS
COMPLAINED ABOUT BEING COLD. THAT WAS NOT UNUSUAL. YOU COULD COUNT ON GUL
RAHMAN TO
COMPLAIN ABOUT A VARIETY OF CONDITIONS. FOR EXAMPLE, HE COMPLAINED ABOUT THERE
BEING
ENOUGH FOOD. RAHMAN WAS THERE QUITE A WHILE BEFORE HE ADMITTED HIS NAME
Said he was moving toward approval of moving rahman to a [lighter style]
TRYING TO MOVE HIM UP THE LADDER. BEING SOMETHING OF A NICE GUY, A REWARD
APPROACH. RAHMAN HAS BEEN THROUGH THE INTERROGATORS' HARD APPROACH.

Said he was not sure if he did speak to the guards (about the pants). WOULDN'T
HAVE DONE IT ON THEIR OWN. IT WAS DONE AFTER HE WAS STOOD UP FOR A COUPLE OF
DAYS.

ULTIMATELY, THE DECISION TO STAND A DETAINEE UP WOULD HAVE BEEN ...
AND BRUCE
WERE TALKING TO RAHMAN, SO IN HIS CASE THAT WOULD HAVE BEEN DECISION ON ...
AND BRUCE.

ASKED TO DESCRIBE A RENDITION.

THE (USC) CREW MEETS THE DETAINEE IN A ROOM TO TAKE OVER CONTROL.
They strip,
search, and photograph the person being rendered, so that they document if he
has been
beaten up or traumatized. Anything significant would be documented. The medic
NOTE IT. WHEN THEY FLY
THE ARE
HOODED, WITH FOAMIES AND THE BIG THINGS OVER THEIR EARS, SO THEY DO NOT KNOW
WHERE THEY
ARE.

WHEN THEY ARRIVE, THE SECURITY PERSONNEL TAKE THE RENDERED PERSON TO A CELL,
AND CHAIN HIM
TO THE WALL.

THE GUARDS THEN GO TO THE CELL AND REMOVE THE EYE MASK AND HOOD AND THE EAR
PROTECTION.
THE GUARDS NEVER COMPLAINED ABOUT THE COLD FOR THE DETAINEES.

THE GUARDS NEVER COMPLAINED ABOUT THE PRISONERS' LACK OF FOOD OR CREATURE
THERE ARE NOW THERMOMETERS IN THE FACILITY. THE GUARDS ARE NOW MORE ATTENTIVE TO THE COLD. BUT, AGAIN, THERE HAVE BEEN NO COMPLAINTS FROM THE GUARDS SINCE RAHMAN’S DEATH.

THE GUARDS RECORD THE TEMPERATURE EACH FOUR HOURS.
ASKED WHO WAS RUNNING THE PROGRAM WHEN [ ] ARRIVED

ANSWERED THAT THE GUARDS WERE NOT THERE YET.

WHEN HE ARRIVED. (b)(1) CIAAct

(b)(3) NatSecAct

THE PROGRAM WAS IN A

STATE OF LIMBO OF SORTS. (b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

WAS ONLY A CONSTRUCTION PROJECT, NOT MORE YET.
REGARDING THE SMELLS, THE GUARDS HAD COMPLAINED ABOUT THE SMELLS PRIOR TO RAHMAN'S DEATH. WE GAVE THEM SURGICAL MASKS IN RESPONSE.

THE BUREAU OF PRISONS GUYS CALLED HIM THEIR SHIFT COMMANDER. THEY GAVE THE BUPRISON TRAINERS TWO OBJECTIVES, TO (1) TRAIN AND (2) ORGANIZE THE GUARDS. THUS, THE GUARDS WERE TAUGHT HOW TO OPERATE IN SHIFTS, AND HOW TO CONDUCT CHECKS ON THE STATUS OF THE DETAINES.

ASKED WHEN BRUCE LEFT, ___________________________ ADVISED HE WAS AT THE FACILITY ABOUT A WEEK OR MORE, AND WHEN HE LEFT, ___________________________ WAS ALONE RESPONSIBLE FOR RAHMAN AND THE FACILITY.

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ON THE SUBJECT OF MEDICAL SUPPORT, \( \text{said the doc tries to get out to} \)

THE FACILITY AT

\( \text{every two weeks, and as needed.} \)

\( \text{(b)(1)(c)(3)CIAAct} \)
\( \text{(b)(3) NatSecAct} \)
\( \text{(b)(6)} \)
\( \text{(b)(7)(c)} \)

(b)(3) CIAAct
\( \text{ASKED AGAIN ABOUT RAHMANS FOOD-THROWING INCIDENT, said it was} \)

\( \text{unusual as an} \)

\( \text{OUTBURST OF EMOTION, ADDED THAT RAHMANS REAL REASON TO COMPLAIN WAS AS A} \)

\( \text{RESISTANCE TECHNIQUE.} \)

\( \text{(b)(1)(c)(3)CIAAct} \)
\( \text{(b)(3) NatSecAct} \)
\( \text{(b)(6)} \)
\( \text{(b)(7)(c)} \)

(b)(3) CIAAct
\( \text{ASKED ABOUT WHETHER OTHERS HAD BEEN UNCLOTHED} \)

\( \text{IT DID HAVE THE DESIRED EFFECT ON} \)

RAHMAN,

HOEwer. RAHMAN SAID AT ONE POINT THAT HE COULD NOT TALK "LIKE THIS" BECAUSE IT WAS

\( \text{EMBARRASSING FOR HIM, ADDED THAT HE THREW RAHMANS HOOD OVER RAHMANS} \)
PRIVATE AREAS AND THE INTERROGATION PROCEEDED. THUS, THIS WAS A USEFUL DEVICE IN THAT IT PERMITTED TO GIVE HIM SOMETHING.
FINAL AUTOPSY FINDINGS

CASE #: OMS A-01-02

IDENTIFICATION: 

NAME: GUL RAHMAN

STATUS: Detainee

SSN/ID NO:

AGE:

DATE OF BIRTH: 

SEX: Male

DATE AND TIME OF DEATH: Early morning hours of November 2002.

PLACE OF AUTOPSY: Detention Facility

PROSECTOR: 

ASSISTANTS:

TYPE OF AUTOPSY:

Included anterior neck dissection with examination of hyoid bone,

-urinary catecholamines.

MEDICAL OPINION

CAUSE OF DEATH: Undetermined.

MANNER OF DEATH: Undetermined.

CLINICAL IMPRESSION: Hypothermia.
SUMMARY OF PATHOLOGIC DIAGNOSIS

Anatomic Findings:

External Evidence of Injury (Past and Present):

1. Circumferential superficial excoriations of the left and right wrists and the left and right lower legs consistent with shackle restraint abrasions.

2. (b)(1)
   (b)(3) CIAAct
   (b)(3) NatSecAct

3. Pertinent negative findings: No evidence of head, facial, or neck injuries. No fractures or significant internal traumatic injury.
   (b)(1) CIAAct
   (b)(3) NatSecAct

Internal Examination
   (b)(1)
   (b)(3) CIAAct
   (b)(3) NatSecAct

Histologic Findings
   (b)(3) NatSecAct

Toxicology: Negative for cyanide.

Laboratory studies: Elevated Urinary Catecholamines were detected.

Urine catecholamine fractionation:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(3) CIAAct
(b)(3) NatSecAct
Brief Clinical History

Gul Rahman (detainee) was a detainee at the Detention Facility who was in good health prior to the morning of November 2002. He was found dead in his cell at approximately 10 a.m. by the facility guards.

The detainee had been incarcerated for days prior to his death. On admission to the facility he was examined by a health care practitioner and was found to be without medical complaints or significant physical ailment. days prior to his death the detainee was uncooperative and made verbal threats against the facility guards and threatened to kill their families. At this time, he was placed in short restraints (wrists and feet shackled and connected by a short chain) and his pants were taken. At 3 p.m. on November the detainee was given his daily meal by the guards, which he threw around the room and again made threats to the guards. The last meal that the detainee had eaten was the prior day at November 2002 (approximately 36 hours prior to his death). When the detainee was checked on at 8 a.m. November, he was observed sitting upright in restraints, sitting in direct contact with the concrete floor. He was reportedly shivering, but did not speak or look at the guards. At 10 a.m. the detainee was found unresponsive and cold lying on his right side. Agency officers were summoned and they attempted basic cardiac resuscitation without success. The officers noted that the deceased was in short chain restraints and was in the fetal position laying on his right side on the concrete floor of the cell. The station health care practitioner was called and found the patient to be deceased.

The deceased was dressed only in a sweatshirt. The temperature the morning of November was 31 degrees Fahrenheit. There had been a rapid downward change in climactic temperature over the prior week. No heating was available in the facility at this time.

Prior to autopsy on the of November the body was stored in an upright freezer.
**Autopsy Report Protocol**

An autopsy was performed on the body of Gul Rahman at the Facility on November 2002 at approximately

**External Examination**

The teeth were natural and in good condition. Examination of the neck revealed no evidence of injury. The chest was unremarkable. No evidence of injury of the ribs or sternum was evident externally. The abdomen was flat and without signs of significant injury.

The extremities showed circumferential superficial excoriations of the left and right wrists and the left and right lower legs consistent with abrasions from shackle restraints.

**Internal Examination**


Neck:
A complete anterior neck dissection was performed. Examination of the neck, including strap muscles, thyroid gland, and large vessels, revealed no abnormalities. The hyoid bone was intact. The laryngeal cartilages were intact and without fracture or hemorrhage.
Toxicology and Chemistry

Laboratory studies: Elevated Urinary Catecholamines were detected.

Urine catecholamine fractionation:
- (b)(1) Analysis revealed no presence of cyanide.
- (b)(3) CIAAct
- (b)(3) NatSecAct

Medical Opinion

Cause of Death: Undetermined.
Manner of Death: Undetermined.
Clinical Impression: Hypothermia.

The anatomic findings are non-specific and are not pathognomonic for a specific cause or manner of death. Based upon the investigative history and the lack of contradictory pathologic findings the clinical impression is that this individual's death is consistent with hypothermia.
C. Station's physician's assistants are available to travel on the rendition aircraft.
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
TO: IMMEDIATE DIRECTOR INFO ALEC.

FOR: (b)(1) CIAAct
(b)(3) NatSecAct

SUBJECT: TRAINING FOR PRISON GUARDS

REF: NONE

TEXT:

1. ACTION REQUIRED: REQUEST HQS CONSIDER A TRAINING COURSE AS DESCRIBED BELOW FOR OFFICERS ASSIGNED AS PRISON GUARDS IN THE NEW DETENTION CENTER.

2. AS STATION READIES FOR THE COMPLETION OF THE NEW DETENTION CENTER, GUARDS WILL BE RESPONSIBLE FOR THE SECURITY AND MOVEMENT OFF ALL...
DETAINEES.

(b)(1) STATION ASSESS A NEED FOR A COMPREHENSIVE TRAINING COURSE FOR THE GUARDS WHICH WILL COVER SUCH ISSUES AS SECURE MOVEMENT OF DETAINES, SEARCH TECHNIQUES, AND STANDARD OPERATING PROCEDURES FOR A DETENTION FACILITY.

(b)(1) STATION IS SETTING UP THIS FACILITY WITH ISOLATION OF THE DETAINEE BEING OUR PRIMARY GOAL. EACH DETAINEE'S INTERACTION WITH THE OUTSIDE WORLD SHOULD BE LIMITED TO HIS TIME SPENT WITH A INTERROGATOR ONLY. THIS WILL ALLOW FOR THE OFFICER TO CONTROL ALL ASPECTS OF THE DETAINEES EXISTENCE.

(b)(1) (b)(3) CIA Act (b)(3) Nat Sec Act

(b)(1) (b)(3) CIA Act (b)(3) Nat Sec Act

(b)(1) (b)(3) CIA Act (b)(3) Nat Sec Act
TO: IMMEDIATE INFO ALEC.

FROM: (b)(3) CIAAct

SUBJECT: TRAINING FOR PRISON GUARDS

REF: A. 23587 (b)(3) CIAAct

TEXT:

1. ACTION REQUIRED: PLEASE SEE BELOW HQS COMMENTS ON USING SECURITY CONTRACT COMPANY TO TRAIN PRISON GUARDS.

2. WE AGREE WITH STATION THAT THERE IS A NEED FOR A COMPREHENSIVE TRAINING COURSE FOR OFFICERS WHO ARE ASSIGNED AS PRISON GUARDS IN THE NEW DETENTION CENTER. WE SUPPORT REF PROPOSAL IN PRINCIPLE AND ARE WILLING TO SUPPORT STATION INITIATIVES ANYWAY WE CAN.
THAT SAID, WE ARE OPEN TO OTHER SUGGESTIONS THAT STATION MAY HAVE ON TRAINING PRISON GUARDS. REGARDS.

END OF MESSAGE —SECRET
TO: PRIORITY DIRECTOR INFO ALEC.

FOR: 

SUBJECT: TRAINING FOR PRISON GUARDS

REF: A. DIRECTOR 
B. 23587

TEXT:

1. ACTION REQUIRED: STATION REQUESTS THAT DIRECTOR IDENTIFY AND SCHEDULE AN IN-HOUSE TRAINING COURSE FOR PRISON GUARDS (SEE PARA 2).

2. STATION WOULD LIKE HQS TO IDENTIFY STAFF OFFICERS OR IC TRAINERS, WHO COULD PRODUCE THE DESIRED EFFECTS AS OUTLINED IN REF B. SPECIFICALLY, WE WOULD LIKE TO TRAIN THE GUARDS WHO WILL STAFF THE FACILITY GUARDS WILL BE RESPONSIBLE FOR THE SECURITY AND MOVEMENT OFF ALL DETAINEES, STATION ASSESS A NEED FOR A
COMPREHENSIVE TRAINING COURSE FOR THE GUARDS WHICH WILL COVER SUCH ISSUES AS SECURE MOVEMENT OF DETAINEES, SEARCH TECHNIQUES, AND STANDARD OPERATING PROCEDURES FOR A DETENTION FACILITY. REGARDS.

END OF MESSAGE

SECRET
1. ACTION REQUIRED: SEE PARA. 2 BELOW.

3. WITH RESPECT TO REF B TRAINING REQUEST FOR PRISON GUARDS, HQS CONTINUES TO EXAMINE POSSIBILITIES. AT PRESENT,
SPECIFIC TRAINING PROGRAM AND PERSONNEL HAVE NOT/NOT BEEN IDENTIFIED. ANTICIPATE FORMALIZING PLANS BY CLOSE OF WEEK AND WILL UPDATE AS APPROPRIATE. REGARDS.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

END OF MESSAGE
TO: IMMEDIATE DIRECTOR

FOR: 

SUBJECT:

REF: 

B. 

C. 

REQUEST HQS UPDATE STATUS OF PERSONNEL TO TRAIN THE GUARD STAFF.

2. 

25994 1422Z AUG 02 STAFF

1434Z AUG 02

PAGE 001
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

5. ADVISED THAT HE HAD MOST
STAFF IDENTIFIED AND THEY HAVE "BASIC TRAINING." REQUEST UPDATE ON THE STATUS OF BUREAU OF PRISONS PERSONNEL TDY TO TO Gain The GUARDS AND PRISON STAFF. STATION BELIEVES THIS TRAINING WILL BE ESSENTIAL GIVEN THE NEAR CERTAINTY THAT WE WILL BE CALLED TO ACCOUNT FOR OUR EFFORTS AT SOME FUTURE DATE EITHER WITHIN THE USG OR TO THE INTERNATIONAL COMMUNITY (THROUGH THE ICRC).

END OF MESSAGE
TO: PRIORITY DIRECTOR INFO

FOR: CIA Act

SUBJECT: BUREAU OF PRISONS SUPPORT

1. ACTION REQUIRED: NONE, FYI ONLY.

2. APPRECIATES WORK IN COORDINATING TRAINING PERSONNEL BY THE BUREAU OF PRISONS (BOP). STATION RECOGNIZES THAT SUCH AN ARRANGEMENT DID NOT OCCUR WITHOUT MUCH HARD WORK.ALTHOUGH REALIZES ADDITIONAL COORDINATION AND APPROVAL HURDLES REMAIN, STATION LOOKS FORWARD TO SUPPORTING A SMALL
CONTINGENT OF BUREAU OF PRISONS PERSONNEL IN THE NEAR FUTURE.

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

4. HAS 20 ROOMS FOR PRISONERS
   (b)(1)
   (b)(3) CIA Act
   (b)(3) NatSec Act

5. STATION LOOKS FORWARD TO RECEIVING A TIMELINE FOR THE TDY OF BOP PERSONNEL. FROM STATION’S PERSPECTIVE, SOONER IS BETTER.
   (b)(1)
   (b)(3) CIA Act
   (b)(3) NatSec Act
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

END OF MESSAGE —SECRET—
TO: DIRECTOR

SUBJECT: AFTER ACTION REPORT ON BUREAU OF PRISON VISIT

TEXT:

1. ACTION REQUIRED: PLEASE PASS STATION'S APPRECIATION TO THE BOP.

2. ON NOVEMBER 2002, BUREAU OF PRISON (BOP) REPRESENTATIVES A AND B ARRIVED AT STATION TO ASSESS THE TRAINING AND
SECURITY NEEDS OF THE FACILITY FOLLOWING THEIR INITIAL ASSESSMENT, A TRAINING PROGRAM WAS PREPARED AND CONDUCTED ON SITE WHICH RAN FROM [NOVEMBER] THROUGH [NOVEMBER].

3. AFTER COMPLETION OF THE TRAINING PROGRAM AND HAVING HAD THE OPPORTUNITY TO SPEND TIME AT THE FACILITY AS WELL AS TRAVELING TO AND FROM IT, THE BOP REPS OFFERED THE BELOW RECOMMENDATIONS FOR CONSIDERATION WITH THE UNDERSTANDING THAT [THE RIGHT TO ACCEPT OR DECLINE THESE RECOMMENDATIONS BASED ON THE NEEDS AND FEASIBILITY OF IMPLEMENTATION AT ]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
6. STATION REQUESTS HEADQUARTERS PASS ALONG TO THE BOP OUR APPRECIATION FOR THEIR ASSISTANCE IN MAKING THE FACILITY A MORE SECURE AND SAFER WORKING ENVIRONMENT FOR BOTH THE GUARD STAFF AND STATION OFFICERS. THE PROFESSIONALISM AND MANNER IN WHICH IDENS CONDUCTED THE SITE SURVEY AND GUARD TRAINING IS TO BE COMMENDED. THEIR ASSESSMENT, RECOMMENDATIONS, AND TRAINING HAVE MADE A NOTICEABLE IMPROVEMENT ON HOW THE DAY TO DAY OPERATIONS AT THE FACILITY ARE PERFORMED. FOLLOWING THEIR DEPARTURE, IT HAS BEEN APPARENT TO STATION OFFICERS WORKING AT THE FACILITY THAT THE GUARD STAFF TOOK THE TRAINING SERIOUSLY, AND ALL HANDS ARE MAKING EFFORTS TO USE THE NEWLY LEARNED PROCEDURES.

END OF MESSAGE
TO: DIRECTOR

SUBJECT: QUESTIONS REGARDING DETENTION FACILITY

TEXT:

1. ACTION REQUIRED: NONE.

2. PER REF A, PLEASE SEE BELOW QUESTIONS/ANSWERS REGARDING THE NEW DETAINEE FACILITY:

A. 22682 | (b)(1) | (b)(3) CIAAct | (b)(3) NatSecAct
   B. DIRECTOR | (b)(1) | (b)(3) CIAAct | (b)(3) NatSecAct

Approved for Release: 2018/02/14 C06728181
STATION ANTICIPATES NEEDING TO PROVIDE DETAILED INSTRUCTIONS FOR THESE GUARDS, AND MAY OPT TO
REQUEST HQS SUPPORT IN THE FORM OF TRAINING FOR THESE INDIVIDUALS.

(b)(1) CIAAct
(b)(3) NatSecAct

-- WHAT ACCESS TO MEDICAL CARE WILL BE PROVIDED AND BY WHOM?
(WE NEED TO ABIDE BY BASIC HUMANITARIAN STANDARDS)

STATION CAN SUPPORT INITIAL, NON-EMERGENCY MEDICAL TREATMENT WITH THE USE OF STATION MEDICS.

ION HAS REQUESTED THAT A SMALL MEDICAL ROOM BE CONSTRUCTED SO THAT DETAINERS MAY RECEIVE MEDICAL CARE VIA VISITING MEDICAL PERSONNEL WITHIN THE FACILITY.

END OF MESSAGE

SECRET
TO: (b)(1) CIAAct (b)(3) NatSecAct
FROM:
SUBJECT: EYES ONLY - EVALUATING DETAINED HEART CONDITION

1. ACTION REQUIRED: NONE, FYI ONLY.
3. IF SUBJECT DOES HAVE A SIGNIFICANT HEART CONDITION, SUBJECT SHOULD NOT BE TRANSFERRED TO APPROPRIATE SPECIALIZED MEDICAL CARE IS NOT AVAILABLE AT THIS FACILITY. NO UNLAWFUL ENEMY COMBATANT WITH A PRE-EXISTING MEDICAL CONDITION CAN BE BROUGHT TO IF THERE IS REASON TO BELIEVE SUBJECT HAS A HEART CONDITION.

--------------------------- BODY ---------------------------

(b)(1) CIAAct
(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(1) CIAAct
(b)(3) NatSecAct

(b)(1) CIAAct
(b)(3) NatSecAct

--- PAGE 001 ---

2154Z OCT 02 ALEC 189493

TO: IMMEDIATE INFO DIRECTOR, (b)(1)

(b)(3) NatSecAct

(b)(3) NatSecAct

FROM:

(b)(1) CIAAct
(b)(3) NatSecAct

(b)(1) CIAAct
(b)(3) NatSecAct

TEXT:

1. ACTION REQUIRED: PLEASE QUESTION ABU ZUBAYDAH ABOUT GUL REHMAN

2. FOR BACKGROUND, WE CURRENTLY ARE ATTEMPTING TO LOCATE AND CAPTURE GUL ((RAHMAN)), WHO HAS BEEN IDENTIFIED AS A CLOSE ASSOCIATE OF AL-QA'IDA OPERATIVE ABU ABD AL-RAHMAN AL-((NAJIDI)), AND GULUBBDIN ((HEKMATYAR)). GUL RAHMAN IS AN AL-QA'IDA OPERATIVE FROM WARDAK PROVINCE.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
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<td>1</td>
<td>C06461010</td>
<td>REPORT OF AUDIT - RULES OF ENGAGEMENT IN THE CONDUCT OF INTELLIGENCE ACTIVITIES (2011-0018-AS)</td>
<td>6/4/2012</td>
<td>27</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(5)</td>
<td>DIF</td>
<td>This document is an Office of Inspector General (OIG) Report of Audit. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as TOP SECRET, and as such, disclosure of this information could be reasonably expected to result in grave damage to national security.</td>
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<td>C06491368</td>
<td>REPORT OF AUDIT - CA PROGRAM AUTHORIZED BY THE 17 SEPTEMBER 2001 PRESIDENTIAL FINDING (2002-0001-AS)</td>
<td>6/26/2002</td>
<td>21</td>
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<td>This document in an OIG Report of Audit. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations or foreign activities of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as TOP SECRET, and as such, disclosure of this information could be reasonably expected to result in grave damage to national security.</td>
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<td>REPORT OF AUDIT - TERRORIST WATCHLISTING (2005-0016-AS)</td>
<td>6/13/2007</td>
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<td>This document in an OIG Report of Audit. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel.</td>
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<td>12/31/2012</td>
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<td>REPORT OF AUDIT - CIA’S PROCESS FOR INVESTIGATING LEAKS OF CLASSIFIED INFORMATION (2012-0002-AS)</td>
<td>7/17/2012</td>
<td>25</td>
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<td>6/22/2012</td>
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<td>2003-7123-IG, REVIEW OF INTERROGATIONS FOR COUNTERTERRORISM PURPOSES</td>
<td>4/30/2003</td>
<td>8</td>
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<td>COMMENTS ON DRAFT REPORT OF INVESTIGATION: DEATH OF A DETAINEE (2003-7402-IG)</td>
<td>4/7/2005</td>
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<td>6 C06553345</td>
<td>OIG INVESTIGATION UPDATE</td>
<td>9/19/2005</td>
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<td>This document is an Memorandum for the Record, which memorializes an oral briefing to congressional staffers on the status of an ongoing investigation. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably be expected to result in serious damage to national security.</td>
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<td>DEATH OF DETAINEE GUL RAHMAN</td>
<td>5/2/2003</td>
<td>12</td>
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<td>This document is a Congressional Notification. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel.</td>
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<td>This document is a Congressional Notification. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to a draft of the notification that was included as part of the record. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel.</td>
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<td>LETTER TO PAT ROBERTS FROM GEORGE J. TENET</td>
<td>1/30/2003</td>
<td>11</td>
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<td>This document is a letter to Pat Roberts, the Chairman of the Select Committee on Intelligence, from George J. Tenet. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel.</td>
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<td>REPORT AND RECOMMENDATIONS OF THE SPECIAL ACCOUNTABILITY BOARD REGARDING THE DEATH OF AFGHAN DETAINEE GUL RAHMAN (DAC-04263-05)</td>
<td>12/1/2005</td>
<td>33</td>
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<td>DEATH OF A DETAINEE (2003-7402-IG)</td>
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<td>COUNTERTERRORISM DETENTION AND INTERROGATION ACTIVITIES (SEPTEMBER 2001 - OCTOBER 2003) (2003-7123-IG)</td>
<td>5/7/2004</td>
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<td>12/6/2006</td>
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<td>10/29/2003</td>
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<td>C06541725</td>
<td>THE RENDITION AND DETENTION OF GERMAN CITIZEN KHALID AL-MA'SRI (2004-7601-IG)</td>
<td>7/16/2007</td>
<td>109</td>
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<td>C01522115</td>
<td>DISPOSITION MEMORANDUM (2005-8103-IG)</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(f) was asserted to protect the life or physical safety of an individual. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(5) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(f) was asserted to protect the life or physical safety of an individual.</td>
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<td>This document is an OIG Memorandum for the Record memorializing an agents determination to not initiate a specific criminal inquiry. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to internal OIG to decisionmaking. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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Leopold v. CIA
1:15-cv-02204

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<td>2/13/2013</td>
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<td>MISREPRESENTATION OF ACADEMIC CREDENTIALS AND FALSE STATEMENTS BY A TELECOMMUNICATIONS INFORMATION SYSTEMS OFFICER (2011-10146-IG)</td>
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<td>C06659256</td>
<td>ALLEGED CONSPIRACY TO CONCEAL DOCUMENTS (2010-09869-IG)</td>
<td>12/8/2011</td>
<td>7</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(6), (b)(7)(c)</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as TOP SECRET, and as such, disclosure of this information could be reasonably expected to result in grave damage to national security.</td>
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<td>132</td>
<td>153</td>
<td>C06659257</td>
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<td>11/2/2011</td>
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<td>This document is an OIG Disposition Memorandum and is a duplicate of entry 182. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel.</td>
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<td>133</td>
<td>196</td>
<td>C06659260</td>
<td>BREACH OF CONTRACT ALLEGATION (2010-09982-IG)</td>
<td>7/8/2011</td>
<td>14</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>197</td>
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<td>11/29/2011</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>135</td>
<td>161</td>
<td>C06659265</td>
<td>POSSIBLE UNAUTHORIZED INTELLIGENCE COLLECTION BY DIRECTORATE OF INTELLIGENCE (2011-10082-IG)</td>
<td>9/29/2011</td>
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<td>(b)(3)(i), (b)(3)(n), (b)(6), (b)(5), (b)(7)(c), (b)(7)(d)</td>
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<td>This document is an OIG Disposition Memorandum.Exemption (b)(3) (National Security Act) was asserted to protect intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>2/11/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3)(National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>137</td>
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<td>5/22/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3)(National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings. Exemption (b)(3)(CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel.</td>
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<td>138</td>
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<td>ALLEGED CONTRACTOR MISUSE OF AGENCY SYSTEMS (2006-8365-IG)</td>
<td>2/5/2008</td>
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<td>DIF</td>
<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3)(National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3)(CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>ALLEGED USE OF GOVERNMENT FUNDS TO SUPPORT SALES (2007-8590-KG)</td>
<td>1/15/2008</td>
<td>6</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could reasonably be expected to result in serious damage to national security.</td>
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<td>140</td>
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<td>3/25/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could reasonably be expected to result in serious damage to national security.</td>
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<td>CONTRACTUAL IMPROPRIETIES (2002-6653-IG)</td>
<td>12/15/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>142</td>
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<td>8/6/2008</td>
<td>44</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(6), (b)(7)(c), (b)(7)(e)</td>
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<td>This document is an OIG Report of Investigation and a duplicate of entry 44. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations.</td>
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<td>9/11/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(6) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(7)(c) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(e) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>144</td>
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<td>10/7/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and (b)(3)(National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(6) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(7)(c) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(d) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(e) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>ALLEGED EMBEZZLEMENT AT OVERSEAS LOCATION (2007-8508-IG)</td>
<td>8/20/2008</td>
<td>18</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(5), (b)(6), (b)(7)(c), (b)(7)(d), (b)(7)(e)</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel.</td>
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<td>11/10/2008</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>CONFLICT OF INTEREST: OFFICER ASSIGNED TO COUNTERTERRORISM CENTER (2007-8502-IG)</td>
<td>5/26/2009</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(3) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(5) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel.</td>
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<td>5/15/2009</td>
<td>89</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations.</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations.</td>
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<td>2/6/2009</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations.</td>
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<td>2/24/2009</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as TOP SECRET, and as such, disclosure of this information could be reasonably expected to result in grave damage to national security.</td>
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<td>This document is an OIG Disposition Memorandum and a duplicate of entry 182. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>4/19/2011</td>
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<td>This document is an OIG Disposition Memorandum and a duplicate of entry 182. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>This document is an OIG Case Closing Memorandum. Exemptions (b)(1) and Exemption (b)(3)(National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3)(CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations.</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3)(National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3)(CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>7/23/2009</td>
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<td>(b)(1), (b)(3)(c), (b)(3)(a), (b)(6), (b)(7)(c), (b)(7)(d)</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3)(National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3)(CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>12/28/2009</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>7/22/2009</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified foreign government information; intelligence methods and sources, including human intelligence sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations or foreign activities of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>186</td>
<td>101</td>
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<td>12/10/2010</td>
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<td>187</td>
<td>102</td>
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<td>VIEWING CHILD PORNOGRAPHY WITH AN AGENCY-ISSUED LAPTOP COMPUTER (2010-09815-IG)</td>
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<td>This document is an OIG Report of Investigation. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source. Exemption (b)(7)(e) was asserted to protect the techniques and procedures used in law enforcement investigations.</td>
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<td>LACK OF IMPARTIALITY BY A DIRECTORATE OF INTELLIGENCE OFFICER (2010-09598-IG)</td>
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<td>198</td>
<td>117</td>
<td>C06659227</td>
<td>INTENTIONAL MISUSE OF AGENCY COMPUTER SYSTEMS BY A DIRECTORATE OF INTELLIGENCE LEADERSHIP ANALYST (2010-09666-IG)</td>
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<td>CONTRACTOR EMPLOYEE PARTICIPATION IN CIA-SPONSORED SOCIAL EVENTS (2010-09714-IG)</td>
<td>3/21/2011</td>
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<td>3/9/2011</td>
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<td>204</td>
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<td>ALLEGATION OF MISUSE OF GOVERNMENT COMPUTER SYSTEMS AND SEXUAL EXPLOITATION OF MINORS (2010-09636-IG)</td>
<td>1/7/2011</td>
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<td>12/13/2011</td>
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<td>7/6/2011</td>
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<td>8/18/2011</td>
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<td>8/25/2008</td>
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<td>11/18/2008</td>
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<td>4/27/2010</td>
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<td>TIME AND ATTENDANCE FRAUD: INFORMATION REVIEW AND RELEASE ANALYST IN THE CIA DECLASSIFICATION CENTER (2009-09929-IG)</td>
<td>12/10/2010</td>
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<td>ALLEGATIONS OF MISUSE OF POSITION - PERFORMANCE OF OFFICIAL DUTIES AFFECTING A PRIVATE INTEREST (2009-09470-IG)</td>
<td>6/25/2010</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>7/20/2010</td>
<td>8</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>1/21/2011</td>
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<td>This document is an OIG Disposition Memorandum. Exemptions (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, and controlled access and dissemination control markings. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by OIG to Agency decisionmakers. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. Exemption (b)(7)(d) was asserted to protect the identity of and information provided by a confidential source.</td>
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<td>Dec-02</td>
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<td>This document is a an attachment to C06555318 and a Memorandum for the Record memorializing an interview. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>Jan-03</td>
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<td>This document is a an attachment to C06555318 and a Memorandum for the Record memorializing an interview. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is a an attachment to C06555318 and an email. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is a an attachment to C06555318 and a Memorandum for the record memorializing an interview. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is a an attachment to C06555338 and a Memorandum for the Record memorializing an interview. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>Dec-02</td>
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<td>This document is a memorandum for the Record memorializing an interview. Exemption (b)(1) was asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3)(c) (National Security Act) was asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3)(n) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is a memorandum for the Record memorializing a cable. Exemption (b)(1) and Exemption (b)(3)(c) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3)(n) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>This document is a memorandum for the Record memorializing a cable. Exemption (b)(1) and Exemption (b)(3)(c) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3)(n) was asserted to protect pre-decisional intra-agency deliberations. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect privacy of both Agency and non-Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as TOP SECRET, and as such, disclosure of this information could be reasonably expected to result in grave damage to national security.</td>
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<td>293</td>
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<td>C06728164</td>
<td>INTELLIGENCE CABLE</td>
<td>May-02</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>294</td>
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<td>C06728165</td>
<td>INTELLIGENCE CABLE</td>
<td>Jun-02</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>295</td>
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<td>C06728167</td>
<td>INTELLIGENCE CABLE</td>
<td>Jun-02</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>296</td>
<td>C06728168</td>
<td>INTELLIGENCE CABLE</td>
<td>Oct-02</td>
<td>4</td>
<td>(b)(1), (b)(3)(c), (b)(5)(d)</td>
<td>DIF</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>297</td>
<td>C06728169</td>
<td>INTELLIGENCE CABLE</td>
<td>May-02</td>
<td>5</td>
<td>(b)(1), (b)(3)(c), (b)(5)(d)</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>298</td>
<td>C06728170</td>
<td>INTELLIGENCE CABLE</td>
<td>Oct-02</td>
<td>4</td>
<td>(b)(1), (b)(3)(c), (b)(5)(d)</td>
<td>DIF</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>299</td>
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<td>C06728171</td>
<td>INTELLIGENCE CABLE</td>
<td>Jun-02</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>300</td>
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<td>C06728172</td>
<td>INTELLIGENCE CABLE</td>
<td>Sep-02</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>301</td>
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<td>C06728180</td>
<td>MEMORANDUM</td>
<td>Jan-03</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(5)</td>
<td>DIF</td>
<td>This document is an attachment to C06555318 and is an email exchange. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations related to recommendations made by the Accountability Board to Agency decisionmakers. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>302</td>
<td>C06728182</td>
<td>INTELLIGENCE CABLE</td>
<td></td>
<td>Jul-02</td>
<td>4</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is a an attachment to C06555318 and a Memorandum. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>303</td>
<td>C06728183</td>
<td>INTELLIGENCE CABLE</td>
<td></td>
<td>Aug-02</td>
<td>5</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>304</td>
<td>C06728186</td>
<td>INTELLIGENCE CABLE</td>
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<td>Apr-02</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>305</td>
<td>C06728188</td>
<td>INTELLIGENCE CABLE</td>
<td>Nov-02</td>
<td>4</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>306</td>
<td>C06728189</td>
<td>INTELLIGENCE CABLE</td>
<td>Nov-02</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>307</td>
<td>C06728190</td>
<td>INTELLIGENCE CABLE</td>
<td>Nov-02</td>
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<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>308</td>
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<td>C06729250</td>
<td>AUTOPSY PHOTOS</td>
<td></td>
<td>18</td>
<td>(b)(1), (b)(3)(n)</td>
<td>DIF</td>
<td>This document is an attachment to C06555318 and are autopsy photos. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. This document is withheld in full because there is no meaningful, non-exempt information that can be reasonably segregated. This document is properly classified as SECRET, and as such, disclosure of this information could be reasonably expected to result in serious damage to national security.</td>
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<td>309</td>
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<td>C05330644</td>
<td>RE: RAHMAN QUESTIONS</td>
<td>Jan-03</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(6)</td>
<td>RIP</td>
<td>This document is an attachment to C06555318 and an email. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel.</td>
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<td>310</td>
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<td>C06598250</td>
<td>RAHMAN DEATH INVESTIGATION - INTERVIEW OF JOHN B. JESSEN</td>
<td>Jan-03</td>
<td>7</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n), (b)(6), (b)(7)(c)</td>
<td>RIP</td>
<td>This document is an attachment to C06555318 and a Memorandum for the Record memorializing an interview. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel.</td>
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<td>311</td>
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<td>C06598251</td>
<td>RENDITION OF GUL RAHMAN</td>
<td>Nov-02</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>RIP</td>
<td>This document is an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>312</td>
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<td>C06598252</td>
<td>MENTAL STATUS EXAMINATION AND RECOMMENDED INTERROGATION PLAN FOR GUL RAHMAN</td>
<td>Nov-02</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>RIP</td>
<td>This document is an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>313</td>
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<td>C06598253</td>
<td>REQUEST FOR ASSISTANCE IN INTERROGATION</td>
<td>Nov-02</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>RIP</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>314</td>
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<td>C06598254</td>
<td>GUL RAHMAN: CHRONOLOGY OF EVENTS</td>
<td>Nov-02</td>
<td>3</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>RIP</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>315</td>
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<td>C06598276</td>
<td>COURSE OF ACTION FOR FUTURE HANDLING OF GUL RAHMAN</td>
<td>Nov-02</td>
<td>2</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>RIP</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>316</td>
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<td>C06598277</td>
<td>RESULTS OF INTERROGATIONS POSSIBLE IDENTIFICATION OF GUL RAHMAN</td>
<td>2002</td>
<td>4</td>
<td>(b)(1), (b)(3)(c), (b)(3)(n)</td>
<td>RIP</td>
<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>C06598278</td>
<td>NON-COMPLIANCE OF GUL RAHMAN</td>
<td>Nov-02</td>
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<td>This document is a an attachment to C06555318 and a cable. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel.</td>
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<td>This document is an attachment to C0655318 and a Memorandum for the Record memorializing an interview. Exemption (b)(1) and Exemption (b)(3) (National Security Act) were asserted to protect classified intelligence methods and sources, locations of Agency stations or bases, and controlled access and dissemination control markings; as well as information pertaining to foreign relations of the United States. Exemption (b)(3) (CIA Act) was asserted to protect employee identification numbers, titles, names, and organization information of Agency personnel. Exemption (b)(6) was asserted to protect the identities of individuals who were not Agency personnel. Exemption (b)(7)(c) was asserted to protect the privacy of both Agency and non-Agency personnel.</td>
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(U) WHAT LAWS, Regulations, OR POLICIES MAY HAVE BEEN VIOLATED?

115. (S//NF) Title 18 U.S.C. §113, Assault within maritime and territorial jurisdiction, provides penalties for "whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault. . ." The statute defines assault, in relevant part, as using "... a dangerous weapon, with intent to do bodily harm, and without just cause or excuse," or as "striking, beating, or wounding" a victim.

116. (U//FOUO) OIG briefed Department of Justice officials Upon the conclusion of all investigatory efforts, the U.S. Attorney’s Office reviewed a draft of this Report

117. (U) Title 18 U.S.C. §1001, Statements or entries generally, provides:

[W]henever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation . . . shall be fined under this title or imprisoned not more than 5 years, or both.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
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123. (U//FOUO) Agency Regulation 13-6, Appendix I, Standards for Employee Accountability provides:

a. Consequences will follow an employee’s failure to comply with a statute, regulation, policy or other guidance that is applicable to the employee’s professional conduct or performance.

b. The lack of knowledge of a statute, regulation, policy or guidance does not necessarily excuse the employee. However, lack of knowledge may affect the level of employee responsibility and the extent to which disciplinary action is warranted. Therefore the following factors will be considered prior to holding an employee accountable for a particular act or omission:

   (1) Agency efforts to make employees aware of the statute, regulation, policy or guidance;

   (2) The extent of employee awareness of the statute, regulation, policy or guidance;

   (3) The importance of the conduct or performance at issue;

   (4) The position or grade of the employee.

c. Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill, and diligence.

d. Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had an opportunity and the responsibility to act or not act.

e. Managers may be held accountable in addition for the action(s) or inaction of subordinates even if the manager lacks
knowledge of the subordinate’s conduct. Such accountability depends on:

(1) Whether the manager reasonably should have been aware of the matter and has taken reasonable measures to ensure such awareness.

(2) Whether the manager has taken reasonable measures to ensure compliance with the law and Agency policies and regulations.
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Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION

(U//FOUO) DEATH OF MANADAL AL-JAMAIIDI
(2003-7423-IG)

3 November 2005

John L. Helgerson
Inspector General

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Supervisory Special Agent

Special Agents

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

Assistant Inspector General for Investigations

(b)(3) CIAAct
(b)(3) NatSecAct
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(U//FOHO) FEDERAL CRIMINAL LAWS AND CIA POLICIES AND REGULATIONS POTENTIALLY RELEVANT TO AGENCY PERSONNEL IN THEIR TREATMENT OF AL-JAMAIDI AND THEIR ACTIONS IN THIS INVESTIGATION

175. (U) Federal criminal laws. Four provisions of Title 18 U.S.C., Crimes and Criminal Procedure, could apply to the actions of CIA officers in this case. Title 18 U.S.C. §1112, Manslaughter, provides:

Manslaughter is the unlawful killing of a human being without malice.... Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.... Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both;...

Title 18 U.S.C. §1001, Statements or entries generally, provides:

[W]hoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation... shall be fined under this title or imprisoned not more than 5 years, or both.

Title 18 U.S.C. §1519, Destruction, alteration, or falsification of records in Federal investigations and bankruptcy, provides:

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.
Title 18 U.S.C. §371, *Conspiracy to commit offense or to defraud United States*, provides:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
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188. (U//FOUO) Agency Regulation 13-6, Appendix I, Standards for Employee Accountability provides:

a. Consequences will follow an employee’s failure to comply with a statute, regulation, policy or other guidance that is applicable to the employee’s professional conduct or performance.

b. The lack of knowledge of a statute, regulation, policy or guidance does not necessarily excuse the employee. However, lack of knowledge may affect the level of employee responsibility and the extent to which disciplinary action is warranted. Therefore the following factors will be considered prior to holding an employee accountable for a particular act or omission:

(1) Agency efforts to make employees aware of the statute, regulation, policy or guidance;

(2) The extent of employee awareness of the statute, regulation, policy or guidance;

(3) The importance of the conduct or performance at issue;

(4) The position or grade of the employee.

c. Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill, and diligence.
d. Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had an opportunity and the responsibility to act or not act.

e. Managers may be held accountable in addition for the action(s) or inaction of subordinates even if the manager lacks knowledge of the subordinate's conduct. Such accountability depends on:

(1) Whether the manager reasonably should have been aware of the matter and has taken reasonable measures to ensure such awareness.

(2) Whether the manager has taken reasonable measures to ensure compliance with the law and Agency policies and regulations.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
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REPORT OF INVESTIGATION

(U) CONFLICT OF INTEREST – GIFTS AND GRATUITIES
(2008-8865-IG)

7 January 2013

David B. Buckley
Inspector General

(b)(3) CIAAct
(b)(6)
(b)(7)(c) Assistant Inspector General
for Investigations

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) CONFLICT OF INTEREST, GIFTS AND GRATUITIES
(2008-8865-IG)

7 January 2013

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(U) Section C – Potential Violations:


   e. (U) PRESENTATION AND ACCEPTANCE OF GIFTS

   2. (U) SOLICITING OR ACCEPTING GIFTS FROM OUTSIDE CIA

      (a) (U) Restriction. Except as set forth in the enumerated exceptions in the Standards of Ethical Conduct, no employee shall, directly or indirectly, solicit or accept a gift from a prohibited source or a gift given because of the employee’s official position. A prohibited source is a person who is seeking official action by the Agency, does business or seeks to do business with the Agency, or has an interest that may be substantially affected by the performance or nonperformance of the employee’s official duties.

      (b) (U) Exceptions. There exist exceptions to the restrictions on acceptance of gifts. Set forth below are some of the more significant exceptions.

         (1) (U) Gifts Less Than $20. Agency employees may accept non-monetary gifts from nonfederal sources up to $20 per occasion with a maximum of $50 per year per donor.

         (2) (U) Gifts Based on Personal Relationships. Agency employees may accept gifts given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee.

7. (U) 18 U.S.C. § 207 (Restrictions on former officers, employees, and elected officials of the executive and legislative branches) provides in part:

      (a) Restrictions on all officers and employees of the executive branch and certain other agencies.

         (1) Permanent restrictions on representation on particular matters. Any person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including any independent agency of the United States), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States or District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the
United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia) in connection with a particular matter –

(A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,

(B) in which the person participated personally and substantially as such officer or employee, and

(C) which involved a specific party or specific parties at the time of such participation…

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(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
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### Case Closing Memorandum

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#### I. Summary of Investigative Actions

1. (U//FO) On 7 November 2013, Office of General Counsel (OGC), notified OIG of a telephonic report OGC received from a concerned employee regarding the sale of illegal items on Squawk. According to , a “Genuine Elephant’s foot with Zebra pelt top stool” was posted for sale on Squawk by Agency employee and may be in violation of the Endangered Species Act.

2. (U//FO) On 12 November 2013, the OIG initiated an investigation into the matter. On 5 December 2013, OIG interviewed According to she received the “Elephant’s foot with Zebra pelt top stool” as a gift. denied having knowledge of the item’s authenticity or the endangered species laws governing its possession. denied placing any other similar items for sale on Squawk or any other venue. On 6 December 2013, OIG met with and collected as evidence the elephant’s foot stool in her possession.

3. (U//FO) On 19 December 2013, OIG coordinated with the US Fish and Wildlife Service and confirmed the elephant foot was genuine and likely originated from Africa. On 19 December 2013, OIG permanently released possession of the elephant’s foot to the US Fish and Wildlife Service for final disposition.

Case Closing Memorandum

II. Findings

5. (U//FOUO) The investigation by OIG established that [redacted] was in possession of a genuine elephant’s foot from Africa, an item controlled under the Endangered Species Act. However, the investigation determined that [redacted] was not aware of the item’s authenticity, nor was she aware of the item’s protected status under the Endangered Species Act. OIG reviewed postings on Squawk and found no other similar items for sale by [redacted]. The elephant’s foot was released to the US Fish and Wildlife Service for permanent disposition.

6. (U//FOUO) This matter is considered closed by OIG.

III. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor: 

Case Closing Memo approved by Supervisor: 

INV-201
Page 2 of 2

Approved for Release: 2018/07/31 C06552612
UNCLASSIFIED//FOUO
I. Administrative Data

Case No.: 2013-11664   (b)(7)(c)   Case Title: Alleged Employee Misconduct and the Illegal Killing of Animal on Federal Property (b)(3) CIA Act

Investigator:   (b)(6)   Supervisor:   (b)(6)

Date Received: 19 December 2013   (b)(3) CIA Act

Date Opened: 19 December 2013   (b)(7)(c)

Date Assigned: 13 January 2014   (b)(3) Nat Sec Act

II. Summary of Investigative Actions

1. (SECRET) On 19 December 2013 the Office of Inspector General (OIG) received an anonymous allegation that an employee shot a deer.
(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:

(Sign / Date) 4/9/14
7 June 2011

MEMORANDUM FOR THE RECORD

SUBJECT: (S//NF) Questionable Renditions and Detentions

REFERENCE:

1. (S//NF) In the course of investigating the allegation of an unjustified Agency rendition and detention of a German national to Afghanistan (2004-7601-1G),

   (b)(1)
   (b)(3) CIA Act
   (b)(3) NatSec Act

   The review determined there were eight separate instances whereby foreign nationals were rendered and detained by CIA. The review determined some individuals had been mistakenly identified either through erroneous information provided by a lead or through initially misinterpreted lead information. Other individuals were rendered and detained on uncorroborated and/or inaccurate reporting. All eight were released from Agency detention. The eight individuals were identified as:

   (b)(1)
   (b)(3) CIA Act
   (b)(3) NatSec Act

   - Gul Rahman
   - Ali Seed Awadh
   - Salah Nasir Salim Ali
   - Shaistah Habibullah Khan
   - Sayed Habib
   - Laid Bin Dohman Saidi a.k.a. Abu Hudhaifa
   - Muhammed Abdullah Saleh

   (U//FOO) Despite the similarity in name, this individual is not the same person whose treatment was covered in OIG case 2003-7402-1G.

   (b)(3) CIA Act
   (b)(3) NatSec Act
SUBJECT: (S//NF) Questionable Renditions and Detentions

4. (U//FOUO) On 6 June 2011, the reporting agent briefed Inspector General David B. Buckley who concurred that this matter should be closed administratively with no further action except to document the case file by means of the memorandum.
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(U) WHAT LAWS, REGULATIONS, OR POLICIES MAY HAVE BEEN VIOLATED?

44. (U) Title 18 U.S.C. §113, Assaults within maritime and territorial jurisdiction, provides penalties for "whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault. . . ." The statute defines assault, in relevant part, as using ". . . a dangerous weapon, with intent to do bodily harm, and without just cause or excuse," or as "striking, beating, or wounding" a victim.

45. (U) Title 18 U.S.C. §2441, War Crimes, provides penalties for "whomever, whether inside or outside the United States, commits a war crime" wherein "the person committing such war crime or victim of such war crime is a member of the Armed Forces of the United States or a national of the United States." The statute defines a war crime as any conduct defined as a grave breach of the Geneva Conventions [or any protocol to such convention to which the United
States is a party.\textsuperscript{11} The proscribed conduct include the following relevant offenses: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering to body or health.\textsuperscript{12}

46. (U) Title 18 U.S.C. §1001, Fraud and False Statements, Statements or entries generally, provides:

[W]hoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation . . . shall be fined under this title or imprisoned not more than 5 years, or both.

\textsuperscript{11} (U) The United States is not yet a party to either of the two "Protocols Additional to the Geneva Conventions."

\textsuperscript{12} (U) Grave breaches are defined in the Fourth Geneva Convention Relative to the Protection of Persons in Time of War as listed in Article 147. (Article 130 of the Third Geneva Convention Relative to the Treatment of Prisoners of War lists these same offenses as "grave breaches.")
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100. (U) Two provisions of Title 18 of the US Code concern matters identified during this investigation. Title 18 U.S.C. § 1201 (Kidnapping) pertains to illegally transporting an individual:

Whoever unlawfully . . . kidnaps, abducts, or carries away . . . any person . . . when . . . (3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49 . . . shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

101. (U) Title 49 U.S.C. § 46501 defines "special aircraft jurisdiction of the United States" as including the following aircraft while in flight: (A) a civil aircraft of the United States . . . (D) another aircraft outside the United States – (i) that has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States . . .

102. (U) Title 18 U.S.C. § 1001 (Statements or entries generally) pertains to false statements made by witnesses during an investigation:

. . . whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully . . . makes any materially false, fictitious, or fraudulent statement or representation . . . shall be fined under this title or imprisoned not more than 5 years . . . or both.

103. (U//ARUB) Agency Regulation (AR) 1-3a (5)(a), Cooperation with OIG, specifies that all Agency employees are required to provide accurate and complete information to OIG, as follows:

All Agency employees . . . are required to cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG . . . investigations to the extent required by law.
104. (U//FOPO) The following guidance is found in AR Series 13—
Conduct, Accountability and Discipline:

Employees also are expected to perform their duties in a professional and
satisfactory manner. An employee who is responsible for a significant
failure to act in accordance with the level of professionalism and diligence
reasonably to be expected or who evidences a pattern of conduct that
demonstrates a failure to carry out the functions of his position has not
lived up to this standard. AR 13-1, c (4)

All employees, including managers, are expected to meet the Agency’s
standards of conduct and perform Agency duties in a satisfactory manner.
Those who fail to do so may be subject to disciplinary action, which may
range from an oral admonition to termination of employment.
AR 13-3, c (1)

Any finding of deficient performance must be specific and may include
omissions and failure to act in accordance with a reasonable level of
professionalism, skill, and diligence. AR 13-6, Appendix I, c

Determinations under the above standard will be based in part on
whether the facts objectively indicate a certain action should have been
taken or not taken and whether the employee had the opportunity and the
responsibility to act or not act. AR 13-6, Appendix I, d

105. (S//NF) OIG Referral to Department of Justice. On
20 October 2008, an Assistant United States Attorney (AUSA) for EDVA
briefed regarding the facts

Upon completion of the briefing, the AUSA verbally declined
prosecutive interest. On 5 June 2009, the same AUSA was briefed
considering the findings pertaining to the justification for the rendition of

Upon completion of the briefing, the AUSA verbally declined
prosecutive interest.
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DISPOSITION MEMORANDUM

SUBJECT: (U) Destruction of Detainee Interrogation Videotapes

INTRODUCTION:

1. (TS/ /7NF) On 8 December 2007, the Office of Inspector General (OIG), in coordination with the US Department of Justice (DOJ), initiated a preliminary inquiry into the destruction of videotapes by the CIA. The tapes, destroyed in 2005, contained footage of the interrogations in 2002 of suspected terrorists Zayn Al-Abidin Muhammad Husayn [aka Abu Zubaydah] and 'Abd Al-Rahim Al-Nashiri [aka Mullah Bilal] by CIA officers. The preliminary inquiry was performed under the direction of Kenneth Wainstein, then Assistant Attorney General for the National Security Division of DOJ.
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(5)
CONCLUSIONS:

10. (U) On 9 November 2010, DOJ released the following statement:

In January 2008, Attorney General Michael Mukasey appointed Assistant United States Attorney John Durham to investigate the destruction by CIA personnel of videotapes of detainee interrogations. Since that time, a team of prosecutors and FBI agents led by Mr. Durham has conducted an exhaustive investigation into the matter. As a result of that investigation, Mr. Durham has concluded that he will not pursue criminal charges for the destruction of the interrogation videotapes.

11. (U/#FOUO) In February 2011, DOJ completed a draft report of investigation on the destruction of the detainee videotapes. In light of the extensive inclusion in the report of protected information that had been obtained during grand jury testimony, DOJ permitted three OIG officers to read the report only in Durham's secure Sensitive Compartmented Information Facility [SCIF] at FBI Headquarters. On 16 March 2011, DOJ briefed its findings to the Director, CIA, for whatever follow-up systemic measures he might choose to implement.
12. (U) This case is closed.
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REMARKS:

FROM: NAME, ADDRESS, AND PHONE NO.    DATE

Access to this document is restricted to those approved for the following specific compartments / sub compartments:

(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

WHEN NOT FILLED IN THIS COVER SHEET IS UNCLASSIFIED
Approved for Release: 2018/07/31 C06583411

(b)(1)
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(b)(3) NatSec Act
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In the case of CIA's renditions and detentions programs of 2003-2004, the Geneva Conventions of 1949 and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1987 are the applicable international law. These conventions are, in turn, incorporated into the US criminal code (Title 18 U.S.C. § 2441, War Crimes, of 1996 and Title 18 U.S.C. § 2340, Torture, of 1994).

15. (U//FOUO) The four Geneva Conventions are the backbone of international humanitarian law; they govern the way wars may be fought and provide for the protection of individuals in wartime. The Geneva Conventions have been acceded to by 194 countries, including the US.

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6 (U//FOUO) The first Geneva Convention of 1864 dealt exclusively with care for wounded soldiers; it was later adapted to cover warfare at sea and prisoners of war. In 1949, the Conventions were revised and expanded. The first Convention dealt with wounded soldiers on the battlefield; the second with those wounded and shipwrecked at sea; the third with prisoners of war; and the fourth with civilians under enemy control. In 1977, two Additional Protocols were added; these extended protections to the victims of armed conflicts; the first dealt with international conflicts and the second with non-international conflicts. The US signed and ratified the Four Conventions; it signed the Protocols, but has not ratified them. The US signed and ratified the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. It did so with the reservation that the terms prohibited treatment only so far as the fifth, eighth, and 14th amendments to the US Constitution prohibited that treatment.
Responsibility for complying with the Geneva Conventions lies with the governing State.

16. (U//FOUO) The provisions of the Geneva Conventions apply to any "agent" of the US taking part in the conduct of the conflict or occupation; the CIA is such an agent. States that are parties to the Geneva Conventions have specific obligations to "protected persons." Failure to fulfill obligations to those "protected persons" may constitute a "grave breach" of the required standards; a grave breach of the Geneva Conventions is a crime, according to the US Criminal Code.

17. (U//FOUO) Protected Persons. The Geneva Conventions include virtually all individuals in at least one of several categories of "protected persons." The Third Convention defines combatants who are members of an enemy state's armed forces as "privileged" or "lawful" combatants entitled to protection as prisoners of war or Enemy Prisoners of War. In order for enemy fighters who are not part of the armed forces to have such protections, they must meet certain criteria: display fixed insignia, carry arms openly, serve in a fighting force with a chain-of-command, and conduct their operations in accordance with the laws and customs of war. Insurgents and other irregular fighters who do not fulfill these criteria are "unprivileged" combatants and are not entitled to protection as EPWs. Such individuals are sometimes referred to as "unlawful combatants."

18. (U//FOUO) The Fourth Geneva Convention expands the definition of protected persons, including those:

...who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.
It provides for the detention of "spies and saboteurs," or persons "definitely suspected" of "activity hostile to the security of the Occupying Power." Even to these individuals, the Conventions extend the protection of Common Article Three (see below).

19. (U//FOUO) The framers of the Conventions also sought to protect those who might be detained by mistake by mandating that a "competent tribunal" assess whether individual combatants should receive protections in case of "any doubt" about their status. Geneva III, Article 5 states that:

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

20. (U//FOUO) Treatment of Detainees. Article Three of all four Conventions, referred to as Common Article Three, prohibits "at any time and in any place whatsoever" the use of specific acts on persons taking no part in the hostilities, including those who have become sick, wounded, or detained. It stipulates that these persons should "in all circumstances be treated humanely...." It then lists acts which are prohibited:

- Violence to life and person, in particular murder, mutilation, cruel treatment and torture;
- Taking of hostages;
- Outrages upon personal dignity, in particular humiliating and degrading treatment; and
- The passing of sentences...without previous judgment pronounced by a regularly constituted court affording judicial guarantees which are recognized as indispensable by civilized peoples.

7 (U//FOUO) The Fourth Convention also provides that, "Nationals of a State which is not bound by the Convention are not protected by it."
Common Article Three also stipulates that an impartial humanitarian body, such as the International Committee of the Red Cross (ICRC), must be allowed to offer its services to such individuals.

21. (U//FOUO) Movement of Detainees. The Fourth Convention obligates the parties to the conflict, including the "Occupying Power," to provide certain protections to individuals within its control. One of the prohibited activities is the "unlawful deportation or transfer, or unlawful confinement of a protected person." The Convention provides that:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

A widely accepted interpretation of the Geneva Conventions argues that:

...the prohibition [against such transfers] is absolute and allows of no exceptions, apart from those stipulated in paragraph 2 (permitting the evacuation of a population from an area for the "security of the population" or "if military reasons so demand").

In the latter situations, Article 49 provides that:

...the Protecting Power [the International Committee of the Red Cross (ICRC)] shall be informed of transfers and evacuations as soon as they have taken place.

22. (U//FOUO) In listing actions considered to be "grave breaches" if committed against protected persons, the Convention includes:

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10 (U//FOUO) Article 49 of the Geneva Conventions Relative to the Protection of Civilian Persons in Time of War (GC IV) prohibits murder, torture, corporal punishment, mutilation of a protected person or "any other measure of brutality whether applied by civilian or military agents;" requires that the Detaining Power give the Protecting Power the names of any protected persons who have been interned as rapidly as possible; prohibits the individual or mass transfers of protected persons or their deportations; and states that representatives of the Protecting Powers shall have access to all premises occupied by protected persons in order to interview them.
...torture or inhuman treatment..., willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person....

23. (U//FOE) Under Article Five of the Fourth Convention, the Occupying Power is permitted, where absolute military necessity requires, to withhold a detainee's rights of communications for as long as the detainee poses a threat to the security of the Occupying Power. Article Five goes on to say, however, that the full rights of communication must be returned to the person at the "earliest date consistent with the security of the State or Occupying Power."

24. (U//FOY) Incorporation of Conventions into US Statutes. The US has incorporated elements of the Geneva Conventions into its criminal code. Title 18 U.S.C. § 2441, War Crimes, provides that:

...whoever, whether inside or outside the United States, commits a war crime is subject to fine, imprisonment, and if death results to the victim, shall be subject to the penalty of death.

The penalty is applicable in circumstances where the person committing such a war crime is a member of the US military or a US national. The statute defines a war crime as any "grave breach" included in the conventions signed at Geneva on 12 August 1949. These penalties would be applicable if the person committing the act was a member of the armed forces of the US or a national of the US.

25. (S//NF) Presidential Determination. In February 2002, President Bush issued a Presidential Determination in which he asserted that the Geneva Conventions did not apply to al-Qa'ida members. CIA emphasized this decision in a cable of August 2002:

...the President has determined that the 'Geneva Convention relative to the treatment of prisoners of war' does not/not apply to captured al-Qa'ida members....Accordingly, the very restrictive provisions of
that convention with respect to the subjects upon which a prisoner may be interrogated, and the means that may be employed, do not apply.\textsuperscript{11}

The cable went on to explain that separate provisions of US law prohibited torture and other "cruel, inhumane, or degrading treatment or punishment" and to describe the prohibited treatment.\textsuperscript{12}

26. (577NF) Government lawyers further argued that the US could deny detainees the right to a judicial review of their status because the President had made a "group status determination" with respect to al-Qa'ida.\textsuperscript{13}

27. (U//FOUO) One of the objectives of the determination that the Geneva Conventions did not apply to al-Qa'ida was the protection of government officers who participated in the rendition, detentions, and interrogations program. If the Geneva Conventions did not apply, it could be argued, there could be no a violation of the War Crimes Act, which depends upon application of the Conventions.

28. (U//FOUO) The President's 2002 determination subsequently was negated by the US Supreme Court in June 2006. In \textit{Hamdan v. Rumsfeld}, 548 Title U.S. 557 (2006), the Court held that Common Article

\textsuperscript{11} (U//FOUO) references the Third Geneva Convention, which discusses the treatment due Prisoners of War; it does not address the issue of the Fourth Geneva Convention, however, which broadened the category of protected persons.

\textsuperscript{12} (577NF) The cable, based on the opinion of the Department of Justice's Office of Legal Counsel, said that the torture convention prohibited "any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." The cable said federal statute defined "severe mental pain or suffering" as "The prolonged mental harm caused by or resulting from: (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) The administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; (C) The threat of imminent death; or (D) The threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality."

\textsuperscript{13} (577NF) A question arises with respect to the Geneva Conventions and their applicability, however, once it had been determined that a detainee was not al-Qa'ida.
Three protections do extend to detainees held by the US under the auspices of the "War on Terror." The Court also recognized that Hamdan, although detained as part of the "War on Terror," was actually captured and held in Afghanistan during an international armed conflict. The Court declined to rule, however, on whether this circumstance therefore entitled Hamdan to the full panoply of Geneva protections, since it had already decided that he had been denied even the lesser protections of Common Article Three. The Court's ruling thus required that all detainees in US custody as part of the "War on Terror" must, at a minimum, be treated in accordance with Common Article Three of the Geneva Conventions.

29. (U//FPEO) The US Congress also has added to the stream of rulings on these issues. The Detainee Treatment Act of 2005, which prohibited the cruel, inhuman, or degrading treatment of detainees, and the Military Commissions Act of October 2006, which defined the limits of the US military's interrogation methods, all had an impact on US treatment of detainees. These acts and the Supreme Court ruling were issued after the period covered by this report, however, and the legal guidance provided to the Agency did not reflect either the legislation or the Supreme Court decisions.
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30. (U) **The Geneva Conventions.** States that are parties to the Geneva Conventions are obligated to abide by provisions regarding the treatment and protection of detainees in cases of armed conflict or occupation. The US became a party to the four Geneva Conventions on 2 August 1955. The 1949 Geneva Convention Relative to the Protection of Civilian Persons in Times of War, (Geneva IV), Article 4, provides generally for the protection of "those who, at a given moment and in any manner whatsoever, find
themselves, in case of conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals." A number of Articles of Geneva IV are relevant to this investigation.

31. (U) Geneva IV Article 5, provides that persons detained as "spies or saboteurs" or "under definite suspicion of activity hostile to the security of the Occupying Power" shall, "in those cases where absolute military security so requires, be regarded as having forfeited rights of communication." According to the Final Record of the Diplomatic Conference of Geneva of 1949, the term "definite suspicion" was intended to mean "there must be objective grounds for the suspicion, and that the suspicion based merely on phantasy [sic] or caprice was inadmissible." The forfeiture of rights of detainees described in Article 5 [spies and saboteurs] "is a minimum forfeiture." The only privileges forfeited are those "relating to correspondence and communication."

32. (U) Geneva IV, Article 136, obligates "[e]ach of the Parties to the conflict" to "establish an Information Bureau responsible for receiving and transmitting information in respect of the protected persons within its power." Each Party is to give its Bureau, "within the shortest possible period, . . . information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks." The phrase "kept in custody for more than two weeks" replaced the original draft language, "it may have arrested." According to the Final Record, "The purpose of that modification was to avoid making it necessary to notify all arrests, even those in connection with trifling offences involving detention for one or two days only."

33. (U) Geneva IV, Article 143, provides that "delegates of the Protecting Powers [ICRC] shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work." Under this article, the ICRC has "access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter."
34. (U//FOUO) While Geneva IV, Article 143, obligates the Occupying Power to make detainees available for ICRC visits, the extent of ICRC contact with the individual detainee during the visit could be curtailed. (b)(6)

(b)(7)(c)
(b)(7)(d)

Article 143 also permits the Detaining Power to prohibit ICRC visits "for reasons of imperative military necessity, [but] only as an exceptional and temporary measure." This provision was added to the text of Geneva IV during its drafting by the ICRC itself to permit the Detaining Power to forbid or postpone visits "mainly in the areas near to fighting lines."

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
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(U//FOUO) **APPLICABLE LEGAL GUIDANCE AND AGENCY ACCOUNTABILITY STANDARDS**

187. (U//FOUO) Title 18 U.S. Code Section 2441, *War crimes*, implements Geneva IV as part of the U.S. criminal code. Section 2441 notes in part:

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

(b)(1) 60
(b)(3) NatSec Act

Approved for Release: 2018/07/31 C06597669
Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

As used in this section, the term "war crime" means any conduct "defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the US is a party."

188. (U) Geneva IV, Article 147 contains a list of actions that are considered grave breaches, including: willful killing; torture or inhumane treatment; willfully causing great suffering or serious injury to body and health; unlawful deportation, transfer or confinement of a protected person; willfully depriving a protected person of the rights of a fair and regular trial; taking hostages; or extensive destruction and appropriation of property, not justified by military necessity.

189. (U//FOUO) Title 18 U.S. Code Section 1201, Kidnapping, specifies:

Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when –

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

Shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

190. (U//FOUO) Section 1.7 (a) of Executive Order 12333, United States intelligence activities, requires that senior officials of the Intelligence Community shall:
Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerning, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures.

191. (U//FPOUO) The following guidance is found in Agency Regulation (AR) Series 13—Conduct, Accountability, and Discipline:

Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. AR 13-1, c (4)

All employees, including managers, are expected to meet the Agency’s standards of conduct and perform Agency duties in a satisfactory manner. Those who fail to do so may be subject to disciplinary action, which may range from an oral admonition to termination of employment. AR 13-3, c, (1)

Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill and diligence. AR 13-6, Appendix I, c

Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had the opportunity and the responsibility to act or not act. AR 13-6, Appendix I, d

CONCLUSION:
193. (U//FOUO) This case is closed.

(b)(3) CIA Act
(b)(6)

Special Agent
(b)(3) CIA Act
(b)(6)

Division Chief
(U) International Conventions—Geneva

19. [SECRET] /NOFORN (b)(1) (b)(3) NatSecAct

In the case of CIA's renditions and detentions programs of 2003-2004, the Geneva Conventions of 1949 and the Convention Against Torture (CAT) and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1987 are the applicable

20. (U) The four Geneva Conventions are the backbone of international humanitarian law; they govern the way wars may be fought and provide for the protection of individuals in wartime. The Conventions have been acceded to by 194 countries, including the US. Responsibility for complying with the Geneva Conventions lies with the governing State. In the case of Iraq from April 2003 through June 2004, the US, as the Occupying Power, was the governing State.

21. (U) The provisions of the Geneva Conventions apply to any "agent" of the US taking part in the conduct of the conflict or occupation; CIA is such an agent. States that are parties to the Geneva Conventions have specific obligations to "protected persons." Failure to fulfill obligations to those "protected persons" may constitute a "grave breach" of the required standards; a grave breach of the Geneva Conventions is a crime, according to the US Criminal Code.

(U) Protected Persons

22. (U) The Geneva Conventions include virtually all individuals in at least one of several categories of "protected persons." The Third Convention defines combatants who are members of an enemy state's armed forces as "privileged" or "lawful" combatants entitled to protection as prisoners of war (POWs) or Enemy Prisoners of War (EPW). In order for enemy fighters who are not part of the armed forces to have such protections, they must meet certain criteria: display fixed insignia, carry arms openly, serve in a fighting force with a chain-of-command, and

12 (U) The first Geneva Convention of 1864 dealt exclusively with care for wounded soldiers; it was later adapted to cover warfare at sea and prisoners of war (POWs). In 1949, the Conventions were revised and expanded. The first Convention dealt with wounded soldiers on the battlefield; the second with those wounded and shipwrecked at sea; the third with POWs; and the fourth with civilians under enemy control. In 1977, two Additional Protocols were added; these extended protections to the victims of armed conflicts; the first dealt with international conflicts and the second with non-international conflicts. The US signed and ratified the Four Conventions; it signed the Protocols, but has not ratified them. The US signed and ratified the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. It did so with the reservation that the terms prohibited treatment only so far as the fifth, eighth, and 14th amendments to the US Constitution prohibited that treatment.
conduct their operations in accordance with the laws and customs of war. Insurgents and other irregular fighters who do not fulfill these criteria are "unprivileged" combatants and are not entitled to protection as EPWs. Such individuals are sometimes referred to as "unlawful combatants."

23. (U) The Fourth Geneva Convention expands the definition of protected persons, including those:

...who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

It provides for the detention of "spies and saboteurs," or persons "definitely suspected" of "activity hostile to the security of the Occupying Power."

Even to these individuals, the Conventions extend the protection of Common Article Three (see below).

24. (U) The framers of the Conventions also sought to protect those who might be detained by mistake by mandating that a "competent tribunal" assess whether individual combatants should receive protections in case of "any doubt" about their status. Geneva III, Article 5 states that:

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

(U) Treatment of Detainees

25. (U) Article Three of all four Conventions, referred to as Common Article Three, prohibits "at any time and in any place whatsoever" the use of specific acts on persons taking no part in the hostilities, including those who have become sick, wounded, or detained. It stipulates that these persons should "in all circumstances be treated humanely...." It then lists acts which are prohibited:

13 (U) The Fourth Convention also provides that, "Nationals of a State which is not bound by the Convention are not protected by it."
• Violence to life and person, in particular murder, mutilation, cruel treatment, and torture;

• Taking of hostages;

• Outrages upon personal dignity, in particular humiliating and degrading treatment; and

• The passing of sentences...without previous judgment pronounced by a regularly constituted court affording judicial guarantees which are recognized as indispensable by civilized peoples.

Common Article Three also stipulates that an impartial humanitarian body, such as the International Committee of the Red Cross (ICRC), must be allowed to offer its services to such individuals.

(U) Movement of Detainees

26. (U) The Fourth Convention obligates the parties to the conflict, including the "Occupying Power," to provide certain protections to individuals within its control. One of the actions that is prohibited is the "unlawful deportation or transfer, or unlawful confinement of a protected person."14 The Convention provides that:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

A widely accepted interpretation of the Geneva Conventions argues that:

...the prohibition [against such transfers] is absolute and allows of no exceptions, apart from those stipulated in paragraph 2 (permitting the evacuation of a population from an area for the "security of the population" or "if military reasons so demand").15

In the latter situations, Article 49 provides that:

...the Protecting Power [the International Committee of the Red Cross (ICRC)] shall be informed of transfers and evacuations as soon as they have taken place.  

27. (U) In listing actions considered to be "grave breaches" if committed against protected persons, the Convention includes:

...torture or inhuman treatment..., willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person....

28. (U) Under Article Five of the Fourth Convention, the Occupying Power is permitted, where absolute military necessity requires, to withhold a detainee's rights of communications for as long as the detainee poses a threat to the security of the Occupying Power. Article Five goes on to say, however, that the full rights of communication must be returned to the person at the "earliest date consistent with the security of the State or Occupying Power."

(U) International Conventions—the CAT

29. (U) The United Nations CAT and Other Cruel, Inhuman, or Degrading Treatment or Punishment entered into force in 1987. The US ratified the convention and incorporated it into the criminal code. The CAT stipulates that no party shall expel or extradite a person to another state:

...where there are substantial grounds for believing that he would be in danger of being subjected to torture.

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16 (U) Article 49 of the Geneva Conventions Relative to the Protection of Civilian Persons in Time of War (GC IV) prohibits murder, torture, corporal punishment, mutilation of a protected person or "any other measure of brutality whether applied by civilian or military agents;" requires that the Detaining Power give the Protecting Power the names of any protected persons who have been interned as rapidly as possible; prohibits the individual or mass transfers of protected persons or their deportations; and states that representatives of the Protecting Powers shall have access to all premises occupied by protected persons in order to interview them.
The CAT also includes "other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture..." in its prohibition.

(U) Incorporation of Conventions into US Statutes

30. (U) The US has incorporated elements of these conventions into its criminal code. Title 18 U.S.C. § 2441, War Crimes, provides that:

...whoever, whether inside or outside the United States, commits a war crime is subject to fine, imprisonment, and if death results to the victim, shall be subject to the penalty of death.

The penalty is applicable in circumstances where the person committing such a war crime is a member of the US military or a US national. The statute defines a war crime as any "grave breach" included in the conventions signed at Geneva on 12 August 1949. These penalties would be applicable if the person committing the act was a member of the armed forces of the US or a national of the US.
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2 November 2011

DISPOSITION MEMORANDUM

SUBJECT: (§) Alleged Assault at (b)(1)
(b)(3) NatSecAct

CASE: 2010-09892-1G

INTRODUCTION:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA
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(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
APPLICABLE CRIMINAL STATUTE:

30. (€) The applicable statute in this case is Title 18 U.S.C. 113, (Assaults within maritime and territorial jurisdiction). In this case the applicable portion of the statute reads: (a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows: ... (5) Simple assault, by a fine under this title or imprisonment for not more than six months....

31. (€) To establish a violation of Title 18 U.S.C. 113(a)(5), which proscribes the crime of "simple assault" within the special maritime and territorial jurisdiction of the United States, it must be shown that a person deliberately touched another in a patently offensive manner without justification or excuse.

CONCLUSIONS:

32. (U//FOUO) OS management was made aware of the incident in a timely fashion and conducted its own investigation. OIG did not evaluate the OS investigation but notes that, as no illegal action was involved, the issue of the appropriateness of action was a management decision.
36. (U) This case is closed.

Special Agent

Division Chief

Approved for Release: 2018/07/31 C06659257
DISPOSITION MEMORANDUM

SUBJECT: ☑ Improper Sole Source

CASE: 2010-100051-IG

INTRODUCTION:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)

(b)(3) CIAAct
(b)(3) NatSecAct
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
A review of post-employment restrictions was also conducted. That review found that in submitted his post-employment questionnaire to the Office of General Counsel, Ethics Law Division indicating potential employers as responses to the Procurement Integrity questionnaire were all negative.

post-employment guidance was provided on with the following understanding of his employment:

- Is subject to the post-employment restriction contained in section 402 of the 1997 Intelligence Authorization Act;
- Had personal and substantial involvement in particular matters, government contracts during your government career;
Two-year representation ban applies for any matter that was under his official responsibility during his last year of government service;

Not involved in any Agency procurements in excess of $10 million during his last year of government service, therefore not subject to the one-year compensation ban imposed by the Procurement Integrity Act; and

Did not engage in trade and treaty negotiations as an Agency employee.

Based on the above, [Redacted] was provided with the following post-employment restrictions:

- Barred permanently from representing anyone (other than the US Government) before any official or agency of the US Government concerning those particular matters in which he was personally and substantially involved as a federal employee;

- Barred for two years from representing anyone (other than the US Government) before any official or agency of the US Government concerning any particular matters that were actually pending under your official responsibility during your last year of government service;

- Barred for one year after separation from making any communication or appearance before an employee of the Central intelligence Agency seeking official action on behalf of any other person (includes companies);

- Barred for one year after separation from the Agency from representing, aiding or advising a foreign entity with the intent to influence the United States; and

- Barred from representing or advising a foreign government or foreign political party for three years after separating from the Agency.
11. (C) was also advised of the one-year cooling off period per Title 18 U.S.C. Section 207(c). Advised that and followed the cooling off period requirement. It appears to have followed his post-employment guidance in respect to his employment with

CONCLUSION:

12. (U/TS//FOUO) The OIG investigation determined that the sole source justifications written for are valid. In addition, OIG determined that no conflict of interest exists for (b)(3) CIA Act (b)(6) (b)(7)(c)

RECOMMENDATION:

13. (U//FOUO) Based on the above analysis, it is recommended that this matter be closed with no further action.

Special Agent
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

Supervisory Special Agent
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
29 September 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Possible Unauthorized Intelligence Collection by Directorate of Intelligence

CASE: 2011-10082-IG

ISSUES UNDER INVESTIGATION:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
INVESTIGATIVE EFFORTS:

3. (U//FOUO) OIG reviewed applicable federal criminal statutes and federal and Agency regulations and policies. Specifically, OIG reviewed the analysts' activities for potential violations of the Foreign Intelligence Surveillance Act (FISA) of 1978 (Title 50 U.S.C. §§ 1801-29); Executive Order (E.O.) 12333, United States Intelligence Activities; and Headquarters (HQS) Regulation (HR) 7-1, Law and Policy Governing the Conduct of Intelligence Activities.

The section of FISA pertinent to this investigation regarding the collection of foreign intelligence inside the United States is 50 U.S.C. § 1821, which defines a "physical search" as "any physical intrusion within the United States into premises or property that is intended to result in a seizure, reproduction, inspection, or alteration of information, material, or property, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes." The process of applying for and obtaining authority to conduct physical searches in the U.S. for foreign intelligence purposes is contained in Title III of FISA, 50 U.S.C. §§ 1821-29. Section 307 of FISA (50 U.S.C § 1827) prescribes criminal penalties against any person who intentionally "under color of law for purposes of obtaining foreign intelligence information, executes a physical search within the United States except as authorized by statute."

Executive Order (EO) 12333 assigns the collection of foreign intelligence within the United States to the FBI and, with limited exceptions, prohibits agencies other than the FBI from conducting nonconsensual physical searches in the United States. (See sections 2.3(a) and 2.4 of E.O. 12333)

HR 7-1, the CIA implementing regulation regarding EO 12333, provides that CIA may not engage in unconsented physical searches in the United States, except for searches of personal property lawfully in CIA's possession, of non-U.S. persons. Such searches require General Counsel concurrence and may require Attorney General and FISA Court approval. Searches with consent, however, are permissible. (See HR 7-1, Annex B, Part V(D)(3))
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(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
CONCLUSIONS:

23. (S//NF) The OIG investigation revealed no apparent wrongdoing on the part of in the context of FISA, E.O. 12333, or HR 7-1.

Special Agent

Division Chief
22 May 2008

DISPOSITION MEMORANDUM

SUBJECT:     

CASE:     (U) 2006-8258-IG, Possible Money Laundering

ISSUES UNDER INVESTIGATION:

- (b)(1)
- (b)(3) CIA Act
- (b)(3) Nat Sec Act
- (b)(6)
- (b)(7)(c)

(b)(3) CIA Act
(b)(3) Nat Sec Act
INVESTIGATIVE RESOURCES:
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)

3. (U//FOUO) On 21 September 2006, details of the investigation were presented to an Assistant United States Attorney (AUSA) from the United States Attorney's Office. On 5 October 2006, a letter of notification was sent to the United States Attorney, which contained the facts of the allegation. Subsequently, an AUSA was formally assigned to the case.

BACKGROUND:
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
FINDINGS:

(b)(1)
(b)(3) CIAAct
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(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
14. (U) On [redacted] was sentenced to 24 months of incarceration and three years of supervised probation. She was also required to begin making restitution upon release.
CONCLUSIONS:

15. (E) Pled guilty in the US District Court for the to a violation of 18 U.S.C. §641 (Embezzlement and Theft, Public money, property or records). On was sentenced to months of incarceration and years of supervised probation. In addition, was also required to begin making restitution upon her release.

16. (U) This case is closed.

Special Agent

Supervisory Special Agent
Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION

(S/N/IF) ALLEGED ABUSE OF DETAINEE

(2004-7589-IG)

6 August 2008

John L. Helgerson
Inspector General

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(b)(3) NatSecAct

Assistant Inspector General
for Investigations

Copy

Special Agent

(b)(3) CIAAct
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(b)(3) NatSec Act
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INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(SH,U) ALLEGED ABUSE OF DETAINEE (b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act

(2004-7589-IG)

6 August 2008

INTRODUCTION

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(b)(3) NatSec Act
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109. (U//FOUO) Agency Regulation 13-6, Appendix I (Standards for Employee Accountability) provides:

a. Consequences will follow an employee’s failure to comply with a statute, regulation, policy or other guidance that is applicable to the employee’s professional conduct or performance.

b. The lack of knowledge of a statute, regulation, policy or guidance does not necessarily excuse the employee. However, lack of knowledge may affect the level of employee responsibility and the extent to which disciplinary action is warranted. Therefore the following factors will be considered prior to holding an employee accountable for a particular act or omission:

(1) Agency efforts to make employees aware of the statute, regulation, policy or guidance;

(2) The extent of employee awareness of the statute, regulation, policy or guidance;

(3) The importance of the conduct or performance at issue;

(4) The position or grade of the employee.
c. Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill, and diligence.

d. Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had an opportunity and the responsibility to act or not act.

110. (U) The Federal statute at 18 U.S.C. §1001 (Fraud and False Statements, Statements or entries generally) describes the penalty for intentionally making a false statement in a matter involving the Federal government:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.

(b)(1)
(b)(3) CIAAct
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(b)(1) (b)(3) CIA Act (b)(6) (b)(7)(c) (b)(3) NatSec Act

(2007-8508-IG) 20 August 2008

John L. Helgerson
Inspector General

Assistant Inspector General for Investigations

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(b)(3) CIA Act (b)(6) (b)(7)(c) (b)(3) CIA Act (b)(3) NatSec Act

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Approved for Release: 2018/07/31 C06659608
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(c) EMPLOYEE MISCONDUCT:

(2007-8508-IG)

20 August 2008

INTRODUCTION
On 5 February 2008, the matter was referred to the United States Attorney’s Office which on 20 February 2008 declined prosecution in favor of Agency administrative action.
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WHAT FEDERAL CRIMINAL LAWS OR CIA REGULATIONS MAY HAVE BEEN VIOLATED?

35. (U//ATI) Three provisions of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, are pertinent to this case:

Title 18 U.S.C. §641, Embezzlement and Theft, Public money, property or records, provides in pertinent part:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or
disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof . . . ,
Shall be fined under this title or imprisoned not more than ten years, or both . . . .

Title 18 U.S.C. §287, False, fictitious or fraudulent claims, provides in pertinent part:

Whoever makes or presents to any person or officer in the civil, military or naval services of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

Title 18 U.S.C. §1001, Fraud and False Statements, Statements or entries generally, provides in pertinent part:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully-

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both . . . .

36. (U//AT//O) Two Agency regulations are pertinent to this case:

Agency Regulation (AR) 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

(13) (1) (b) Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of
the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency's mission.

(13) (1) (c) (1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;

(b) Federal statutes and Congressional resolutions;

(c) Executive Orders and other Presidential directives;

(d) Regulations of US Government agencies that apply to the CIA;

(e) Applicable state statutes;

(13) (1) (c) (2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2)

(13) (1) (c) (4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty.

(13) (1) (e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

AR 1-3a, Office of Inspector General, dated 26 March 2007, provides in pertinent part:

(1-3a)(5)(a) All Agency employees, independent contractors of the Agency, and employees of a contractor of the Agency are required to
cooperate fully with OIG and provide accurate, candid, complete, and forthcoming responses to all questions posed by OIG personnel during the conduct of IG audits or inspections or investigations to the extent required by law.

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
REPORT OF INVESTIGATION

(U//FOUO) CONFLICT OF INTEREST: OFFICER ASSIGNED TO COUNTERTERRORISM CENTER (2007-8502-IG)

26 May 2009

(b)(3) CIAAct
(b)(6) Acting Inspector General
(b)(7)(c) Assistant Inspector General for Investigations

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.
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INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U//FOUO) CONFLICT OF INTEREST:
OFFICER ASSIGNED TO COUNTERTERRORISM CENTER
(2007-8502-IG)

26 May 2009

INTRODUCTION

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(U) WHAT FEDERAL CRIMINAL LAWS OR CIA REGULATIONS MAY HAVE BEEN VIOLATED?

40. (U) Title 18, U.S.C. §208 (Acts affecting a personal financial interest) provides in part:

Whoever being an officer or employee of the executive branch . . . , participates personally and substantially . . . , through decision, approval, disapproval, recommendation, the rendering of advice, . . . in a . . . contract, . . . in which, to his knowledge, he . . . has a financial interest – Shall be subject to the penalties set forth in section 216 of this title.

41. (U) The United States Office of Government Ethics (OGE) publishes Standards of Ethical Conduct for Employees of the Executive Branch, which are codified in 5 C.F.R. Part 2635 as amended. Section 2635.502 (Personal and business relationships) specifies in part:

That unless an employee receives prior authorization, the employee should not participate in a particular matter involving specific parties which the employee knows is likely to affect the financial interests of a member of the employee’s household, or in which the employee knows a person with whom the employee has a covered relationship is or represents a party, if the employee determines that a reasonable person with knowledge of the relevant facts would question the employee’s impartiality in the matter.

42. (U) The provisions of the C.F.R., as promulgated by OGE in Subpart D - Conflicting Financial Interests, are similar to those that appear in Title 18 U.S.C. §208(a). 5 C.F.R. §2635.402 (Disqualifying financial interests) specifies that:

(a) Statutory prohibition. An employee is prohibited by criminal statute, 18 U.S.C. 208(a), from participating personally and
substantially in an official capacity in any particular matter in which, to his knowledge, he . . . has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

43. (U) 5 C.F.R. §§2635.402(b)(4) and 2640.103 (a)(2) (Personal and substantial participation) includes "direct and active participation involving issuing decisions, approvals and recommendations."

44. (U) 5 C.F.R. §2635.402 (b)(1) (Direct and predictable effect) provides the following definition:

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this subpart.

Subparagraph (ii) further specifies:

A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

45. (U) Another provision of the C.F.R., as promulgated by OGE in Subpart E - Impartiality in Performing Official Duties, 5 C.F.R. §§2635.502 (Personal and Business Relationships) specifies that:
(a) Consideration of appearances by the employee:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of an employee ... and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

Paragraph (d) specifies:

Authorization by agency designee. Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208 (a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. [Emphasis added.]

Authorization by the agency designee shall be documented in writing at the agency designee's discretion or when requested by the employee.

46. (U) 5 C.F.R. §2635.703 (a)(b)(3) (Prohibition) provides the following definition:

(a) An employee shall not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) Definition of nonpublic information. For purposes of this section, nonpublic information is information that the employee gains by
reason of Federal employment and that he knows or reasonably
should know has not been made available to the general public. It
includes information that he knows or reasonably should know:

(3) Has not actually been disseminated to the general public and is
not authorized to be made available to the public on request.

47. (U//ATG) AR 13-2, Conflicts of Interest, Lack of
Impartiality, Gifts, Honoraria, Misuse of Position, Post Employment
Restrictions, and Political Activities, cites federal law and policy on
federal ethics regulations, including conflict of interest, lack of
impartiality, acceptance of gifts and honoraria, post employment
restrictions, and political activities. AR 13-2 reiterated selected
portions of the Standards of Ethical Conduct, referenced above, and
paragraph (c)(6), Standards of Official Conduct, further requires all
Agency employees to adhere to all of the ethics restrictions contained
in the Standards of Ethical Conduct. The regulations warn that
violation of the non-criminal provisions of the Standards of Ethical
Conduct could lead to administrative disciplinary actions.

48. (U//ATG) AR 13-2 (c)(1), Conflict of Interest, specifies that:

... an employee is prohibited by law from participating personally
and substantially in an official capacity in any particular matter in
which the employee, or a person whose interests are imputed to the
employee, has a financial interest, if the particular matter would
have a direct and predictable effect on that financial interest. An
interest is considered imputed to an employee if the employee's
spouse or minor child holds the financial interest, the employee's
general partner; an organization or entity which the employee
serves as an officer, director, trustee, general partner, or employee;
or a person or organization with whom the employee is negotiating
an arrangement concerning prospective employment.

49. (U//ATG) In cases where there is no criminal conflict of
interest, employees are still expected to maintain the appearance of
impartiality. Paragraph (d)(1) of AR 13-2 specifies that:
Agency employees are expected to act impartially in the performance of their duties and not give preferential treatment to any private organization or individual. When an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of the employee's household or knows that a person with whom the employee has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, the employee should not participate in the matter unless the employee has informed the DAEO or Assistant DAEO and received authorization to participate in the matter. This restriction applies even when there is no actual conflict of interest in the employee's participating in the particular matter.

50. (U//ATSC) AR 13-2 (j)(1), Misuse of Position, specifies that an employee shall not use his office for...the private gain of friends, relatives, or persons with whom the employee is affiliated.

51. (U//ATSC) The facts of this matter were presented to the Office of the US Attorney for the Eastern District of Virginia (EDVA) on 28 November 2007. On 1 February 2008, EDVA declined criminal prosecution of ____ for possible violation of Title 18 U.S.C. §208(a) in favor of administrative action. (b)(3) CIAAct (b)(6) (b)(7)(c)
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Central Intelligence Agency
Inspector General

CONFlict OF INTEREST:
NCS OFFICER
(2007-8723-IG)

15 May 2009

(b)(3) CIAAct
Acting Inspector General

(b)(3) NatSecAct

(b)(3) CIAAct
Assistant Inspector General
for Investigations

(b)(3) NatSecAct

(b)(3) CIAAct
Special Agent

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OFFICE OF INSPECTOR GENERAL
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REPORT OF INVESTIGATION

46) CONFLICT OF INTEREST: NCS OFFICER
(2007-8723-1G)

15 May 2009

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(U) WHAT FEDERAL CRIMINAL LAWS, FEDERAL REGULATIONS, AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

77. (C) As an officer of the executive branch, is subject to certain statutory restrictions:

♦ 18 U.S.C. § 208 (Acts affecting a personal financial interest) states that:

Whoever, being an officer or employee of the executive branch of the United States Government, or any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer
or employee of the District of Columbia, including a
special Government employee, participates personally
and substantially as a Government officer or employee,
through decision, approval, disapproval,
recommendation, the rendering of advice, investigation,
or otherwise, in a judicial or other proceeding,
application, request for a ruling or other determination,
contract, claim, controversy, charge, accusation, arrest, or
other particular matter in which, to his knowledge, he, his
spouse, minor child, general partner, organization in
which he is serving as an officer, director, trustee, general
partner or employee, or any person or organization with
whom he is negotiating or has any arrangement
concerning prospective employment, has a financial
interest—shall be subject to the penalties set forth in
section 216 of this title.

5 U.S.C. § 3110 (Employment of relatives restrictions) provides that:

A public official may not appoint, employ, promote,
advance, or advocate for appointment, employment,
promotion, or advancement, in or to a civilian position in
the agency in which he is serving or over which he
exercises jurisdiction or control any individual who is a
relative of the public official.

78.  (©) also is subject to regulatory restrictions:

AR 13-2, Conflict of Interest, indicates an Agency employee is
prohibited by law from participating personally and
substantially in an official capacity in any particular matter in
which the employee, or a person whose interests are imputed to
the employee, has a financial interest, if the particular matter
would have a direct and predictable effect on that financial
interest. An interest is considered imputed to an employee if
the financial interest is held by the employee's spouse; the
employee's minor child; the employee's general partner; an
organization or entity which the employee serves as an officer,
(b)(3) NatSecAct
director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.

*AR 20-9, Restrictions on Employment of Relatives,* cautions Agency employees to avoid any action, however well-intentioned, that might jeopardize the job of the related applicant or employee. At the same time, the regulation, recognizing that related employees (including husbands and wives who are both Agency employees) are a valuable resource in whom the Agency has invested much time, effort, and money, does not prevent the assignment of related employees to the same field location. Nonetheless, such assignments must meet certain conditions. Specifically: an employee couple may be assigned to the same domestic or foreign field location if selection of the couple and approval of the assignment are made by an official or officials senior to both members of the employee couple. The official(s) approving the assignment will ensure that one member of the employee couple: is not the direct supervisor of the other member; is not in a position to write or review the other’s Performance Appraisal Reports (PARs) or under any circumstances the PAR of the junior spouse’s rating officer; or otherwise participate in any way in any evaluation of the other’s performance; and cannot recommend the other member for promotion, within grade increase, or other benefit or favorable personnel action. The official(s) approving the assignment will also ensure there is effective management and supervision, including accountability to a higher level, of both employees.

If one member of an employee couple is a Chief of Station, Chief of Base, Chief of Facility (or equivalent), FBIS Bureau Chief, or FBIS Unit Chief, the employee couple may be assigned to the same domestic or foreign field location if the appropriate Head of Career Service, in consultation with the General Counsel and
the Office of Equal Employment Opportunity, as appropriate, approves the assignments in advance. In considering whether to approve such assignments, the Head of Career Service shall ensure that the assignments would be in the best interests of the Agency and the field installation, would be in accordance with Agency policy concerning equal employment opportunity and affirmative action, and would not violate the Federal anti-nepotism statute (5 U.S.C. § 3110) or this regulation.

79. (U//A¥80) Also pertinent is "Personal and Business Relationships, (a) Consideration of Appearances by the Employee," 5, C.F.R., Pt. 2635, 2008, ed.:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

(d) Authorization by agency designee. Where and employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. § 208 (a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations.

80. (U//A¥80) Executive Order 12674 indicates that employees shall act impartially and not give preferential treatment to any private organization or individual.
81. (C) On 27 June 2008, OIG referred information regarding a case to the United States Attorney for the EDVA. EDVA declined prosecution on 29 July 2008 in favor of administrative action. OIG also notified the Office of Government Ethics about the matter, as required by federal statute.
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REPORT OF INVESTIGATION

12 February 2009

John L. Helgerson
Inspector General

Assistant Inspector General
for Investigations

Special Agent

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(U) WHAT FEDERAL CRIMINAL LAWS OR CIA REGULATIONS MAY HAVE BEEN VIOLATED?
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(6) CONFLICT OF INTEREST: (b)(1)
NCS OFFICER (b)(3) CIA Act
(2007-8724-1G) (b)(8)
(b)(6)
(b)(7)(c)

11 February 2009

INTRODUCTION

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(U) **WHAT FEDERAL CRIMINAL LAWS OR CIA REGULATIONS MAY HAVE BEEN VIOLATED?**

states that:

Whoever, being an officer or employee of the executive branch of the United States Government, or any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as an officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—shall be subject to the penalties set forth in section 216 of this title.
40. (E) also is subject to Agency regulatory restrictions:

- **AR 13-2, Conflicts of Interest**, indicates an Agency employee is prohibited by law from participating personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to the employee, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. An interest is considered imputed to an employee if the financial interest is held by the employee's spouse; the employee's minor child; the employee's general partner; an organization or entity which the employee serves as an officer, director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.

- **AR 20-9, Restrictions on Employment of Relatives**, cautions Agency employees to avoid any action, however well-intentioned, that might jeopardize the job of the related applicant or employee. At the same time, the regulation, recognizing that related employees (including husbands and wives who are both Agency employees) are a valuable resource in whom the Agency has invested much time, effort, and money, does not prevent the assignment of related employees to the same field location. Nonetheless, such assignments must meet certain conditions. Specifically:

  An employee couple may be assigned to the same domestic or foreign field location if selection of the couple and approval of the assignment are made by an official or officials senior to both members of the employee couple. The official(s) approving the assignment will ensure that one member of the employee couple: is not the direct supervisor of the other member; is not in a position to write
or review the other's Performance Appraisal Reports (PARs) or under any circumstances the PAR of the junior spouse's rating officer; or otherwise participate in any way in any evaluation of the other's performance; and cannot recommend the other member for promotion, within grade increase, or other benefit or favorable personnel action. The official(s) approving the assignment will also ensure there is effective management and supervision, including accountability to a higher level, of both employees.

If one member of an employee couple is a Chief of Station, Chief of Base, Chief of Facility (or equivalent), FBIS Bureau Chief, or FBIS Unit Chief, the employee couple may be assigned to the same domestic or foreign field location if the appropriate Head of Career Service, in consultation with the General Counsel and the Office of Equal Employment Opportunity, as appropriate, approves the assignments in advance. In considering whether to approve such assignments, the Head of Career Service shall ensure that the assignments would be in the best interests of the Agency and the field installation, would be in accordance with Agency policy concerning equal employment opportunity and affirmative action, and would not violate the Federal anti-nepotism statute (5 U.S.C. 3110) or this regulation.


An employee is prohibited by criminal statute, 18 U.S.C. 208 (a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately . . . . A particular matter will have a predictable
effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

To participate personally means to participate directly. It includes
(b)(1) the direct and active supervision of the participation of a
(b)(3) CIAAct subordinate in the matter. To participate substantially means that
(b)(3) NatSecAct the employee's involvement is of significance to the matter.
(b)(6) Participation may be substantial even though it is not
(b)(7)(c) determinative of the outcome of a particular matter.

42. (c) On 20 February 2008, OIG referred case to the US Attorney's Office, EDVA. EDVA declined prosecution on 29 July 2008 in favor of administrative action. OIG also notified the Office of Government Ethics as required by federal statute.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
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6 February 2009

DISPOSITION MEMORANDUM

SUBJECT: ____________________________

CASE: (U//FOouro) 2007-8510-IG, Conflict of Interest
by (b)(3) CIAAct
(b)(6)
(b)(7)(c)

INTRODUCTION:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

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29. (U) Statutes and Regulations. 18 U.S.C. Section §208 (Acts affecting a personal financial interest) prohibits a federal employee from personally and substantially participating in an official capacity in any particular matter in which, to his knowledge, he or someone's whose interests are imputed to him, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. Under this statute, the interests of the employee's organization in which he is serving as an employee are imputed to the employee. Agency Regulation 13-2: Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-employment Restrictions, and Political Activities as well as Title 5, Code of Federal
Regulations (C.F.R.) mirror the above cited statute. Title 5 C.F.R., Section §2430.103 defines personal and substantial participation as direct and significant involvement in the matter which includes decision-making, approval, disapproval, recommendations, investigations, and/or the rendering of advice.

30. (U) On 11 April 2008, this matter was formally referred to the United States Attorney for the Eastern District of Virginia (EDVA). On 29 July 2008, a written declination was received by EDVA.
32. (U//ATUO) This case is closed.

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19 April 2011

DISPOSITION MEMORANDUM

SUBJECT: (U) Theft

CASE: 2006-8369-IG

ISSUES UNDER INVESTIGATION:

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(b)(3) NatSecAct
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(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
43. (U//FOUO) On ______________________ was convicted of theft of government property, Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money property or records) and transporting weapons illegally, Title 18 U.S.C. § 922 (Firearms, Unlawful Acts) and received five months in prison and three years probation.

44. (U//FOUO) On ______________________ was convicted of conspiracy to commit theft of government property, Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money property or records) and Title 18 U.S.C. § 371 (Conspiracy to commit offense or to defraud United States) and received three months in prison and one year probation.

45. (U//FOUO) On ______________________ was convicted of misprision, Title 18 U.S.C. § 4 (Misprision of felony) and received six months probation.

46. (U//FOUO) On ______________________ was convicted of misprision, Title 18 U.S.C. § 4 (Misprision of felony) and received six months probation.

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MEMORANDUM FOR THE RECORD

SUBJECT:     (c) Money Laundering Concern

REFERENCE:  Closing Memo (2007-8500-IG)

(b)(1)
(b)(3) CIA Act
(b)(3) Nat Sec Act
(b)(6)
(b)(7)(c)

15. (U//POSO) On [Redacted] entered a guilty plea to a single count of embezzlement in violation of 18 U.S.C. § 641 before Judge [Redacted]. The maximum penalties for this offense are a maximum term of 10 years of imprisonment, a fine of $2000, full restitution, a special assessment, and three years of supervised release. On [Redacted] the Director, CIA, using his special authorities, approved the termination of [Redacted] from Agency [Redacted].

* (U//POSO) A target is a person on whom the government has substantial evidence linking him to the commission of a crime and who, in the judgment of the prosecutor, is likely a defendant.
employment, effective did not return to Headquarters for exit processing and security debriefing and these actions were accomplished in absentia.

16. (U//REL) On in the Judge sentenced to: 60 days confinement, four months community confinement (undefined), three years probation, full restitution of a fine of $2,000, and an administrative fee of $100.

17. (U//REL) This case is closed.

Special Agent
REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL

CENTRAL INTELLIGENCE AGENCY

(9) EMBEZZLEMENT OF FUNDS AND MISUSE OF GOVERNMENT TRAVEL CARD
(2006-8397-IG)

23 July 2009

(b)(3) CIAAct
(b)(6)
(b)(7)(c) Acting Inspector General

(b)(3) CIAAct
(b)(6)
(b)(7)(c) Assistant Inspector General for Investigations

(b)(3) CIAAct
(b)(6)
(b)(7)(c) Special Agent

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

EMBEZLEMENT OF FUNDS AND MISUSE OF GOVERNMENT TRAVEL CARD
(2006-8397-IG)

23 July 2009

INTRODUCTION
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SUMMARY

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(b)(3) CIA Act
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Approved for Release: 2018/07/31 C06659628
10. (U//FOUO) On (b)7(c) the case was referred to the United States Attorney On 7 August 2008, the US Attorney declined prosecution in favor of appropriate administrative action by the CIA.
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(U) WHAT FEDERAL CRIMINAL LAWS OR CIA REGULATIONS MAY HAVE BEEN VIOLATED?

47. (U//FOUO) Four provisions of Title 18 U.S.C., Crimes and Criminal Procedure, are pertinent to this case. Title 18 U.S.C. § 287 (False, fictitious or fraudulent claims), provides:

Whoever makes or presents to any person or officer in the civil, military or naval services of the United States, or to any department
or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

Title 18 U.S.C. § 641 (Embezzlement and Theft, Public money, property or records) provides:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money or thing of value of the United States or any department or agency thereof . . . shall be fined under this title or imprisoned not more than ten years, or both.

Title 18 U.S.C. § 648 (Custodians, generally, misusing public funds) provides:

Whoever, being an officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, loans, uses, or converts to his own use, or deposits in any bank, including any branch or agency of any foreign bank . . . or exchanges for other funds, . . . any portion of the public moneys intrusted to him for safe-keeping, is guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined under this title . . . or imprisoned not more than ten years, or both;

Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally) provides:

[W]hsoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation . . . shall be fined under this title, imprisoned not more than 5 years . . . or both.
48. (U//FOUO) On 7 August 2008, the case was referred to the United States Attorney. On 7 August 2008, the US Attorney declined prosecution in favor of appropriate administrative action by the CIA.

49. (C) Six Agency regulations are pertinent to this case:

- AR 30-1, General, dated 23 March 2000, provides in pertinent part:

  c. RESPONSIBILITIES

  (2) APPROVING OFFICERS. Acting on behalf of the D/CIA and in accordance with AR 30-2, those Agency employees designated as approving officers are responsible, within their area of management or supervisory jurisdiction, for:

      (a) Ensuring that a proposed activity, and the financial and property transaction(s) incident thereto, is a proper exercise of the authorities of the Agency, is necessary and reasonable, and has been appropriately authorized.

  d. PENALTIES FOR MISUSE OF OFFICIAL FUNDS

      (1) Any individual who receives, pays, transfers, or otherwise holds or disposes of official funds or who approves or certifies any transaction involving the payment or transfer of official funds may be required to restore the amount involved and may be subject to administrative disciplinary action if their action is contrary to Agency regulations or other applicable law.

      (2) Any individual who knowingly submits an accounting or voucher that contains a false statement of material fact will be deemed to have submitted a fraudulent claim. Any part of the claim believed to be based on false statements of material fact will be denied. If fraud is discovered subsequent to payment, the individual will be required to refund moneys improperly claimed.
AR 30-2, Approval, Certification, and Documentation of Disbursements and other Financial Transactions, dated 19 December 2005, provides in pertinent part:

c. APPROVAL
5) Approving officers may not approve their own financial transactions except that the D/CIA, the DD/CIA, the [ADD/CIA], and the Chiefs of Installations may approve their own requests for disbursements and claims; and Directors, Heads of Independent Offices and Operating Officials may approve their own requests for disbursements and claims that do not exceed $1,000. Aside from the authorities provided in this paragraph, approving officers may not approve any transaction that may result in an actual or potential conflict of interest.

AR 30-8, Settlement of Accounts Involving Shortages or Overages of Official Funds, dated 24 August 2006, provides in pertinent part:

d. POLICY
(1) Any unexplained loss or shortage of official funds automatically creates a presumption of negligence on the part of the individual entrusted with the lost funds. Unless the individual can successfully rebut this presumption of negligence by coming forward with specific, complete, and convincing affirmative evidence that he or she exercised the requisite degree of care in handling the funds, the presumption will stand and the individual will be required to repay the loss to the Agency.

(2) An accountable officer must exercise "the highest degree of care in the performance of his or her duty." It is the duty of an accountable officer to become familiar with applicable regulations, and a loss associated with a failure to follow such regulations will be deemed negligence. Evidence that Agency procedures have been followed may aid, on a case-by-case basis, in rebutting the presumption of negligence.

(3) The standard for judging the negligence of an individual is that of a "reasonable person" or what the reasonably prudent and careful person would have done to take care of his or her own property of like
description under like circumstances, including in Agency-unique circumstances. Some factors that may not be considered to grant relief of an accountable officer's liability are: heavy workload; shortage of personnel; lack of training, supervision, or experience; age; loyalty; financial hardship or having to repay; and past experience.

(4) In the case of an allegation that the loss of funds is due to a burglary or robbery, the accountable officer must provide evidence of a theft, no evidence implicating the accountable officer must exist, and there must have been no contributing fault or negligence on the part of the accountable officer.

(5) The Agency will review all accounts of present or former Agency personnel that involve shortages or overages of official funds and determine whether:
(a) The responsible individual was acting in the discharge of official duties when the shortage or overage occurred.
(b) The shortage or overage occurred because of the act or omission of a subordinate of the responsible individual.
(c) The presumption of negligence on the part of the responsible individual has been rebutted.
(d) The responsible individual should be held pecuniarily liable for or granted relief from any shortage charged.
(e) The case involves activities which in the national interest require security or cover protection.
(f) The case presents a question as to violation of the criminal provisions of the U.S.C. . . .

(7) Any case presenting a question as to whether a violation of the criminal provisions of the U.S.C. (for example, fraud, embezzlement, misrepresentation, false claim, larceny, theft, or misuse of Agency funds) may have occurred will be immediately referred to the Inspector General (IG) for appropriate action. The referral will include a summary of pertinent facts and any available documentary evidence.
(8) When there is indication of gross carelessness or fault on the part of Agency personnel involved in a shortage or overage case, the Chief of Finance (C/Finance) will provide the responsible Directorate Director or Head of Independent Office with a report (with a copy to the IG) of the pertinent facts for possible disciplinary action.

f. RESPONSIBILITIES.
(1) Agency personnel will report through command channels (for example, a cashier to Chief, Budget & Finance [C/B&F] and Chief of Support) to the Chief of Finance Policy any shortage or overage of official funds in their charge, including those cases settled in the field under the authorities cited in e(1)(a) and e(2)(a) above. Notification must be made within five days after discovery followed by a detailed report not later than thirty days after initial notification.

♦ AR 13-1, Standards of Conduct, dated 7 August 2002, provides in pertinent part:

(13) (1) (b) Agency employees are entrusted with supporting the mission of CIA and the responsibilities of the DCI in furtherance of the national security interests of the United States. Each employee, therefore, is endowed with a public trust. This trust carries with it the individual responsibility to maintain a standard of conduct that reflects credit on the United States and that is consistent with the Agency’s mission.

(13)(1)(c)(1) Employees shall comply with legal requirements established by:

(a) The United States Constitution;

(b) Federal statutes and Congressional resolutions;

(c) Executive Orders and other Presidential directives;

(d) Regulations of US Government agencies that apply to the CIA;

(e) Applicable state statutes;
(13)(1)(c)(2) Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch. (See AR 13-2.)

(13)(1)(c)(4) Employees also are expected to perform their duties in a professional and satisfactory manner. An employee who is responsible for a significant failure to act in accordance with the level of professionalism and diligence reasonably to be expected or who evidences a pattern of conduct that demonstrates a failure to carry out the functions of his position has not lived up to this standard. Actions that would constitute such a failure include insubordination, harassing or discriminatory conduct, or neglect of duty.

(13)(1)(e) CONSEQUENCES. Failure to comply with these standards of conduct violates the public trust and endangers the accomplishment of the Agency's mission. Employees who violate the standards are subject to disciplinary action in accordance with AR 13-3.

AR 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post-Employment Restrictions, and Political Activities, dated 28 January 2008, provides in pertinent part:

(13)(2)(j)(3) An employee has a duty to protect and conserve government resources and shall not use such property, or allow its use, for other than authorized purposes.

AR 22-30, Use of the Government Travel Card, dated 9 July 2004, provides in pertinent part:

b. (1) . . . The GTC may only be used to charge authorized travel expenses. Employees are never authorized the use of the GTC for personal expenses or personal advances. . . .

(3) . . . Employees who use a GTC for other than official purposes set forth in this regulation and/or are delinquent in paying a GTC bill, are subject to administrative action enumerated in AR 13-3 and may be subject to civil and/or criminal prosecution by the Department of Justice.
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Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION

OFFICE OF INSPECTOR GENERAL
CENTRAL INTELLIGENCE AGENCY

(S/NF) THEFT

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

(2007-8613-IG)

19 March 2010

Deputy Inspector General

(b)(3) CIA Act
(b)(3) NatSec Act

Assistant Inspector General
for Investigations

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(b)(3) NatSec Act

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(b)(3) NatSecAct

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(S/NF) THEFT

(2007-8613-IG)

19 March 2010
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(U//FOUO) **WHAT FEDERAL CRIMINAL STATUTES AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?**

36. (U) Title 18 U.S.C., *Crimes and Criminal Procedures*, is pertinent to the conversion of Agency property. Title 18 U.S.C. § 641 (*Embezzlement and Theft, Public money, property or records*) provides in pertinent part:

> Whoever embezzles, steals, purloins, or knowingly converts to his use or the use . . . any . . . thing of value of the United States or any department or agency thereof . . . shall be fined under this title or imprisoned not more than ten years, or both.

37. (U) AR 13-1, *Standards of Conduct*, states in part:

Employees shall comply with legal requirements established by Federal statutes.

Employees shall comply with the standards of ethical conduct that apply to all employees of the Executive Branch.
38. (S) AR 45-1, Materiel Management, states in part:

All Agency employees, detailers, and contractors must ensure the proper care and safekeeping of all Government property (whether or not they have signed a receipt) and may be held financially liable for any loss, damage or destruction.

39. (U) The Code of Federal Regulations (C.F.R.), Title 5, Section 2635.704, states in part:

An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.13

40. (E) On 16 June 2008, OIG referred a case to an Assistant United States Attorney (AUSA) at the Eastern District of Virginia for consideration as a possible criminal violation. After reviewing this matter, the AUSA concluded that this case did not merit federal prosecution. He recommended that CIA take appropriate administrative action.
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REMARKS:

FROM: NAME, ADDRESS, AND PHONE NO.  
DEPUTY INSPECTOR GENERAL (b)(3) CIA Act  
DATE: 4/13/2010

(b)(3) NatSecAct  
Access to this document is restricted to those approved for the following specific compartments / sub compartments:

(b)(3) NatSecAct

NATIONAL SECURITY INFORMATION  
Unauthorized Disclosure Subject to Criminal Sanctions  
WHEN NOT FILLED IN THIS COVER SHEET IS UNCLASSIFIED  
SECRET // NOFORN
REPORT OF INVESTIGATION

(U) CONFLICT OF INTEREST:

(2007-8806-IG) 14 April 2010

Deputy Inspector General

Assistant Inspector General for Investigations

Supervisory Special Agent

NOTICE: The information in this report is covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION

(U) CONFLICT OF INTEREST:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(2007-8806-IG)

14 April 2010

INTRODUCTION

(b)(1)
(b)(3) CIA Act
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(U) WHAT FEDERAL CRIMINAL LAWS AND CIA REGULATIONS MAY HAVE BEEN VIOLATED?

39. (U) Title 18 U.S.C. § 208 (Acts affecting a personal financial interest) generally prohibits employees of the US Government from participating in official acts that affect a personal financial interest, and it provides for criminal penalties for exploiting official positions for self-enrichment or the enrichment of family members and associates.

40. (U) The United States Office of Government Ethics (OGE) publishes Standards of Ethical Conduct for Employees of the Executive Branch, which are codified in 5 C.F.R. Part 2635 as amended. Section 2635.502, Personal and business relationships, specifies:

... unless an employee receives prior authorization, the employee should not participate in a particular matter involving specific parties which the
employee knows is likely to affect the financial interests of a member of the employee's household, or in which the employee knows a person with whom the employee has a covered relationship is or represents a party, if the employee determines that a reasonable person with knowledge of the relevant facts would question the employee's impartiality in the matter. 

41. (U) The provisions of the C.F.R., as promulgated by OGE in Subpart D - Conflicting Financial Interests, are similar to those that appear in Title 18 U.S.C. § 208(a). According to Title 5 C.F.R. § 2635.402, **Disqualifying financial interests:**

(a) Statutory prohibition. An employee is prohibited by criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

42. (U) Title 5 C.F.R. §§ 2635.402(b)(4) and 2640.103 (a)(2), **Personal and substantial participation,** includes "direct and active participation involving issuing decisions, approvals and recommendations."

43. (U) Title 5 C.F.R. § 2635.402 (b) (1), **Direct and predictable effect,** provides the following definition:

A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest,

---

20 (U) An employee has a covered relationship with a person with whom the employee has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction; a person who is a member of the employee's household, or who is a relative with who the employee has a close personal relationship; a person for whom the employee's spouse, parent, or dependent child is serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, or employee; any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; or an organization in which the employee is an active participant. [Emphasis added.]
however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.

Subparagraph (ii) further directs:

A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

44. (U) Another provision of the C.F.R., as promulgated by OGE in Subpart E - Impartiality in Performing Official Duties, Title 5 C.F.R. § 2635.502, Personal and Business Relationships, specifies:

(a) Consideration of appearances by the employee:

Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of an employee . . . and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

(d) Authorization by agency designee.

Where an employee’s participation in a particular matter involving specific parties would not violate 18 U.S.C. 208 (a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee’s participation outweighs the concern that a reasonable person may question the integrity of the agency’s programs and operations. [Emphasis added.]

Authorization by the agency designee shall be documented in writing at the agency designee’s discretion or when requested by the employee.
45. (U//AR0) Agency Regulation (AR) 13-2, Conflicts of Interest, Lack of Impartiality, Gifts, Honoraria, Misuse of Position, Post Employment Restrictions, and Political Activities, cites Federal law and policy on Federal ethics regulations, including conflict of interest, lack of impartiality, acceptance of gifts and honoraria, post employment restrictions, and political activities. AR 13-2 reiterates selected portions of the Standards of Ethical Conduct, referenced above, and paragraph (c)(6), Standards of Official Conduct, further requires all Agency employees to adhere to all of the ethics restrictions contained in the Standards of Ethical Conduct. The regulations warn that violation of the non-criminal provisions of the Standards of Ethical Conduct could lead to administrative disciplinary actions.

46. (U//AR0) AR 13-2, (c)(1), Conflict of Interest, specifies that:

an employee is prohibited by law from participating personally and substantially in an official capacity in any particular matter in which the employee, or a person whose interests are imputed to the employee, has a financial interest, if the particular matter would have a direct and predictable effect on that financial interest. An interest is considered imputed to an employee if the employee’s spouse or minor child holds the financial interest, the employee’s general partner; an organization or entity which the employee serves as an officer, director, trustee, general partner, or employee; or a person or organization with whom the employee is negotiating an arrangement concerning prospective employment.

47. (U//AR0) On 6 January 2009, the US Attorney’s Office/EDVA, declined prosecution of this matter in favor of administrative action by the Agency.
Page Denied
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19 July 2010

DISPOSITION MEMORANDUM

SUBJECT: (S//NF) Child Pornography

CASE: 2009-9429-IG

ISSUES UNDER INVESTIGATION:

2. (U//AIVD) The specific issue under investigation was whether a CI ann accessed child pornography in violation of Title 18 U.S.C. § 2252A (Certain Activities Relating to Material Constituting or Containing Child Pornography).
(b)(1)
(b)(3) CIA Act
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19. (U//FO) On 29 October 2009, the Office of Security revoked clearance and his employment was terminated by appealed his clearance revocation and was denied.


21. (U//FO) All evidence collected from as returned to him on 15 October 2009.
2 July 2010

DISPOSITION MEMORANDUM

SUBJECT: (S//NF) Rendition and Alleged Abusive Treatment

INTRODUCTION

CASE: 2009-9305-IG

TOPSECRET//NOFORN

Approved for Release: 2018/07/31 C06688558

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
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12. (U) Although President Bush, in August 2002, determined that the Geneva Conventions did not apply to al-Qa’ida members, this opinion was negated by the Supreme Court in June 2006. The plurality opinion of the US Supreme Court, in Hamdan v. Rumsfeld, 548 U.S. 557 (2006), held that the Common Article 3 protections extend to detainees held by the US under the auspices of the Global War on Terror. These include the prohibition against: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon person dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment, pronounced by a regularly constituted court affording all the judicial guarantees, which are recognized as indispensable by civilized peoples.
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7 August 2009

DISPOSITION MEMORANDUM

SUBJECT: (U) Death of a Detainee at Asadabad

CASE: (b)(3) CIAAct

INTRODUCTION:

1. (S/NF) On 24 June 2003 the Washington Post reported, "U.S. Probes Death of Prisoner in Afghanistan" near Asadabad in Kunar Province. On the following date, the Office of the Deputy Director for Operations (ODDO) forwarded a packet of relevant documents including cables to and along with the formal request for OIG to investigate the circumstances of the Agency involvement with this Afghani detainee, Abdul Wali prior to his death. Following that, liaison was established with the Chief of Operations, US Army Criminal Investigations Division (CID) and arrangements were made to work with CID agents in Afghanistan to conduct a joint criminal investigation in Asadabad.

PROCEDURES AND RESOURCES:

2. (S/NF) individuals were interviewed by OIG, some in the presence of the Department of Justice attorneys. In many cases, some individuals were interviewed.

(b)(1) (b)(7)(d)

1 (S) During the course of this investigation, this base in Asadabad was called by different names by the military personnel and Agency personnel there. For the sake of standardization, the Agency facility there will be referred to as Asadabad Base throughout this report.
on more than one occasion. Where applicable, were used in lieu of a interview report. Two attempts were made to interview Subject David Anthony Passaro. All relevant were collected and reviewed. To the extent possible, all relevant documents were collected and reviewed.

Agency security file and official personnel folder checks were conducted on Passaro and and IC.

**FINDINGS:**

3. (S//NF) According to records, on 18 June Abdul Wali presented himself at the gate at the Asadabad Base in the company with Hyder Akhbar, the American-born son of the Governor of Kunar Province. Wali was interrogated by and CIA Independent Contractor (IC) David Anthony Passaro. Translation was initially performed by Akhbar.

(U//FOO) When Hyder Akhbar was in Afghanistan, he was under the semi-official sponsorship of National Public Radio. Akhbar produced an audio diary during that period on the events of his summer in Afghanistan, including his involvement with Wali, including his death. Ultimately, on 11 July 2004, Akhbar authored an article for the NY Times Magazine, “Memoir: Interrogation Unbound” exclusively about his involvement with Wali and the circumstances leading to his death. During the course of this investigation, this outpost in Asadabad was called by different names by the military personnel and Agency personnel there. For the sake of standardization, the Agency facility there will be referred to as Asadabad Base throughout this report.
4. (C) On 21 June 2003, Wali was pronounced dead at the base. Wali’s body was transferred to his family on the following date. Following the death, the cable was sent a cable to Headquarters and Headquarters, (b)(3) CIA Act
(b)(3) NatSecAct

5. (S//NF) On 22 June 2003 the ODDO transmitted a cable to Headquarters. The cable instructed to dispatch an appropriate senior officer to Asadabad Base “to conduct a thorough investigation of the circumstances regarding the death of Wali.” On the same date, the cable was responded by cable that was working “to fully investigate the circumstances surrounding the death” and would send personnel as soon as air lift could be arranged, the evening of 23 June. In a subsequent email to a number of senior officers at Headquarters on 23 June 2003, the cable added, “We are doing a full bore investigation right now.” (b)(1) (b)(3) CIA Act (b)(3) NatSecAct (b)(6)

6. (C) On 23 June 2003, the Task Force (TF) 180, Bagram Airbase conducted an administrative investigation at Asadabad pursuant to the provision of Army Regulation AR 15-6. This investigation was ordered by the Commanding General, TF-180, Major General John Vines. No interviews with Agency personnel were approved by written instructions from Headquarters. For details of that AR 15-6 investigation, see AR-15 report. (b)(1) (b)(3) CIA Act (b)(3) NatSecAct (b)(6)
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The statement began with the medical attention provided to Wali on 21 June 2003, and also addressed the concern on the part of the military commander at
Asadabad, Major that normal intake procedures were not followed when Wali was detained on 18 June 2003.

11. (S/NF) On 27 June 2003, CID traveled to Asadabad Base. During the next two days, he interviewed military witnesses, took sworn statements and conducted a crime scene investigation. obtained a copy of photographs of Wali taken at the time of his detention as well as post-mortem. also obtained a short video clip taken at the time of Wali’s detention. For more details see report of investigation.

12. (S/NF) On 27 June 2003, SA conducted a security file review on Passaro, the CIA officer/contractors expected to be at Asadabad Base. It was determined that Passaro bad been an independent contractor since November 2002.

13. (S/NF) On July 2003 Special Agents arrived in and met with and Arrangements were made to

---

* (C) The statement did not address any role that Passaro took in the detention, interrogation or assault of Wali.
meet with CID at Bagram Airbase on the following date with onward transportation to Asadabad that evening.  


(b)(3) NatSecAct

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23. (S/NF) **Abdul Wali's name surfaced when** reported that Wali was involved in the rocket attacks against the base that occurred on June 2003. **Wali was detained on 18 June 2003 and guarded by soldiers from the 82nd Airborne Division.**
29. On 19 June, he and Passaro went to the facility and remained there an hour. Passaro informed the guards they were going to employ different tactics.

When they entered Wali's cell, Passaro threw a board against the wall in an angry fashion. Passaro asked Wali many questions, but Wali did not tell anything new. During the interrogation, Passaro placed Wali into a standing stress position against the wall with his knees bent and hands out.\(^{16}\)

\(^{16}\) (U/FOOU) This is referred to variously as the air or iron chair.
Passaro struck Wali just below the side of his knees with a long heavy black metal flashlight. between and 30 times. Wali responded sometimes he gets stomachaches.

When asked states that he did not see Passaro kick Wali, Passaro instructed the guards to keep Wali awake.

Wali called for Passaro.
33. (S//NF) Initial Interview of David Passaro. On July 2003, and departed Asadabad Base. That date and in the presence of CID agent attempted to interview Passaro. Passaro was advised the purpose of the interview was to determine the facts relating to the death of Afghan detainee Abdul Wali on 21 June 2003 at Asadabad Base and he was provided a written warning of rights form.
Following that, the interview was terminated.

34. (U/FOUO) Second Interview of David Passaro On 13 February 2004, and in the presence of Army CID SA approached Passaro, at his place of employment, at US Army Special Operations Command, Ft. Bragg, North Carolina. SA provided a letter addressed to Passaro from Michael P. Sullivan, Trial Attorney, Department of Justice (DoJ), dated 10 February 2004, informing Passaro that he is a target of a criminal investigation being conducted by a federal grand jury in the Eastern District of North Carolina.
CHRONOLOGY OF CABLES
SUMMARY

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(b)(3) CIAAct
(b)(3) NatSecAct
Judicial Action:

36. (U) On 17 June 2004, Passaro was indicted for four counts of assault in Raleigh, NC in the Eastern District of NC. He was summarily arrested by US Marshals at Ft. Bragg, NC.

37. (U) On 17 August 2006, Passaro was convicted of felony assault resulting in serious bodily injury and three counts of simple assault. This followed a seven-day jury trial in Raleigh, North Carolina.

38. (U) On 13 February 2007, Passaro was sentenced to 100 months imprisonment and three years supervised release.

EPILOGUE:

39. (U) On 17 August 2006, Director Michael Hayden forwarded a written statement to the Agency workforce regarding the conviction of Passaro. The statement acknowledged the conviction. It added that Director Hayden wanted all personnel to bear in mind that Passaro's actions were unlawful, reprehensible, and neither authorized nor condoned by the Agency. As soon as these allegations came to light in 2003, they were reported to managers in the field and relayed to Headquarters. The CIA's Inspector General immediately began an investigation and referred the matter to the Department of Justice for criminal prosecution. He reminded the workforce that the Agency did not sweep this incident under a rug. Rather, it was addressed directly and promptly. The same notice was released to the public.

40. (U) On 26 February 2007, Employee Bulletin Number: [Redacted] reported Passaro's sentencing in Raleigh, NC. It provided the background and details of the incident and the judicial action.
41. (U) On 10 August 2009, a three-judge panel from the U.S. Court of Appeals for the Fourth Circuit in Richmond, Virginia ruled that, contrary to Passaro's argument, federal courts have jurisdiction over assaults committed by US citizens abroad in countries where the United States conducts military missions.

CONCLUSIONS:

42. (U) Passaro was tried, convicted and sentenced to 100 months of confinement. As a result of his conviction, Passaro became the first American to be prosecuted under the Patriot Act for actions against a foreign national in a foreign country. He also became the first civilian convicted for mistreating a detainee in the wars in Afghanistan and Iraq. Case closed.
24 February 2010

DISPOSITION MEMORANDUM

SUBJECT: (U) Misuse of Agency Information System

CASE: (U) 2006-8483-IG

INTRODUCTION:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
14. (U//FOUO) Three provisions of US criminal law, Title 18 U.S.C., Crimes and Criminal Procedure, are pertinent to this case:

Title 18 U.S.C. § 287 (False, fictitious or fraudulent claims) provides:

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

Title 18 U.S.C. § 643 (Accounting generally for public money) provides in pertinent part that:

Whoever, being an officer, employee or agent of the United States or of any department or agency thereof, having received public money which
he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of the money embezzled, whichever is greater, or imprisoned not more than ten years, or both...

Title 18 U.S.C. § 1001 (Fraud and False Statements, Statements or entries generally), provides in pertinent part that:

(a) ...whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States, knowingly and willfully –

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation;

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both.

15. (U//F//I//C) Two ARs are pertinent to this case. AR 11-3, Agency Internet Policy, states:

Any violation of this policy may be cause for appropriate disciplinary or administrative action, which may be in addition to any other action or penalty prescribed by law.

As previously cited, Appendix A of this regulation states:

Examples of inappropriate personal use include activities that violate any law, regulation, or Agency policy such as:

(a) Creating, storing, viewing or transmitting pornographic, illegal, profane, hateful, discriminatory, defamatory, harassing, or otherwise offensive materials.
AR 30-1, Financial Administration (General), states:

Any individual who receives, pays, transfers, or otherwise holds or disposes of official funds or who approves or certifies any transaction involving the payment or transfer of official funds may be required to restore the amount involved and may be subject to administrative action if their action is contrary to Agency regulations or applicable law. If fraud is discovered subsequent to the payment of a voucher containing a false statement of material fact, the individual will be required to refund moneys improperly claimed. Anyone committing fraud may be prosecuted under the law.

16. (U//FOUO) On 18 April 2008, OIG referred the information regarding _____ case to the US Attorney for the Eastern District of Virginia (EDVA). Prosecution was verbally declined on 6 November 2008, in favor of administrative action, and was confirmed by correspondence to EDVA in March 2009.
Dear Mr. Topic:

This is an interim response to the 22 November 2017, 20 June 2019 and 22 January 2020 Freedom of Information Act (FOIA) requests, submitted by your client, Jason Leopold of Buzzfeed Inc., for the following:

**Disclosure from the Central Intelligence Agency Office of Inspector General**

A copy of the concluding documents (report of investigation, final report, closing memo, referral letter) concerning investigations closed in calendar year 2013 and 2016 and 2017, concerning misconduct, actual or alleged, whistleblowing, waste fraud and abuse.

Records from the Central Intelligence Agency Office of Inspector General, a copy of the concluding document (report of investigation, final report, closing memo, referral letter) concerning investigations closed in calendar years 2016, 2017, 2018, and 2019 (so far) concerning misconduct, actual or alleged.

**Disclosure from the Central Intelligence Agency Office of Inspector General**

A copy of the concluding document (report of investigation, final report, closing memo, and attachments) concerning investigations closed in calendar year 2018 and 2019 concerning misconduct, actual or alleged.

We are processing your request in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and the Privacy Act of 1974, 5 U.S.C. § 552a. Altogether, we are processing your requested records for investigations closed in calendar years 2016, 2017, 2018, and 2019. Per our previous correspondence dated 1 December 2017, we are not processing such records for 2013.

We have completed a review of eighteen (18) documents and determined that thirteen (13) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), and (b)(7)(e). We have further determined that five (5) documents must be denied in full based on FOIA exemptions (b)(1), (b)(3), (b)(6),
(b)(7)(c), and (b)(7)(e). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption “(b)(3)CIAAct” on the enclosed documents, and/or Section 102A(i)(I) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption “(b)(3)NatSecAct” on the enclosed documents. The documents are on the enclosed CD.

A final response will be provided to you on a later date.

Sincerely,

Mark Lilly
Information and Privacy Coordinator

Enclosures
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>2015-12848</th>
<th>Case Title: Alleged Contract Mischarging</th>
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<td></td>
<td></td>
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<td></td>
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<td>Date Assigned:</td>
<td>12JAN2016</td>
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<tr>
<td>Date Opened:</td>
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</table>

II. (U) Summary of Investigative Actions


   - Advised he potentially charged hours to a government contract when he was not engaged in official work.

   This matter was investigated as potential violation(s) of:

   - 18 USC 1920: False Statement or Fraud to Obtain Federal Employee’s Compensation
   - Agency Regulation (AR) 4-1: Standards of Conduct
   - Agency Guidance (AG) 1-10B Agency Security Requirements; Part 1903.12: Alcoholic Beverages and Controlled Substances
   - Agency Guidance (AG) 1-10B Agency Security Requirements; Part 1903.13: Intoxicated on an Agency Installation

2. (S/NI) On 17 December 2015, OIG initiated an investigation into this matter. The OIG’s investigation of this matter included interviews of Agency personnel and a review of relevant Agency records. This investigation was initially assigned to Special Agent (SA) until reassignment to SA on 15 May 2017.

III. (U) Findings

3. (U//FOUO) The OIG’s investigation of the allegation of violating 18 USC 1920 - False Statement or Fraud to Obtain Federal Employee’s Compensation was unsubstantiated. The OIG’s investigation of the allegation of violating AR 04-1 Standards of Conduct will be

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Case Closing Memorandum

5. (U/FOOU) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

6. (U/FOOU) All investigative activity has been completed. Due to finding no evidence to support the allegations, this matter is being closed. The findings of this investigation will be referred to Office of Security and Office of the Procurement Executive for information. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
INSPECTOR GENERAL

(U) Alleged Violation of Uniformed Services Employment and Reemployment Rights Act of 1994
Case No. 16-00322-1

Christine S. Rugger
Acting Inspector General

NOTICE: The contents of this document cannot be republished in whole or in part without the express written approval of the CIA Office of Inspector General. The information in this report may be covered by the Privacy Act, 5 U.S.C. § 552a, and should be handled accordingly.

16-00322-1
December 2018
(U) EXECUTIVE SUMMARY

(U/FOUO) On 9 August 2016, the Office of Inspector General (OIG) received an allegation that Office of Security (OS) was told by his Agency manager that if he agreed to serve a second voluntary military reserve tour with the United States Army, he would be forced to resign from the Agency, which believed was in violation of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) also alleged his request for a subsequent voluntary military reserve tour created a hostile work environment in which he feared reprisal for reporting the matter. (b)(3) CIA Act (b)(6)

(S/NF) OIG investigators reviewed this matter as a potential violation of USERRA and reprisal under USERRA because alleged that on subsequent to filing his initial USERRA complaint with the OIG, he had experienced additional adverse actions by management. He alleged reprisal in that; he had not been promoted to he had been denied opportunities in that would make him competitive for . (b)(3) CIA Act (b)(6) (b)(7)(c)

He also alleged that was responsible for these adverse actions. (b)(3) CIA Act (b)(6) (b)(7)(c)

Potential Violations

- (U/CIA-FOUO) AR 3-18, Employment and Reemployment Rights of Members of the Uniformed Services.

(U/FOUO) The OIG investigation found management had violated USERRA when they incorrectly informed that serving a voluntary military deployment would result in his forced resignation or termination by the Agency. The OIG investigation was unable to confirm whether management had informed that he would be forced to resign or be terminated if he served a voluntary deployment; however, OIG did confirm that did not comply with USERRA and fostered an environment that discouraged from serving a voluntary deployment. In addition, OIG investigators did not find any information to support Agency management reprisal against for reporting the potential USERRA violation to OIG. (b)(3) CIA Act (b)(6)

(U/FOUO) Because a violation of USERRA does not involve criminal penalties, OIG did not report the issue to the Department of Justice.
(U) INVESTIGATIVE ACTIVITY

(U) Background

(U//FOUO) On 19 August 2016, OIG initiated an investigation into the allegation that management had violated USERRA by informing that he would be forced to resign if he volunteered for military deployment. During the investigation, OIG interviewed relevant Agency personnel and reviewed applicable Agency records.

(U) USERRA is the Federal law that protects the job rights of individuals who voluntarily or involuntarily leave employment positions to perform service in the US Armed Forces. USERRA is intended to ensure that persons who serve or have served in the Armed Forces, Reserve, National Guard, or other uniformed Services are: (1) not disadvantaged in their civilian careers because of their service; (2) promptly reemployed in their civilian jobs upon their return from duty; and (3) not discriminated against in employment based on past, present, or future military service.

(U) Review of Relevant Communications

(U//FOUO) provided OIG with an e-mail. (b)(6) provided OIG with an e-mail he and (b)(6) had received from . (b)(3) CIA Act stated to OIG investigators that e-mail exhibited management's attitude regarding authorizing military leave for voluntary military deployments for who were also military reservists. (b)(3) CIA Act provided OIG with an e-mail he and (b)(6) had received from . (b)(3) CIA Act

1 (U) Federal statute under Title 38 of the US Code, section 4311.
REPORT OF INVESTIGATION
(U) Alleged Violation of Uniformed Services Employment and Reemployment Rights Act of 1994

December 2018
REPORT OF INVESTIGATION
(U) Alleged Violation of Uniformed Services Employment and Reemployment Rights Act of 1994

December 2018
(U) ALLEGATION OF REPRISAL FOR REPORTING USERRA VIOLATION

(U) The USERRA statute has a prohibition against reprisal for reporting USERRA violations under Title 20 of the Code of Federal Regulations, section 1002.19. What Activity is Protected From Employer Retaliation by USERRA.

(b)(3) Act

(b)(6)

(b)(7)(c)

(b)(7)(e)

(U) Aligned Adverse Actions Suffered by (b)(3) CIA Act

(b)(6)

(b)(3) CIA Act

(b)(6)

(b)(7)(c)

(U) Prima Facie Review of Reprisal Under USERRA Statute

(b)(3) CIA Act

(b)(3) NatSec Act

(b)(6)

(b)(7)(c)

(U) OIG conducted a prima facie review of the alleged reprisal for reporting the USERRA violation to OIG. Using a preponderance of the evidence standard, OIG determined meets the criteria for a prima facie case. To establish a prima facie case, four elements must be met:

- (U) Element 1: Does complainant have status? Yes, was an employee of the CIA at the time of the disclosures to OIG.

- (U) Element 2: Was a Protected Disclosure(s) or Communication(s) made? Yes. On 9 August 2016, made a disclosure of

(b)(3) CIA Act

(b)(6)
potential violations of laws, rules, or regulations to OIG (via OIG’s Ombudsman)

- (U//CIA-FOUO) Element 3: Was the complainant subjected to an Adverse Action? Yes. **Claimed that he was not promoted and that he was denied job opportunities that would have made him competitive for future promotions. In addition,**

- (U//CIA-FOUO) Element 4: Does the Protected Disclosure(s) or Communication(s) appear to be a contributing factor in the Adverse Action? Yes. **Was denied his promotion to after he reported his USERRA violation allegations**

(U) Analysis of Reprisal Relating to the USERRA Statute

(U//FOUO) (U//FOUO) Although OIG found that provided sufficient information to support a prima facie case for a potential reprisal for reporting a USERRA violation, the OIG investigation did not find sufficient information to support that Agency management reprised against for reporting the potential USERRA violation. Using information available from the original USERRA investigation, OIG determined that did not suffer any adverse personnel action due to either the initial violation of USERRA or through reprisal for his reporting to the OIG. **Remained in the same career service, in the same office, at an equivalent rank and was selected for either the same type of assignment or one with greater responsibility as before he served his military assignment.**

(U) Analysis of Reprisal That Was Not Promoted to

SYNCH OIG found as recommended for promotion to by OS/ Promotion Panel, along with other OS officers. A nonvoting OS HR officer participated on this panel to ensure fairness and compliance with Agency HR policies. The OS Promotion Panel members reviewed the accomplishments of each of the officers recommended for promotion, including and collectively ranked these officers in order of promotion worthiness from The OS Promotion Panel ranked the OS/PG officers who were being recommended for promotion. The GS-12 Promotion Panel submitted the names of all OS officers to the OS Career Service Board (OS/CSB) in the ranked order; however, the OS/CSB only promoted the top officers. **The OS**

(b)(3) CIAAct (b)(6) (b)(3) CIAAct (b)(6) (b)(3) CIAAct (b)(6)
REPORT OF INVESTIGATION
(December 2018)

(U) Alleged Violation of Uniformed Services Employment and Reemployment Rights Act of 1994

(b)(3) CIA Act
(b)(6)

(S/NF) With regard to ______ claimed adverse personnel action, the OIG investigation found that he had been recommended for promotion to ______ by his ______ management at the OS/ ______ Promotion Panel. The results of this panel were forwarded to the OS/CSB, which reviewed all ______ eligible ______ OS personnel for promotion to ______. Based on the resources available and budgetary considerations, Director of Security (D/OS) determined that ______ of eligible OS personnel who would be promoted to ______. Although ______ had been recommended for promotion to ______ by his management at the OS/ ______ Promotion Panel, he was not within the ______ allocation for promotion to OS by D/OS. OIG found no information to support that D/OS had knowledge of ______ 2016 USERRA allegations when determining the ______ allocation for promotion to ______.

(b)(3) CIA Act
(b)(6)

(U) Analysis of Reprisal Related to the Denial of ______ Assignments and Curtailment of TDY Exits

(b)(1)

(b)(3) CIA Act
(b)(6)

(b)(3) CIA Act
(b)(1)

(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)

(b)(7)(c)
(b)(7)(e)

OIG found that ______ officers could be assigned to ______ without going through a competitive selection process. In fact, OIG uncovered information that ______ was routinely assigned as the ______ which is the highest position an officer can be assigned to in ______ without going through a competitive selection process.
REPORT OF INVESTIGATION
(U) Alleged Violation of Uniformed Services Employment and Reemployment Rights Act of 1994

December 2018

(SH/MF)

In addition, did not face any punitive consequences such as a written reprimand

(U) RECOMMENDATION

(U//FOUO) This Report of Investigation is being provided to you for your review and action as you deem appropriate. Please advise this office within 60 days as to what action you have taken or plan to take regarding this matter. OIG is planning no further investigative activity on this matter at this time; however, it will remain open pending your response. The OIG point of contact on this matter is at referencing case 16-00322-I.

(U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

(U//FOUO) This report is the property of the Office of Inspector General. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need to know. Public disclosure is determined by the Freedom of Information Act, 5 U.S.C. §552, and the Privacy Act, 5 U.S.C. §552a. The report may not be disclosed outside CIA, including distribution to contractors, without prior written approval of the Office of Inspector General.

Assistant Inspector General for Investigations

Reporting Investigator:
Special Agent
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

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<th>2015-12826</th>
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<tr>
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<td>3 December 2015</td>
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<td>17 December 2015</td>
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(U/FOUO) Alleged Mistreatment of an Independent Contractor

<table>
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<th>(U/FOUO) Alleged Mistreatment of an Independent Contractor</th>
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<td>Date Opened:</td>
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<td>Case Type:</td>
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II. (U) Summary of Investigative Actions

1. (S/NK) The Office of the Inspector General (OIG) received congressional inquiries from three members of Congress: the

   All three Congressional inquiries were in regard to an industrial contractor employee with [redacted] assigned to Directorate of Support, Office of Security (DS/OS). In all three of the Congressional inquiries, it was claimed that [redacted] was denied medical treatment when both were assigned to that location. In addition, [redacted] asserted that he was given a physical fitness test by a [redacted], which allegedly worsened an existing medical condition.

   (b)(6)

   (b)(3) CIAAct

   (b)(7)(c)

2. (U) This matter was investigated as a potential violation of:

   - Agency Regulation (AR) 4-1, Standards of Conduct.

3. (U/FOUO) On 17 December 2015, OIG initiated an investigation into this matter. The OIG’s investigation included interviews of Agency officers, industrial contractor employees, and a review of relevant Agency records and medical documents.

   (b)(3)

   CIAAct

   (b)(6)

   (b)(7)(c)

   (b)(7)(e)

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(b)(3) CIAAct

(b)(3) NatSecAct
Case Closing Memorandum

III. (U) Findings

3. (S//NF) The OIG investigation found insufficient information to support claim he did not receive appropriate medical care by

(b)(6) 
(b)(1) 
(b)(3) CIA Act 
(b)(3) Nat Sec Act
Case Closing Memorandum

9. (U//FOUO) OIG did not identify any evidence of a federal criminal violation, and as such, the Department of Justice was not briefed on this matter.

10. (U//FOUO) All investigative activity was completed and this matter is closed. The results of this investigation will be provided in a response to each of the members of Congress who made inquiries. Should additional information be developed, the OIG may consider re-opening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
I. Administrative Data

Case No.: 2015-12844
Case Title: Alleged Contractor's Misuse of Agency Computers
Investigator: [Redacted]
Supervisor: [Redacted]
Date Received: 14 December 2015
Date Opened: 7 January 2016
Date Assigned: 14 January 2016
Case Type: Full Investigation

II. Summary of Investigative Actions

1. (U/FOUO) On 14 December 2015, the Office of Inspector General (OIG) received a referral from the Office of Security alleging that former Agency staff officer and former Agency Contractor, [Redacted], had inappropriately used his Agency account to solicit business from senior leadership within Directorate of Digital Innovation on behalf of a private contractor company. The allegation stated that [Redacted] had an affiliation with [Redacted]. This matter was investigated as potential violation(s) of:

   - (U/CIA-RUO) Agency Guidance (AG) 13-1B: Post Employment Agreement.
   - (U/CIA-RUO) AR 12-14, Limited Personal Use of Government Office Equipment Including Information Technology.

2. (U/FOUO) On 12 January 2016, OIG initiated an investigation into this matter.

III. Findings

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Case Closing Memorandum

6. (U//FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice

7. (U//FOUO) All investigative activity has been completed. Due to the findings as described above, this matter will be referred to OS and the Office of the Procurement Executive. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General
Office of Investigations
Case Closing Memorandum

I. (U) Administrative Data

Case No.: 16-00103-1
Investigator: 
Case Title: Alleged Whistleblower Reprisal - Staff
Supervisor: 
Date Received: 3 June 2016
Date Opened: 9 June 2016
Date Assigned: 9 June 2016
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (UN) On 3 June 2016, the Office of Inspector General (OIG) received a complaint from an agency staff officer assigned to the Directorate of Operations, alleging he was subject to reprisal by management after he reported information to OIG in June 2015.

2. (U) This matter was investigated as potential violation of:
   - Agency Regulation (AR) 1-24, Office of Inspector General

3. (U)(FOUO) Based upon this information the OIG opened an investigation on 9 June 2016. The OIG’s investigation of this matter included document reviews and an interview.

III. (U) Findings

4. (UN) OIG’s Prima Facie review of the matter found allegations did not meet the standards for an investigation under Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information, because no Adverse Action was taken against him. However, OIG found standing to review the allegation under AR 1-24, since he had previous communications with OIG, specifically his 8 June 2015 complaint. Ultimately, OIG’s

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Case Closing Memorandum

Review of the information did not support a reprisal claim under AR 1-24 because there was no adverse action taken against

7. (S//NF) OIG found that management did not reprise against OIG found no information to show that suffered any adverse action as a result of his June 2015 complaint or any of his previous complaints to OIG.

8. (S//NF) As the OIG investigation did not identify any reprisal by Agency management on this issue, OIG will formally notify management regarding reprisal protections for Agency employees and contractors who make protected disclosures to authorized recipients. On 13 July 2017, was notified of the results of this investigation.

9. (U//FOUO) All investigative activity has been completed. Should additional information be developed, the OIG may consider reopening the matter.
Case Closing Memorandum

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. Administrative Data

Case No.: 2016-13068  Alleged Contract Fraud and Conflict of Interest
Investigator:  
Supervisor:  
Date Received: 19 May 2016  Date Opened: 26 May 2016
Date Assigned: 1 June 2016
Case Type: Full Investigation

II. Summary of Investigative Actions

1. (S/NF) On 19 May 2016, the Office of Inspector General (OIG) received a confidential allegation from former staff employee assigned to the Directorate of Operations, alleging that a medical doctor assigned to the Directorate of Support, Office of Medical Services, [DS/OMS], pursued a sole source contract for services with a company known as despite viable competition.

2. (U) This matter was investigated as a potential violation of:
   - 18 USC § 208-Acts Affecting a Personal Financial Interest;
   - 18 USC § 203 Compensation to Members of Congress, Officers, and Others in Matters Affecting the Government;
   - 41 USC § 2103-Procurement Integrity Act; and
   - Agency Regulation 4/1-Standards of Conduct.

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Case Closing Memorandum

3. (U//FOUO) On 26 May 2016, the OIG initiated an investigation into this matter. OIG's investigation of this matter included interviews of Agency personnel, a review of communications, and a review of relevant contract documents/agency records.

III. Findings

4. (S//NF) OIG's investigation found the allegations against were unsubstantiated. OIG found that as the Chief of Operations (COPS) for OMS was tasked with leading the Agency's initiative, which began but was transferred to OMS, the contract was awarded to without competition.

6. (S//NF) OIG did not find any evidence that had a pre-existing relationship with and/or had financial ties to the company.

7. (S//NF)

OMS medical doctor; through work and he staved at

(b)(1) (b)(3) CIA Act (b)(3) NatSec Act (b)(6) (b)(7)(c) (b)(7)(e)
Case Closing Memorandum

11. (U/FOUO) This matter was not briefed to the Department of Justice as the OIG investigation did not identify any evidence of a federal criminal violation.

12. (U/FOUO) All investigative activity has been completed. Due to finding no evidence to support the allegations, this matter is being closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
I.  (U) Administrative Data

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<td>Date Received: 31 August 2016</td>
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<td>Date Assigned: 22 September 2016</td>
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II.  (U) Summary of Investigative Actions

- 18 USC 208 Acts Affecting a Personal Financial Interest
- 5 CFR 2635 Standards of Ethical Conduct for Employees of the Executive Branch
- AR 13-1, Conflicts of Interest, Lack of Impartiality, Gifts
- AR 4-1, Standards of Conduct

2.  (S/NF) On 23 September 2016, OIG initiated an investigation into this matter. The OIG's investigation of this matter included interviews with Agency and contract personnel and a review of pertinent records.

III.  (U) Findings

3.  (U/FOG) The OIG's investigation of the allegation of violations of ethical standards was unsubstantiated.
6. (U//FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

7. (U//FOUO) All investigative activity has been completed. Due to finding no evidence to support the allegations this matter is being closed. The findings of this investigation will be referred to the for information only. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Case Closing Memorandum

I. Administrative Data

Case No.: 17-10122-1
Case Title: Alleged Computer Misuse
Investigator: SA
Supervisor: ASAC
Date Received: 23 May 2017
Date Opened: 1 June 2017
Date Assigned: 1 June 2017
Case Type: Full Investigation

II. Summary of Investigative Actions

1. (S/NF) On 23 May 2017 the Office of Inspector General (OIG) received a referral from the Office of Inspector General (OIG) received a referral from of an allegation involving Agency contractor assigned to

(b)(3) CIA Act
(b)(6) CIA Act
(b)(7)(c) CIA Act

2. (S/NF) On OIG initiated an investigation into this matter. The OIG's investigation of this matter included reviews of relevant Agency Records, Office of Security records, and information systems.

(b)(3) CIA Act
(b)(6) CIA Act
(b)(7)(c) CIA Act
(b)(7)(e) CIA Act

III. Findings


(b)(3) CIA Act
(b)(6) CIA Act
(b)(7)(c) CIA Act
(b)(7)(e) CIA Act

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(b)(3) CIA Act
(b)(3) NatSec Act
5. (S/NF) All investigative activity by CIA OIG has been completed. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
I. (U) Administrative Data

Case No.: 17-10132-1  
Case Title: Alleged Theft of USG Property  
Investigator: ____________________________  
Supervisor: ____________________________  
Date Received: 26SEP2017  
Date Opened: 13NOV2017  
Date Assigned: 15MAR2018  
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (S/NF) On 26 September 2017, the Office of Inspector General (OIG) received an allegation of a theft of U.S. Government computers and software via a referral from the Office of Security (OS). Concerning Agency contractor...

2. (U) This matter was investigated as a potential violation of:  
   - Title 18 USC § 641 – Public Money, Property, or Records (Theft & Embezzlement).

3. (U/FOUO) Based upon this information, the OIG opened an investigation on 13 November 2017 and initially assigned it to another agent. The case was subsequently reassigned to Special Agent... on 15 March 2018. The OIG’s investigation of this matter included a review of documents and information, as well as interviews of relevant personnel.

III. (U) Findings

4. (U/FOUO) The OIG’s investigation of the allegation of theft of government property could not be determined due to the age of the allegation and the extended time frame... claimed the theft(s) could have potentially occurred. In addition, based on a review of contracting information, OIG could not determine if there was in fact any property associated with the contract.

5. (U/FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation, and due to the age of the allegations, this matter was not briefed to the Department of Justice...

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Case Closing Memorandum

6. (U//FOOU) All investigative activities has been completed. Due to a lack of information or evidence to support the allegation(s), this matter is being closed. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:

(b)(3) CIAApt
(b)(6)
(b)(7)(c)
Office of Inspector General
Investigations Staff
Case Closing Memorandum

I. Administrative Data

Case No.: 18-00005.1
Case Title: (U) Alleged Hatch Act Violation
Investigator: 
Supervisor: 
Date Received: 26 January 2018
Date Opened: 26 January 2018
Date Assigned: 1 February 2018
Case Type: Full Investigation

II. Summary of Investigative Actions

1. (S/NF) On 26 January 2018, the Office of Inspector General (OIG) received an allegation regarding a potential violation of the Hatch Act involving the 

The allegation was provided by an individual associated with the 

This matter was investigated as a potential violation(s) of Title 5 USC §§ 7321-7326, The Hatch Act (specifically §7324, Political activities on duty: prohibition); and Agency Regulation 4-1, Standards of Conduct.

He used his Agency-provided internet workstation to make contributions to

2. (U/FOOU) Based upon this information, the OIG opened a full investigation on 1 February 2018. The investigation included compiling all available internal documentation and consultation with Office of Special Counsel (OSC) Hatch Act Unit Deputy Chief 

3. (U/FOOU) Based upon this information, the OIG opened a full investigation on 1 February 2018. The investigation included compiling all available internal documentation and consultation with Office of Special Counsel (OSC) Hatch Act Unit Deputy Chief 

4. (S/NF) Stated because CIA is a “Further Restricted” organization under the Hatch Act, further restriction from participating in partisan political activities while on duty, to include contributing to a political campaign via Agency-provided internet. Nevertheless

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Case Closing Memorandum

III. Findings

5. (SUN/DF) The OIG's investigation found that, while the allegation against [Redacted] was substantiated, Office of Special Counsel elected to abstain punitive action in this matter.

6. (U/FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

7. (U/FOUO) All investigative activity has been completed. Finding no intent by OSC to pursue the allegation further, this matter is closed. The findings of this investigation will be referred to OS for information only. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by SAC:
Office of Inspector General  
Office of Investigations  
Case Closing Memorandum

I. Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>18-00012-1</th>
<th>Case Title: Alleged Employee Misconduct</th>
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<tbody>
<tr>
<td>Investigator</td>
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<tr>
<td>Supervisor</td>
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<tr>
<td>Date Received</td>
<td>11 December 2017</td>
<td></td>
</tr>
<tr>
<td>Date Opened</td>
<td>21 August 2018</td>
<td></td>
</tr>
<tr>
<td>Date Assigned</td>
<td>25 January 2018</td>
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</tbody>
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II. Summary of Investigative Actions

1. (U//FOUO) On 11 December 2017, the Office of Inspector General (OIG) received information from Counterterrorism Mission Center (CTMC) who requested confidentiality, alleging CTMC Contracting Officer's Technical Representative (COTR) has an inappropriate relationship with the contract company. This matter was investigated as potential violation of AR 13-1, Conflict of Interest. Lack of Impartiality, et al.

2. (U//FOUO) On 13 February 2018, OIG initiated an investigation into this matter. The OIG’s investigation of this matter included interviews of Agency personnel and review of relevant Agency records. This investigation was initially assigned to Special Agent (SA) until reassignment to SA on 19 June 2018.

III. Findings

3. (U//FOUO) The OIG’s investigation of the allegation of conflict of interest was unfounded, due to inability to provide OIG with a specificity to the allegation.

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Case Closing Memorandum

7. (U//FOUO) As the OIG investigation did not identify any potential violation of federal criminal statutes, this matter was not briefed to the Department of Justice.

8. (U//FOUO) All investigative activity has been completed. Due to finding no evidence to support the allegation(s), this matter is being closed. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Case Closing Memorandum

I. (U) Administrative Data

Case No.: 18-00016-1
Case Title: Alleged Government System Misuse
Investigator: 
Supervisor: 
Date
Received: 27 NOV 2017
Opened: 15 MAY 2018
Date Assigned: 15 MAY 2018
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (S/NF) On 27 November 2017, the Office of Inspector General (OIG) received an allegation from Office of Security (OS) wherein repeatedly and frequently conducted web searches on the Agency Internet Network (AIN) related to pornographic images, possibly including content related to children. Additionally, conducted multiple searches for historical, violent murder cases. This matter was investigated as potential violation(s) of:
   - 18 U.S.C § 2252 A – Certain Activities Relating to Material Constituting or Containing Child Pornography
   - Agency Regulation (AR) 12-14, Limited Personal Use of Government Office Equipment Including Information Technology

2. (S/NF) On 07 December 2017, this case was initiated as a Preliminary Review. Subsequently, on 15 May 2018, the status of this case was changed to Full Investigation. The OIG’s investigation of this matter included a review of

III. (U) Findings

3. (U//FOOU) The OIG’s investigation of the allegation of violating 18 U.S.C § 2252 A Certain Activities Relating to Material Constituting or Containing Child Pornography was unfounded—insufficient evidence. The allegation of violating AR 12-14, Limited Personal Use of Government Office Equipment Including Information Technology was substantiated.

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Case Closing Memorandum

The OIG’s investigation of the allegation of violating AR 12-14, *Limited Personal Use of Government Office Equipment Including Information Technology* was substantiated.

6. (U//FOG) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

7. (U//FOG) All investigative activity has been completed. While OIG found no evidence to support the allegation of 18 U.S.C § 2252 A, the violation of AR 12-14 was substantiated with regard to these findings will be referred to Office of Security (OS) for action, and the Office of the Procurement Executive and the Directorate of Digital Innovation for information. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:

INV-201
Page 2 of 2

Approved for Release: 2021/03/08 C06873188
(U) REPORT OF INVESTIGATION

(U//FOUO) Alleged Impersonation of an Approving Officer for Unauthorized Benefit

CENTRAL INTELLIGENCE AGENCY
Office of Inspector General

Christopher R. Sharpley
Acting Inspector General

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(U) This page has been intentionally left blank.
I. ALLEGATION

1. (S/NI) On 10 March 2014, the Office of Inspector General (OIG) was notified by the Office of Security, that Special Skills Officer, may have impersonated an Agency approving officer resulting in unauthorized use of the Agency's

3. (U//FOUO) On 20 March 2014, OIG opened an investigation into the matter. The focus of the investigation centered on whether or not impersonated an Agency approving officer and whether or not there was a financial loss to the government because of the alleged actions of

II. POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

4. (U) Title 18 United States Code, §912: False Impersonation of Federal Officer or Employee

5. (U) Title 18 United States Code, §1343: Fraud by Wire, Radio, or Television

7. (U//FOUO) AR 4-1: Standards of Conduct

9. (U) General Services Administration Federal Travel Regulation (FTR), Part 302.9 Allowances for Transportation and Emergency or Temporary Storage of a Privately Owned Vehicle

III. EXECUTIVE SUMMARY

10. (U//FOUO) The OIG investigation confirmed that left a voicemail message on the phone of involving that he was Agency approving officer

OIG Case No. 2014-11813-IG
IV. DOJ DECLINATION

12. (U/FOOU) On 25 June 2014, OIG referred this matter to the Eastern District of Virginia, US Attorney’s Office, Department of Justice (DOJ). DOJ declined prosecution in lieu of administrative action by the Agency.

V. INVESTIGATIVE ACTIVITY

13. (U/FOOU) During the investigative process, OIG conducted interviews of Agency contractors, staff employees, contracted service providers, and reviewed relevant Agency documents. The following investigative activity provided pertinent information toward the presented findings.

(U) Review of Voicemail Recording

(U) Interview of

(C/NE) Interview of

OIG Case No. 2014-11813-IG
VI. PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

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VII. (U) EXHIBIT

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
EXHIBIT A
CIA INSPECTOR GENERAL REPORTS

June 17, 2021 Release

BuzzFeedNews
(U) Alleged Improper Termination of Clearances
(Case No. 15-00307-I)

Christopher R. Sharpay
Acting Inspector General

June 2018

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REPORT OF Reprisal Review
(U) Alleged Improper Termination of Clearances

June 2018

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REPORT OF Reprisal Review
(U) Alleged Improper Termination of Clearances

June 2018

(U) PREDICATION

(U/FOOU) On 13 May 2015, the Office of Inspector General (OIG) received information from a whistleblower alleging that the CIA’s Office of Security (OS) wrongfully terminated his clearance after he reported to CIA and his employer, a coworker was committing time and attendance abuse. In addition, the whistleblower alleged that OS revoked his clearance based on concerns that he suffered from Post-Traumatic Stress Disorder (PTSD). OIG received a Congressional inquiry regarding OIG investigation 2015-12517 into allegations of reprisal against the whistleblower.

(U) POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

(U) OIG reviewed this reprisal matter under the following authorities:

- (U) Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information.
- (U) Intelligence Community Directive (ICD) 120, Intelligence Community Whistleblower Protection.
- (U/FOOU) Agency Regulation (AR) 3-51, Protecting Whistleblowers with Access to Classified Information.

(U) SUMMARY OF FINDINGS

(U/FOOU) OIG found that, based on the preponderance of the evidence, CIA would have taken security clearance actions against the whistleblower not-withstanding the protected disclosures made by him. OIG found that while the whistleblower made his protected disclosures to OS and OIG in January 2014, prior to the 20 March 2014 enactment of ICD 120. OIG found that OS documented articulable security and suitability concerns regarding verbal threats made to OS personnel. According to OS, these threats were not with.

1 (U/FOOU) The current case number, 15-00307-1, was assigned when OIG moved to a new case management system. The original case number, 2015-12517, is itself a duplicate of OIG investigation 2014-11688.
Given the close proximity of the above dates, OIG elected to conduct an ICD 120 review of the reprisal complaint.

(U) QUALIFICATIONS OF ALLEGATION UNDER WHISTLEBLOWER PROTECTIONS

(U) Complaint Status

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

On 20 March 2014, ICD 120 extended the PPD 19 adverse security clearance protections to contractors. In order for a contractor’s complainant to be protected from reprisal, the contractor’s complainant must have made a Protected Disclosure to an appropriate authority, and an Adverse Security Action must have been taken by an officer of the CIA in a position to take the Adverse Security Action, had been removed from his CIA contract prior to the date ICD 120 was enacted.

(U) Protected Disclosure

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

In order for a complainant to be protected from reprisal, the complainant must have made a Protected Disclosure to an appropriate authority. A Protected Disclosure is a disclosure of information the individual reasonably believes to be evidence of a violation of law, rule, or regulation; gross mismanagement or waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. This information must be communicated by the complainant to an individual in a position to receive such matters, such as a supervisor in the employee’s direct chain of command up to and including the Director of the CIA; an individual in a position designated to receive such communications; the Office of Inspector General for either CIA or the Intelligence Community; the Office of the Director of National Intelligence; or the Congressional Oversight Committees of the Intelligence Community.

For the purpose of this review, OIG included the following as Protected Disclosures made by

(U) Adverse Security Actions

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)

ICD 120 extended the PPD 19 adverse security clearance protections to contractors. In order for a complainant, specifically a contractor to be protected from reprisal, an Adverse Security Action must have been taken by, or threatened to be taken by, an officer of CIA in a
position to take the Adverse Security Action. Adverse Security Actions, for contractors must affect the contractor’s eligibility for access to classified information. Eligibility for Access to Classified Information is defined in PPD-19, Section F(2) as the result of the determination whether an employee (a) is eligible for access to classified information in accordance with Executive Order 12968, Access to Classified Information, or any successor thereof, and Executive Order 10865, as amended, Safeguarding Classified Information Within Industry, or any successor thereto; and (b) possesses a need to know under such orders.

(U//FOUO) For the purpose of this review, OIG included the following an Adverse Security Action:

(U) Standard for Reprisal

(U//FOUO) In order for Adverse Security Action(s) to meet the standard for reprisal, the action(s) must have been taken in response to the complainant’s Protected Disclosure(s), as established by a preponderance of the evidence (i.e., it is more likely than not management took the Adverse Security Action as a result of the Protected Disclosure(s)). The analysis leading to OIG’s determination of whether Adverse Security Actions are taken in reprisal for Protected Disclosure(s) is based on a review of developed information as compared to this standard.

(U) INVESTIGATIVE ACTIVITY

(U//FOUO) Through the course of this review, OIG reviewed previous complaints with OIG and reviewed documentation provided by both and CIA relative to the incidents that culminated in the removal of his clearance sponsorship on a CIA contract.

(U) Background
(U) DETERMINATION OF ALLEGED REPRISAL

(U/FOOU) OIG’s review determined that although [redacted] made a protected disclosure on 3 January 2017 to [redacted] thinking he was contacting OIG:

- (U/FOOU) ICD 120 was not enacted until 20 March 2014. ICD 120 extended PPD 19 protection to contractors, prescribing that contractors are only protected from reprisal with regard to their security clearances.

- (U/FOOU) While [redacted] he retained his eligibility for access to classified information.

- (U/FOOU) [Redacted] security file by OS for reasons other than his protected disclosure.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
(b)(3) NatSec Act
(b)(4)(d)
(U) RIGHT OF APPEAL

(U//FOUO) Because [redacted] was not deemed a covered employee under PPD-19, and because ICD 120 had yet to be implemented at the time he filed his allegations, he therefore was not deemed to have a right of appeal with the Inspector General of the Intelligence Community.

(U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

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REPORT OF REPRISAL INVESTIGATION

INSPECTOR GENERAL

(U//FOUO) Alleged Whistleblower Reprisal—Contractor
Case No. 16-00195-I

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16-00195-I
December 2018
(U) PREDICATION

On 22 June 2016, the Office of Inspector General (OIG) received a complaint from a CIA industrial contractor employee previously assigned to the Director of Operations (DO) when her contract expired. Alleged she was reprimed against by the Office of Security (OS) after she made protected disclosures to the Office of Equal Employment Opportunity (OEO), to her management chain, and to the former Director and Deputy Director of CIA (DCIA and DDCIA), which resulted in OS's denial of multiple CIA and Office of the Director of National Intelligence (ODNI) security clearance crossover requests.

(U) PROCEDURAL HISTORY

On 4 August 2016, based on our analysis, OIG declined to conduct an investigation, believing that the matter fell under OEOE's jurisdiction. OIG's decision was predicated on protected disclosures to OEOE alleging a hostile work environment and gender discrimination both of which (and allegations of reprisal related thereto) fall under OEOE's purview. [b](7)(c)

appealed OIG's determination to the Inspector General for the Intelligence Community (ICIG). On 14 October 2016, the ICIG referred the matter back to OIG. After coordination with OEOE, ICIG, and OIG's Legal Counsel, OIG agreed to open an investigation based on OEOE's inability to provide a remedy for the alleged adverse security actions.

(U) OIG initiated its investigation on 26 January 2017.

2 (U) AR 4-8, Harassment Complaint System, discusses OEOE's authority to review alleged reprisal for submitting EEO complaints.
REPORT OF REPRISAL INVESTIGATION
(U/F) Alleged Whistleblower Reprisal - Contractor

December 2018

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(U) SUMMARY OF FINDINGS

(U//FOUO) Based on the initial information provided both verbally and in writing, OIG conducted a prima facie review. The information was examined under Presidential Policy Directive 19 (PPD-19), Protecting Whistleblowers with Access to Classified Information, as implemented for contractors in Intelligence Community Directive 120 (ICD-120), Intelligence Community Whistleblower Protection, and Agency Regulation (AR) 3-51, Protecting Whistleblowers with Access to Classified Information. According to ICD-120, Intelligence Community contractors are protected from adverse security clearance actions, but not personnel actions, that result from making protected disclosures to appropriate authorities. Our prima facie review primarily was based on information provided by the complainant.

(U//FOUO) To establish an ICD-120 prima facie case for industrial contractors, the complainant must provide sufficient information to establish four elements. Based on the initial information provided by Lawrence, she appeared to have a prima facie case.

- **Element 1**: Does complainant have status? Yes, (b)(3) CIA Act was an industrial contractor assigned to or working under a CIA contract (b)(6)
- **Element 2**: Was a Protected Disclosure(s) or Communication(s) made? Yes, (b)(3) CIA Act protected disclosures of a "toxic work environment" and discrimination by Agency managers to Agency representatives authorized to receive the information (i.e., to OFO and to her own management chain).
- **Element 3**: Was the complainant subjected to an Adverse Action? Yes, (b)(3) CIA Act
- **Element 4**: Does the Protected Disclosure(s) or Communication(s) appear to be a contributing factor in the Adverse Action? Yes. In relation to (b)(7)(c) protected disclosure, the timing of the adverse security clearance actions appeared to be a factor.

(U//FOUO) However, once OIG completed its full investigation using the preponderance of evidence standard, OIG found the evidence did not support the claim of reprisal. OIG found OS's actions were done in compliance with internal procedures and Intelligence Community...
Policy Guidance (ICPG), and that OS would have taken security-clearance actions notwithstanding protected disclosures. In addition:

OIG found made protected disclosures of an EEO nature to OEEO, an authorized recipient of such information, and, following protected disclosures, OS denied crossovers of security clearance—a potentially qualifying adverse security-clearance action, as defined in PPD-19. However, OIG found OS had denied the crossover of security clearance based on unadjudicated information. Moreover, OIG found no evidence that OS had knowledge of protected disclosures to OEEO when OS took security-clearance-related actions.
REPORT OF REPRISAL INVESTIGATION
Alleged Whistleblower Reprisal - Contractor
December 2018

(U) QUALIFICATIONS OF ALLEGATION UNDER
WHISTLEBLOWER PROTECTIONS (b)(3) CIA Act

(U) Complainant Status
(b)(6)
(b)(7)(c)

was an industrial contractor employee assigned to a CIA contract from
On 20 March 2014, ICD-120 was enacted and extended PPD-19
protections to contractors under specific circumstances relevant to their access to classified
information. For a contractor complainant to be protected from reprisal, the contractor
complainant must have made a protected disclosure to an appropriate authority, and an
adverse security action must have been taken by a CIA officer in a position to take the adverse
security action.

(U) Protected Disclosures

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
(b)(1)
(b)(3) NatSec Act

For a complainant to be protected from reprisal, the complainant must have made a
protected disclosure to an appropriate authority. A protected disclosure is a disclosure of
information the individual reasonably believes to be evidence of a violation of law, rule, or
regulation; gross mismanagement or waste of funds; abuse of authority; or a substantial and
specific danger to public health or safety. The complainant must communicate this information
to an individual in a designated position to receive such information, such as a supervisor in the
employee’s direct chain of command, up to and including the DCIA; an individual in a position
designated to receive such communication; the Office of Inspector General for either CIA or the
Intelligence Community; the ODNI; or the Congressional oversight committees of the
Intelligence Community.

For the purpose of this review, OIG considered the following actions as protected disclosures:

• (U//FOUO) On 24 July 2015, met with OEEO. As a result of this meeting, OEEO initiated an AR 4-8 Harassment
Complaint System inquiry into complaint of discrimination based on a protected class. met again
with OEEO on 27 July 2015 to submit her statement pertaining to
the AR 4-8 Harassment Complaint System inquiry. The inquiry ultimately led to an investigation by OEO.

(U) Adverse Security Actions

(U//FOOU) For a contractor complainant to be protected from reprisal, an adverse security action must have been taken or threatened by a CIA officer who is aware of and in a position to take the adverse security action. Adverse security actions for contractors must affect the contractor's eligibility for access to classified information. Eligibility for access to classified information is defined in PPD-19, Section F(2), as to whether an employee is eligible for access to classified information in accordance with Executive Order 12968, Access to Classified Information, or any successor thereof; and Executive Order 10865, as amended, Safeguarding Classified Information Within Industry, or any successor thereof; and possesses a need to know under such orders.6

(U) Standard for Reprisal

(U//FOOU) For adverse security action(s) to meet the standard for reprisal, the action(s) must have been taken in response to the complainant's protected disclosure(s), as established by a preponderance of evidence (i.e., it is more likely than management took the adverse security action as a result of the protected disclosure[s]). The analysis leading to OIG's determination of whether adverse security actions are taken in reprisal for protected disclosure(s) was based on a review of developed information as compared to this standard.

(U) INVESTIGATIVE ACTIVITY

6 (U//FOOU) ICD-120 does not extend PPD-19 protections from adverse personnel actions (e.g. demotion, transfer, termination, etc.) to contractors. In addition, adverse security or personnel actions taken by corporate employers of contractor complainants are not covered by either ICD-120 or PPD-19.
REPORT OF REPRISAL INVESTIGATION
(U//FOUO) Alleged Whistleblower Reprisal - Contractor

December 2018

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(e)
(b)(1)
(b)(3) NatSecAct

SECRET//CIA INTERNAL USE ONLY/NOFORN

Approved for Release: 2021/06/15 C06873166
(U) Determination of Alleged Reprisal

(U//FOO) OIG determined the allegation did not meet the standard for whistleblower reprisal under PPD-19, ICD-120, and AR 3-51, Protecting Whistleblowers with Access to Classified Information. OIG determined that made at least two protected disclosures to personnel authorized to receive those disclosures (i.e., OEO and her own management chain), and OS's denial of security-clearance crossover requests for qualified as potential adverse security actions for the purpose of establishing prima facie in the case.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(U//FOO) OIG found OS received credible information, which raised questions surrounding suitability for access to classified information.

(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)

OIG found no evidence that government personnel denied the opportunity for initial security clearance.

*(U//FOO) CIA's OS processes all security clearance actions for ODNI.*
REPORT OF REPRISAL INVESTIGATION
December 2018

Alleged Whistleblower Reprisal - Contractor

processing. Rather, OIG found evidence that [REDACTED] made the personal decision not to submit paperwork for initial processing.

(U//FOUO) Additional Alleged Adverse Security Actions

(U//FOUO) After her initial complaint to OIG [REDACTED] brought forward additional complaints she categorized as new adverse security actions. OIG reviewed each new complaint but [REDACTED] determined they did not qualify as additional adverse security clearance actions. [REDACTED] claimed the following additional adverse actions:

- [REDACTED] claimed she was denied access to classified information in the possession of OIG and/or OEO. On 21 February 2018 and 27 February 2018, after signing a Non-Disclosure Agreement, documents previously created by [REDACTED] and submitted to OEO in September 2015 were made available for [REDACTED] to review in OIG spaces.

- [REDACTED] [REDACTED] [REDACTED] [REDACTED]
(U) RIGHT OF APPEAL

(U//FOUO) On 19 June 2018, OIG notified [Redacted] (both her and her attorney) of the results of this review and afforded her 15 business days to provide additional, relevant information to OIG for review. The notification included information about her rights under ICD-120, PPD-19, and 50 U.S.C. §3231 to appeal this matter to ICIG, as well as contact information for that Office. On 10 July 2018, [Redacted] through her attorney, provided a response which was reviewed by OIG. OIG’s review of the response statement did not provide any new information with regard to this reprisal investigation.

(U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

(U//FOUO) This report is the property of the Office of Inspector General. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need to know. Public disclosure is determined by the Freedom of Information Act, 5 U.S.C. §552, and the Privacy Act, 5 U.S.C. §552a. This report may not be disclosed outside CIA, including distribution to contractors, without prior written approval of the Office of Inspector General.

Assistant Inspector General for Investigations

Reporting Investigator: [Redacted] Special Agent
Case Closing Memorandum

I. Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>2015-12712</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Title</td>
<td>(U//FOUO) Alleged Use of Government Computer Systems for Personal Financial Gain</td>
</tr>
<tr>
<td>Investigator</td>
<td></td>
</tr>
<tr>
<td>Supervisor</td>
<td></td>
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<td>Date Received</td>
<td>16 September 2015</td>
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<td>Date Assigned</td>
<td>5 October 2015</td>
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<tr>
<td>Date Opened</td>
<td>5 October 2015</td>
</tr>
<tr>
<td>Case Type</td>
<td>Preliminary Investigation</td>
</tr>
</tbody>
</table>

II. Summary of Investigative Actions

1. (U//FOUO) On 16 September 2015 the Office of Inspector General (OIG) received a confidential complaint alleging that staff officer assigned to the Directorate of Digital Innovation (DDI), misused a virtual message board on CIA’s internal classified computer network. The allegation asserted that bought over 700 items at “tag sales” and sold them for profit during work hours. The allegation further asserted that it appeared was running a personal business using government information systems. This matter was investigated as potential violations of 18 U.S.C. § 1001 Fraud and False Statements and Agency Regulations (AR) 12-14 (F), Limited Personal Use of Government Office Equipment Including Information Technology, AR 13-1 (J), Misuse of Position.

2. (U//FOUO) On 5 October, 2015, OIG initiated an investigation into this matter. The OIG investigation included interviews of Agency personnel and review of relevant Agency records.

III. Findings

3. (U//FOUO) The OIG’s investigation found that profited from her use of the Agency’s government information systems.

4. (U//FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation this matter was not briefed to the Department of Justice (DOJ).

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
5. *(U//FOUO)* All investigative activity has been completed. The findings of this investigation will be referred to the DDI.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

Case No.: 2015-12671
Case Title: Allegation of Misuse of GOV Vehicles
Investigator: 
Supervisor: 
Date Received: 26 August 2015
Date Opened: 10 September 2015
Date Assigned: 17 September 2015
Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (S/NF) On 10 September 2015, the Office of Inspector General (OIG) initiated an investigation based on an allegation it received that Agency staff officer... misused her U.S. Government vehicle (GOV). Specifically, she drove her assigned GOV on official business from... with her husband, who is not an Agency employee. This matter was investigated as a potential violation of Agency Regulation (AR) 12-16 Official Use of Agency Vehicles.

2. (U/FOUO) The investigation included interviews of Directorate of Human Resources personnel and review of relevant Agency records.

III. Findings

3. (S/NF) The OIG investigation found that... allowed her husband to travel as a passenger in her assigned GOV...

4. (U/FOUO) OIG’s review of AR 12-16, revealed the regulation did not address the issue of allowing non-Agency personnel to ride in a GOV during official travel.

5. (U/FOUO) The OIG investigation did not identify any evidence of a federal criminal violation. As such, this matter was not briefed to the Department of Justice.

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
Case Closing Memorandum

6. (U//FOUO) All investigative activity has been completed, and OIG considers this matter closed. The findings of this investigation will be referred to Directorate of Human Resources.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
# Case Closing Memorandum

## I. Administrative Data

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<thead>
<tr>
<th>Case No.</th>
<th>Case Title</th>
<th>Investigator</th>
<th>Date Received</th>
<th>Date Opened</th>
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<tr>
<td>2016-12935</td>
<td>Alleged Abuse of Authority</td>
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<td>26 February 2016</td>
<td>17 March 2016</td>
<td>17 April 2016</td>
<td>Preliminary Investigation</td>
</tr>
</tbody>
</table>

## II. Summary of Investigative Actions

1. **TimeLine** On 24 February 2016, the Office of Inspector General (OIG) received information that alleged [redacted] had abused their authority while overseeing the [redacted]. According to the complaint, [redacted] had routinely instructed industrial contractors assigned to the [redacted] to invoice the Agency several months after their work was performed. Additionally, it was alleged that [redacted] were forcing contractors to work without pre-obligated funds, essentially working "at risk."

2. **TimeLine** On 17 March 2016, OIG initiated a preliminary investigation into the matter. The OIG interviewed complainant, reviewed email communication and relevant records, and consulted with the Office of General Counsel, Contracts Law Division (OGC/CLD) as part of this investigation.

## III. Findings

1. **TimeLine** The OIG results identified several instances in February 2016 where [redacted] personnel instructed [redacted] prime contractors to invoice the Agency for work that was performed in November and December 2015. Additionally, OIG found instances where [redacted] personnel noted that [redacted] resources may have exceeded available funds on the [redacted] contract, resulting in the contractor working at risk.

2. **TimeLine** Since there were no apparent violations of federal statutes, OIG took no additional investigative actions and did not refer this matter to the Department of Justice.
Case Closing Memorandum

3. (U//FOUO) On 4 August 2016, the OIG provided a copy of a memorandum summarizing our findings to the Procurement Executive for further inquiry or action as deemed appropriate (see Attachment). OIG considers this matter closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:

Attachment: OIG Memorandum DIR/OIG-2016-104279-E

10/24/17 CASE FILE REVIEW FOUND NO DATE ON INVESTIGATOR BLOCK

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
I. Administrative Data

Case No.: 2014-12109         Case Title: Alleged Travel Fraud
Investigator: SA             Supervisor: ASAC
Date Received: 9 September 2014 Date Opened: 10 October 2014
Date Assigned: 7 February 2017 Case Type: Full Investigation

II. Summary of Investigative Actions

(b)(3) CIA Act 1. (S/NF) On 9 September 2014 the Office of Inspector General (OIG) received a confidential allegation of travel fraud wherein five staff employees purchased airplane tickets through an unapproved airline company, and submitted vouchers for reimbursement by CIA. The five employees named included: 

(b)(3) CIA Act (b)(6) (b)(7)(c)

(b)(3) CIA Act According to the complainant, the purpose of using was to gain personal travel points and rewards through the airline. A second allegation stated that one of the five employees also took frequent and unnecessary trips to . The allegation indicated that these trips "did not make sense for the program."

(b)(6) (b)(3) CIA Act (b)(7)(c)

2. (U) The OIG investigated these allegations as potential violations of:
   - Agency Regulation 14-4, Authorizations for Official Travel.

3. (S/NF) Based upon this information, OIG opened a preliminary investigation on 10 October 2014. Conversion to a full investigation occurred by 29 April 2015. The investigation included an Action Request or Notification Memorandum (ARNM) dated 16 October 2014 to the DS&T advising of the investigation. A Request or Notification Memorandum (ARNM) dated 16 October 2014, reissued on 9 January 2015, and reissued on 7 February 2017.

(U//FOUO) The second allegation of was investigated separately. OIG Case

(b)(3) CIA Act (b)(6) (b)(7)(c)

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.

(b)(3) CIA Act (b)(3) NatSec Act

SECRET//NOFORN
III. Findings

1. (S/NIP) The OIG's investigation determined that although the travelers were not consistently following Agency travel regulations nor accurately accounting for travel expenses, no evidence was found to substantiate the allegation of travel fraud.

4. (U/FOUO) The OIG did not brief the findings of this investigation to the US Attorney's Office for the Eastern District of Virginia due to a lack of evidence supporting the travel fraud allegation.

5. (U/FOUO) Due to a finding of no evidence to support the allegation, this matter is being closed. The findings of this investigation will be documented and closed to file. If additional information becomes available OIG would consider re-opening the case.
Case Closing Memorandum

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Case Closing Memorandum

I. Administrative Data

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<thead>
<tr>
<th>Case No.</th>
<th>2014-12157</th>
<th>Case Title:</th>
<th>Alleged Travel Fraud</th>
<th>(b)(3) CIAAct</th>
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<td>Date Assigned:</td>
<td>7 February 2017</td>
<td>Case Type:</td>
<td>Full Investigation</td>
<td></td>
</tr>
</tbody>
</table>

II. Summary of Investigative Actions

1. (S//NF) On 9 September 2014 the Office of Inspector General (OIG) received a confidential allegation of travel fraud wherein CIA staff officer, Director of Directorate of Science & Technology, took frequent and unnecessary trips to over long weekends and holidays to visit his wife. The investigation stated that although the trips “did not make sense for the program,” would submit travel vouchers for reimbursement. A second allegation stated that in addition to four other employees, purchased airplane tickets through an unapproved airline company, and submitted vouchers for reimbursement by CIA. 1 (b)(3) CIAAct

2. (U) The OIG investigated these allegations as potential violations of:
   - Agency Regulation 14-4, Authorizations for Official Travel

3. (S//NF) Based upon this information, the OIG opened a preliminary investigation on October 2014. Conversion to a full investigation occurred by 29 April 2015. The investigation in

   - Action Request or Notification Memorandum (ARNM) dated 16 October 2014 to the DS&T and requested appropriate action and response within 60 days.

   to determine if any fraudulent activity was perpetrated by or the other named employees during the time period of 1 October 2013 through 30 November 2014.

1 (U//FOUO) The second allegation of travel fraud was investigated separately. OIG Case 2014-1(b)(1)
2 (U//FOUO) Reference Case 2014-12109-IG (b)(3) NatSecAct

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.

(b)(3) CIAAct
(b)(3) NatSecAct
Case Closing Memorandum

III. Findings

1. (S//NF) The OIG’s investigation determined that although [redacted] was not consistently following Agency travel regulations nor accurately accounting for travel expenses, no evidence was found to substantiate the allegation of travel fraud.

4. (U//FOUO) The OIG did not brief the findings of this investigation to the US Attorney’s Office for the Eastern District of Virginia due to a lack of evidence supporting the travel fraud allegation.

5. (U//FOUO) Due to a finding of no evidence to support the allegation, this matter is being closed. The findings of this investigation will be documented and closed to file. If additional information becomes available OIG would consider re-opening the case.
Case Closing Memorandum

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

<table>
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<tr>
<th>Case No.:</th>
<th>2016-13387</th>
<th>Case Title:</th>
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<td>18 April 2017</td>
<td>Case Type:</td>
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</tr>
<tr>
<td>Supervisor:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. Summary of Investigative Actions

1. (U//FOUO) On 13 December 2016, the Office of Inspector General (OIG) received an anonymous allegation of medical leave bank misuse by Agency Staff Officer. The allegation stated was misusing the leave granted to her by the Medical Leave Bank (MLB) by working. This matter was investigated as potential violation(s) of:
   - 18 USC 209 (Supplementation of Salary)
   - 18 USC 1001 (False Statements)
   - 18 USC 287 (False, Fictitious, or Fraudulent Claims)
   - 18 USC 641 (Embezzlement – Public Money)
   - Agency Regulation 6-2 (Medical Leave Bank)
   - Agency Regulation 6-1 (Leave and Other Absences)
   - Agency Regulation 4-1 (Standards of Conduct).

2. (U//FOUO) On 1 February 2017, OIG initiated an investigation into this matter. The OIG’s investigation of this matter included reviewing...

Findings

3. (U//FOUO) The OIG’s investigation of the allegation of medical leave bank misuse by was unsubstantiated.

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
Case Closing Memorandum

5. (U//FOOU) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

6. (U//FOOU) All investigative activity has been completed. Due to finding no evidence to support the allegation, this matter is being closed. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
15 June 2021

Matthew Topic
LOEZY & LOEZY
311 N. Aberdeen, Third Floor
Chicago, Illinois 60607

Reference: F-2018-00373, F-2019-02220, F-2020-00760; Civil Action No. 20-cv-00780

Dear Mr. Topic:

This is an interim response to the 22 November 2017, 20 June 2019 and 22 January 2020 Freedom of Information Act (FOIA) requests, submitted by your client, Jason Leopold of Buzzfeed Inc., for the following:

**Disclosure from the Central Intelligence Agency Office of Inspector General** a copy of the concluding documents (report of investigation, final report, closing memo referral letter) concerning investigations closed in calendar year 2013 and 2016 and 2017, concerning misconduct, actual or alleged, whistleblowing, waste fraud and abuse.


**Disclosure from the Central Intelligence Agency Office of Inspector General** a copy of the concluding document (report of investigation, final report, closing memo, and attachments) concerning investigations closed in calendar year 2018 and 2019 concerning misconduct, actual or alleged.

We are processing your request in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and the Privacy Act of 1974, 5 U.S.C. § 552a. Altogether, we are processing your requested records for investigations closed in calendar years 2016, 2017, 2018, and 2019. Per our previous correspondence dated 1 December 2017, we are not processing such records for 2013.

We have completed a review of eighteen (18) documents and determined that eight (8) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), and (b)(7)(e). We have further determined that ten (10) documents must be denied in full based on FOIA exemptions (b)(1), (b)(3), (b)(5),
(b)(6), (b)(7)(c), and (b)(7)(e). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption “(b)(3)CIAAct” on the enclosed documents, and/or Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption “(b)(3)NatSecAct” on the enclosed documents. The documents are on the enclosed CD.

A final response will be provided to you on a later date.

Sincerely,

Mark Lilly
Information and Privacy Coordinator

Enclosures
Dear Mr. Topic:

This is an interim response to the 22 November 2017, 20 June 2019 and 22 January 2020 Freedom of Information Act (FOIA) requests, submitted by your client, Jason Leopold of Buzzfeed Inc., for the following:

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Records from the Central Intelligence Agency Office of Inspector General, a copy of the concluding document (report of investigation, final report, closing memo, referral letter) concerning investigations closed in calendar years 2016, 2017, 2018, and 2019 (so far) concerning misconduct, actual or alleged.

Disclosure from the Central Intelligence Agency Office of Inspector General, a copy of the concluding document (report of investigation, final report, closing memo, and attachments) concerning investigations closed in calendar year 2018 and 2019 concerning misconduct, actual or alleged.

We are processing your request in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and the Privacy Act of 1974, 5 U.S.C. § 552a. Altogether, we are processing your requested records for investigations closed in calendar years 2016, 2017, 2018, and 2019. Per our previous correspondence dated 1 December 2017, we are not processing such records for 2013.

We have completed a review of nineteen (19) documents and determined that seventeen (17) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(6), (b)(7)(c), and (b)(7)(e). We have further determined that two (2) documents must be denied in full based on FOIA exemptions (b)(1), (b)(3), (b)(6), (b)(7)(c),
and (b)(7)(e). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption “(b)(3)CIAAct” on the enclosed documents, and/or Section 102A(i)(l) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption “(b)(3)NatSecAct” on the enclosed documents. The documents are on the enclosed CD.

A final response will be provided to you on a later date.

Sincerely,

Mark Lilly
Information and Privacy Coordinator

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SECRET/NOFORN

REPORT OF REPRISAL REVIEW
(U) Alleged Termination for Reporting Security Concerns

August 2016

SECRET/NOFORN

S/NE E-MAIL FROM MANAGEMENT TO COTR REQUESTING REMOVAL FROM THE CONTRACT........ EXHIBIT A
(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
REPORT OF REPRISAL REVIEW
(U) Alleged Termination for Reporting Security Concerns
August 2016

I. (U) PREDICATION

(U//NF) On 13 November 2014, the Office of Inspector General (OIG) initiated a review based on a 9 November 2014 allegation of reprisal by former Agency industrial contractor

alleged that she was removed from the Agency's contract after she reported concerns to management regarding security breaches.

II. (U) POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

(U//FOUO) This reprisal matter was reviewed under the following authorities:

- (U) Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information.
- (U) Intelligence Community Directive (ICD) 120, Intelligence Community Whistleblower Protection.

III. (U) SUMMARY OF FINDINGS

(U//NF) The OIG review found that the employer did not remove her for reporting her concerns, rather, the company removed her for failing to follow guidance regarding access control management (Exhibit A). As a contractor, the allegation that she was removed for reporting security concerns had no standing for review under PPD-19 or the extended rights to contractors under ICD 120, as she did not allege a security clearance action impacting her access to classified information.

Approved for Release: 2021/09/14 C06873197
(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(b)(3) NatSec Act
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)

(b)(1)
(b)(3) NatSec Act
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)

(b)(1)
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(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)


IV. (U) QUALIFICATION OF ALLEGATION UNDER WHISTLEBLOWER PROTECTIONS

(U) Complainant Status

(U//FOUO) At the time filed her complaint with OIG on 9 November 2014, she was a former Agency industrial contractor. Therefore, the matter was reviewed under ICD 120, which extends the protections of PPD-19 to contractors when and if actions taken affect the contractor's eligibility for access to classified information.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

(U) Protected Disclosure

(U//FOUO) For the purpose of this review, OIG considered report of security concerns to be a Protected Disclosure. Prior to filing a complaint with OIG, reported her concerns to both her management and an Office of Security (OS) representative.

(U) Adverse Action

(U//FOUO) The OIG review found that security concerns were not based on a violation of law or regulation, but rather a process that she created and implemented. Regardless, ICD 120 only requires that the individual "reasonably believes" the reported concern is a violation of law, rule, or regulation. The validity of concerns did not affect their status as a Protected Disclosure.
V. (U) RIGHT OF APPEAL

(b)(3) CIA Act (U/PQ) OIG contacted [redacted] on 19 November 2015, informed her of the review findings, and asked [redacted] to bring forward any additional information relevant to this review. On 3 December 2015, OIG received a letter from [redacted] containing additional information, and requesting a reconsideration of OIG’s determination that her complaint did qualif [redacted] whistleblower protection. After a review of the additional information provided by OIG contacted [redacted] in 19 January 2016 and informed her that OIG would not alter its original conclusion.

VI. (U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

(U/PQ) This report is the property of the Office of Inspector General. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need-to-know. Public disclosure is determined by the Freedom of Information Act, Title 5, U.S.C. § 552, and the Privacy Act, Title 5, U.S.C. § 552a. The report may not be disclosed outside the CIA, including distribution to contractors, without prior written approval of the Office of Inspector General.

Assistant Inspector General for Investigations

Reporting Investigator:
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
INSPECTOR GENERAL

(U) Alleged Retaliation for Reporting to the OIG

Christopher R. Sharpley
Acting Inspector General

2014-11725-IG
September 2015

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REPORT OF REPRISAL REVIEW  
(U) Alleged Retaliation for Reporting to the OIG  

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Approved for Release: 2021/09/14 C06873205
I. (U) PREDICATION

(U//FOUO) On 28 January 2014, the Office of Inspector General (OIG) received an allegation of reprisal by former industrial contractor
alleged that he was removed from the Agency contract on
by a CIA staff officer in retaliation for filing a complaint with OIG on
05 July 2013 pertaining to a breach of confidentiality by the Office of Security (OS).

II. (U) POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

(U) OIG reviewed this reprisal matter under the following authority:

- (U) Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information.
- (U) Intelligence Community Directive (ICD) 120, Intelligence Community Whistleblower Protection.

III. (U) SUMMARY OF FINDINGS

(U) OIG’s review established that, as an Agency contractor, was entitled to the protections afforded under ICD 120, which extends the protections of PPD-19 to contractors. However, OIG found that the information contained in the initial 05 July 2013 complaint to OIG did not meet the criteria for a Protected Disclosure under the provisions in PPD-19. Further, OIG’s review found that ICD 120 does not cover because his eligibility for access to classified information was not affected, i.e.

(U) Because complaint involved a protected communication to OIG, the matter was reviewed under AR 1-24. OIG’s review found no evidence to support the contention that communication with OIG led to his removal; rather his removal was based on poor performance and behavioral problems.

IV. (U) QUALIFICATION OF ALLEGATION UNDER WHISTLEBLOWER PROTECTIONS

(U) Standing as a Complainant Under PPD-19 and ICD 120

(U//FOUO) At the time filed his allegation of reprisal with OIG on 28 January 2014, he was a former Agency industrial contractor. Therefore, the allegation of reprisal was reviewed

SECRET//NOFORN
REPORT OF REPRISAL REVIEW  
(U) Alleged Retaliation for Reporting to the OIG  
September 2016

under ICD 120, which extends the protections of PPD-19 to contractors when and if actions taken affect the contractor’s eligibility for access to classified information.

(U) Protected Disclosure

(U/R/FOUO) In his 28 January 2014 allegation of reprisal, the contractor alleged that he was removed from the contract in retaliation for filing a complaint with OIG on 05 July 2013. The complaint centered on concerns that OS violated his confidentiality after he reported a Protected Disclosure.

(U/R/FOUO) Per ICD 120, a Protected Disclosure occurs when a contractor reports what the contractor believes to be a violation of law, rule, or regulation. Allegation of reprisal regarding OS violating his confidentiality was something he believed to be a violation of law, rule, or regulation. Therefore, for the purposes of OIG’s review, the contractor made a Protected Disclosure.

(U) Adverse Action

(U/R/FOUO) ICD 120 provides contractors protection if their access to classified information is affected because of making a Protected Disclosure. A review of OIG’s security file by OIG found no indication that eligibility for access to classified information was ever affected, therefore providing him no standing under ICD 120.

(U) Protected Communication to OIG

(U/R/FOUO) AR 1-24 provides protection for Agency employees/contractors to communicate with OIG without fear of reprisal. Therefore, the complaint filed with OIG on 05 July 2013 qualifies him for protection under AR 1-24 from reprisal. OIG reviewed the allegation of reprisal under AR 1-24 and found that he was removed for poor performance and behavioral problems, not communicating with OIG.

V. (U) INVESTIGATIVE ACTIVITY

(U) Background

(b)(1) (b)(3) CIAAct (b)(6) (b)(7)(c)
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<td>(b)(3) NatSecAct</td>
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VI. (U) RIGHT OF APPEAL

(U) OIG contacted [Redacted] on 31 December 2014 and informed him of the investigative findings. OIG asked [Redacted] to provide any new, relevant evidence that was not previously known to OIG that could directly impact the investigative findings or support his allegation. [Redacted] was unable to bring any additional information relevant to this investigation.

VII. (U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

(U//FOUO) This report is the property of the Office of Inspector General. Appropriate safeguards should be provided for the report, and access should be limited to CIA officials who have a need-to-know. Public disclosure is determined by the Freedom of Information Act, Title 5, U.S.C. § 552, and the Privacy Act, Title 5, U.S.C. § 552a. The report may not be disclosed outside the CIA, including distribution to contractors, without prior written approval of the Office of Inspector General.

Assistant Inspector General for Investigations

Reporting Investigator:

(U) EXHIBITS

MEMORANDUM FOR: Director for Support

FROM: Assistant Inspector General for Investigations

SUBJECT: (U) Allegation of Breach of Confidentiality (2013-11427-IG)

1. (C) The Office of Inspector General (OIG) is forwarding for your review and action an allegation that an unnamed Office of Security (OS) employee may have revealed the name of a confidential source during the course of an investigation. The source, is a contractor assigned to the

2. (U/FOIA) Within 30 days of the date of this letter, please advise OIG of your findings and any actions you have taken, or will take, to ensure this matter is appropriately addressed and resolved. The point of contact for this matter is Special Agent (b)(3) CIA Act

3. (U/FOIA)
SUBJECT: (U) Allegation of Breach of Confidentiality (2013-11427-IG)

4. (U) This Memorandum contains information protected by the Privacy Act. You should consult with the Office of the General Counsel prior to further dissemination of any information to ensure compliance with the Privacy Act.

(b)(3) CIA Act
(b)(6)
(b)(7)(c)

cc: Director, Office of Security
SUBJECT: (U) Allegation of Breach of Confidentiality (2013-11427-IG)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
MEMORANDUM FOR: Inspector General

VIA: Director for Support (b)(3) CIA Act

FROM: Director of Security, DS

SUBJECT: (U) Response to Allegation of Breach of Confidentiality (2013-11427-IG)

REFERENCE: (U) Memo dtd 06 Aug 2013 (2013-0381-IG)

1. (U) Executive Summary: The Office of Security (OS) conducted a review of the allegation of breach of confidentiality and found no information to confirm that the name of the confidential source had been revealed by an OS person to the subject of the security investigation.

3. (U) OS does not recommend any additional action at this time.
Subject: (U) Response to Allegation of Breach of Confidentiality (2013-11427-IG)

CONCUR:

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
I. Administrative Data

Case No.: 2015-12648
Case Title: Alleged Time and Attendance Abuse
Investigator: 
Supervisor: 
Date Received: 6 August 2015
Date Opened: 10 August 2015
Date Assigned: 8 September 2015
Case Type: Preliminary Investigation

II. Summary of Investigative Actions

1. (U//FOUO) On 06 August 2015, the CIA Office of Inspector General (OIG) received an anonymous complaint via the FWA website which alleged that extended her Temporary Duty (TDY) by four business days.

2. (U//FOUO) The OIG investigated these allegations as potential violations of:
   - (U) 18 USC 287 “False, fictitious or fraudulent claims”
   - (U) 18 USC 1001 “Statements or entries generally”
   - (U) AR 14-6 Subsistence
   - (U) 

3. (U//FOUO) On 10 August 2015, the OIG opened an investigation into the matter.

III. Findings

4. (U//FOUO) The OIG investigation found no information indicating that committed time and attendance abuse.

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
Case Closing Memorandum

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)

7. (U//FOUO) Due to the lack of information to support the allegations that (b)(3) CIA Act committed time and attendance abuse, this matter is closed. This matter was not brought to the DOJ. Should additional information develop, the OIG may consider re-opening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Supervisor:
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REPORT OF REPRISAL INVESTIGATION

(U) PREDICATION

(S/NF) On 28 May 2015, the Office of Inspector General (OIG) received a complaint from a CIA staff officer then a Targeting Officer assigned to the Directorate of Operations (DO) alleged Station and management removed him short-of-tour (SOT) and issued a related Memorandum for the Record (MFR) from his assignment as Deputy Chief in reprisal for reporting concerns about Chief provided consent for an OIG investigation and waived confidentiality on 6 October 2015, at which time OIG initiated investigative efforts into this matter.1

(S/NF) On 21 February 2017, made a second, related allegation against the Global Issues Mission Center (GIMC) alleged GIMC did not select him for position in reprisal for his reports about . On 1 March 2017, OIG initiated additional investigative efforts into second allegation.

(U) POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

(U) OIG reviewed this reprisal matter under the following authorities:

- (U) Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information.
- (U) CIA-FOGO Agency Regulation (AR) 3-51, Protecting Whistleblowers with Access to Classified Information.
- (U) Intelligence Authorization Act (IAA) for Fiscal Year 2014, Public Law 113-126

(U) SUMMARY OF FINDINGS

(S/NF) Regarding first allegation, OIG found reported concerns about to Station management. OIG found Station management and management removed from SOT and issued a related MFR following reports about . OIG concludes Station and SA management did not reprise against . There is preponderant evidence Station and SA would have taken the same actions affecting SOT and MFR from absent his Protected Disclosures. Station and SA management provided evidence showing SOT and MFR were

1 (U) For whistleblower reprisal, OIG is unable to conduct investigative efforts until the complainant consents to an OIG investigation of the allegations and waives confidentiality.

1 Approved for Release: 2021/09/14 C06873271
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Approved for Release: 2021/09/14 C06873271

REPORT OF REPRISAL INVESTIGATION

(U//FOUO) Alleged Whistleblower Retaliation

(b)(3) CIA Act

(b)(3) NatSec Act

August 2017

performance-based for unprofessional communication, undermining authority, insubordination, ineffective leadership skills, and negatively impacting Base morale.

Regarding second allegation, OIG confirmed GIMC did not select for and that this took place after reports about . OIG concludes GIMC management did not reprise against . OIG did not find evidence GIMC knew about Protected Disclosures when making the hiring decision for . OIG found GIMC made the decision based on a “paper review” of applicants without conducting applicant interviews or consulting applicants’ previous managers. OIG also found it was appropriate for GIMC to consider the MFR was performance-based.

(U) QUALIFICATIONS OF ALLEGATION UNDER WHISTLEBLOWER PROTECTIONS

(U) Complainant Status

entitled to protection under PPD 19 and AR 3-51. In order for a complainant to be protected from reprisal, the complainant must have made a Protected Disclosure to an appropriate authority, and a Personnel Action must have been taken by an officer of the CIA in a position to take the Personnel Action.

(U) Protected Disclosures

In order for a complainant to be protected from reprisal, the complainant must have made a Protected Disclosure to an appropriate authority. A Protected Disclosure is a disclosure of information the individual reasonably believes to be evidence of a violation of law, rule, or regulation; gross mismanagement or waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. This information must be communicated by the complainant to an individual in a position to receive such matters, such as a supervisor in the employee’s direct chain of command up to and including the Director of the CIA; an individual in a position designated to receive such communications; the Office of Inspector General for either the CIA or the Intelligence Community; the Office of the Director of National Intelligence; or the Congressional Oversight Committees of the Intelligence Community.

For the purpose of this review, OIG included the following as Protected Disclosures:

- (U//FOUO) communications to Station management relevant to his concerns about C

2

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(U) Personnel Actions

(U) In order for a complainant to be protected from reprisal, a Personnel Action must have been taken by an officer of the CIA in a position to take the Personnel Action. Personnel Actions may include, but are not limited to: appointments, promotions, transfers, reassignments, demotions, suspensions, terminations, or performance evaluations; decisions concerning pay, benefits, awards, or training; any other significant change in duties, responsibilities, or working conditions.

(U) For the purpose of this review, OIG included the following as Personnel Actions:

- (5/NI) SOT removal from _______ and the related MFR
- (C/NI) GIMC not selecting _______ for _______

(U) Standard for Reprisal

(U) In order for Personnel Action(s) to meet the standard for reprisal, the action(s) must have been taken in response to the complainant’s Protected Disclosure(s), as established by a preponderance of the evidence (i.e., it is more likely than not management took the Personnel Action as a result of the Protected Disclosures). The analysis leading to OIG’s determination of whether Personnel Actions are taken in reprisal for Protected Disclosure(s) is based on a review of developed information as compared to this standard.

(U) INVESTIGATIVE ACTIVITY

(6/NI) On 28 May 2015, OIG received a complaint from _______ alleging _______ Station and management removed him SOT from _______ and issued a related MFR in reprisal for his Protected Disclosures about _______ waived confidentiality and provided consent for _______. OIG to investigate his reprisal allegations on 6 October 2015.
REPORT OF REPRISAL INVESTIGATION

(U//FOCO) Alleged Whistleblower Retaliation

August 2017

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
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**REPORT OF REPRISAL INVESTIGATION**
**( Alleged Whistleblower Retaliation)**

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REPORT OF REPRISAL INVESTIGATION  
(UNFOCUSED) Alleged Whistleblower Retaliation  

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August 2017

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REPORT OF REPRISAL INVESTIGATION
(U//FOUO) Alleged Whistleblower Retaliation

August 2017

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REPORT OF REPRISAL INVESTIGATION
(U) Alleged Whistleblower Retaliation
August 2017

"U) DETERMINATION OF ALLEGED REPRISAL

(S/NF) OIG concludes Station and management did not reprise against ___ removal SOT and related MFR from absent his Protected Disclosures. There is preponderant evidence Station and would have taken the same actions affecting ___ case had not management reprimanded ___ Station and management provided evidence showing SOT and MFR were performance-based for unprofessional communication, undermining authority, subordination, ineffective leadership skills, and negatively impacting Base morale.

(S/NF) OIG concludes GIMC management did not reprise against Station and management did not reprise against OIG did not find evidence GIMC knew about Protected Disclosures when making the hiring decision. OIG found GIMC made the decision based on a "paper review" of applicants without conducting applicant interviews or consulting applicants' previous managers. OIG also found it was appropriate for GIMC to consider the MFR in their decision, as the MFR was performance based.

(U) RIGHT OF APPEAL

(C/NF) OIG will notify ___ of the results of this review and afford him 15 business days to provide additional relevant information to OIG for review. The notification will include information about ___ rights under PPD 19 and 50 U.S.C. 3231 to appeal this matter to the Inspector General of the Intelligence Community, as well as contact information for that office.

(U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

(U/FOUO) This report is the property of the Office of Inspector General and is FOR OFFICIAL USE ONLY. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need-to-know. Public disclosure is determined by the Freedom of Information Act, Title 5, U.S.C. § 552, and the Privacy Act, Title 5, U.S.C. § 552a. The report may not be disclosed outside the CIA without prior written approval of the Office of Inspector General, including distribution to contractors.

Assistant Inspector General for Investigations

Reporting Investigator:

Special Agent

Approved for Release: 2021/09/14 C06873271
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

Case No.: 2016-13043
Case Title: (U/FOUO) Alleged Mishandling of Disposal of Government Property

Investigator: 
Supervisor: 

Date Received: 2 May 2016
Date Opened: 25 August 2016

Date Assigned: 17 May 2016
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (U/FOUO) On 2 May 2016, OIG received an allegation that property from Agency property was offered to staff and contractors by the Chief of Support.

2. (U/FOUO) On 25 August 2016, OIG initiated an investigation into this matter. OIG’s investigation included interviews of Agency personnel and the review of relevant Agency records. This matter was investigated as potential violations of Federal Criminal Law, Title 18 U.S.C. 641, Public money, property, or records; Federal Criminal Law, Title 18 U.S.C. 654, Officer or employee of United States converting property of another; Agency Regulation (AR) 12-1, Total Asset Management Program; and Federal Acquisition Regulation Part 45, Government Property.

III. (U) Findings

(S/I) The OIG’s investigation determined the allegation that property from Agency property was offered to staff and contractors for their personal use was unsubstantiated.

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
3. (U) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice. All investigative activity has been completed. Due to finding no evidence to support the allegation, this matter is being closed. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
I. (U) Administrative Data

Case No.: 2015-12719
Investigator: 
Supervisor: 
Date: 
Open Date: 21 September 2015
Date Assigned: 19 January 2017
Case Title: Abuse of Management Position
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (U/FOOU) On 21 September 2015, the Office of Inspector General (OIG) received a confidential allegation that [redacted] influenced the award of the contract as an Agency Staff Officer, then subsequently retired and went to work for [redacted] the same contract. This matter was investigated as potential violation(s) of:

   - 18 USC 1001—Statements or entries generally
   - 18 USC 207—Restrictions on former officers, employees and elected officials of the Executive and Legislative Branches
   - 18 USC 208—Acts affecting a personal financial interest
   - 41 USC 8702—Kickbacks
   - AR 13-1—Conflicts of Interest… Post-Employment Restrictions

2. (U/FOOU) On 01 October 2015, OIG initiated an investigation into this matter. This investigation was initially assigned to Special Agent (SA) [redacted] until reassignment to SA [redacted] on 19 [redacted] January 2017.

III. (U) Findings

3. (U/FOOU) The OIG’s investigation of the allegation that [redacted] working on the contract in which she participated in personally and substantially as a Government officer, was unsubstantiated. The allegation that the rate for the President of and Vice President [redacted] was substantially higher than other contractors was unsubstantiated.

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
5. (U/FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

6. (U/FOUO) All investigative activity has been completed. Due to finding no evidence to support the allegations, this matter is being closed. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
I. Administrative Data

<table>
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<th>Case Title: Alleged FWA by Contract Vendor</th>
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<td>Case Type:</td>
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II. Summary of Investigative Actions

1. (C/ND) On 04 June 2015 the Office of Inspector General (OIG) received an anonymous allegation that CIA contract company, is charging excessive hours and direct cost to Directorate of Digital Innovation, Information Technology Enterprise. This matter was investigated as potential violations of 18 USC 1001-False Statements (criminal); 18 USC 641-Embezzlement and Theft (criminal); 18 USC 287-False, Fictitious, or Fraudulent Claims (criminal); and Agency Regulation 4-1, Standards of Conduct.

2. (C/ND) On 09 July 2015, OIG initiated an investigation into this matter. This investigation was initially assigned to Special Agent (SA) until reassignment to SA. On 04 January 2017 the case was assigned to (b)(7)(e) to complete the case closure memo.

(b)(3) CIAAct

III. Findings

3. (U) The OIG's investigation found the allegation of were unsubstantiated.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(7)(e)
5. (U) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

6. (U) All investigative activity has been completed. Due to no evidence to support the allegation, this matter is being closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
REPORT OF INVESTIGATION
Alleged Misuse of a Government Travel Card
March 2017

(U) PREDICATION

On 30 April 2015, the Office of Inspector General (OIG) initiated an investigation into an allegation it received via the OIG Fraud Waste or Abuse Hotline that (CIA) assigned to the Directorate of Support (DS), used her Government Travel Card (GTC) for personal use when she charged $2,000 to her GTC as a down payment on an automobile at the scope of the investigation to cover broader personal use of the GTC.

(U) POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

This matter was investigated under the following authorities:

- (CIA) AR 4-1, Standards of Conduct.

(U) SUMMARY OF FINDINGS

The OIG investigation found that charged $2,000 on her GTC as a down payment on an automobile at in the Commonwealth of Virginia. paid the balance of her GTC with her personal funds, and OIG found no evidence that she ever attempted to voucher any of the personal charges.

As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

(U) INVESTIGATIVE ACTIVITY
REPORT OF INVESTIGATION
(Propos) Alleged Misuse of a Government Travel Card

March 2017

(U) Use of GTC to Purchase Personal Vehicle

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
(b)(1)

(U) Additional Personal Use of GTC

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
REPORT OF INVESTIGATION
(U//FOIA)- Alleged Misuse of a Government Travel Card

March 2017

(U) RECOMMENDATION

This report of investigation is being provided to you for your review and action you deem appropriate.

(U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

This report the property of the Office of Inspector General and is FOR OFFICIAL USE ONLY. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need-to-know. Public disclosure is determined by the Freedom of Information Act, Title 5, U.S.C. § 552, and the Privacy Act, Title 5, U.S.C. § 552a. The report may not be disclosed outside the CIA without prior written approval of the Office of Inspector General, including distribution to contractors.

Assistant Inspector General for Investigations

Reporting Investigator: Special Agent

(U) EXHIBIT A. Bill of Sale

(U) EXHIBIT B. Government Travel Card Statement.

(U) EXHIBIT C. Government Travel Card Statements.

(U) EXHIBIT D. Written statement by to OIG; Form INV-403.
EXHIBIT A
EXHIBIT B
(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
EXHIBIT C
EXHIBIT D
Office of Inspector General
Investigations Staff

Statement
Statement

Subscribed and sworn by Investigator [name], a person authorized by law to administer oaths.

(Witness Signature)

(Date/Time)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
Office of Inspector General
Investigations Staff

Statement

I state that I am providing this statement to
of my own free will.

(Print Investigator Name)

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
Statement

Subscribed and sworn by Investigator ____________________________, a person authorized by law to administer oaths.

(Print Investigator Name)

(Witness Signature)

(Date / Time)
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

Case No.: 2016 - 13337
Investigator: [Redacted]
Supervisor: [Redacted]
Date Received: 8 November 2016
Date Assigned: 8 November 2016

Case Title: Alleged Unauthorized Use of USG Computer
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (S/NF) On 08 November 2016, the Office of Inspector General (OIG) received an allegation that staff employee, [Redacted], utilized a USG computer to view child pornography. This matter was investigated as potential violation(s) of 18 U.S.C. 2252A, 18 U.S.C. 1466A, and AR 4-1.

2. (S/NF) On 08 November, 2016, OIG initiated an investigation into this matter. The OIG's investigation of this matter included [Redacted].

III. (U) Findings

3. (S/NF) The OIG's investigation into the allegation of utilizing a USG computer to view child pornography could not be independently corroborated with the predating information originally referred by the Office of Security.

4. (S/NF) The OIG investigation until this point, revealed a consistent interest and pattern of conversations, involving sexual activities between adults and minors. Potential security and accountability issues were identified involving [Redacted].

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6. (S//NF) The findings of this investigation will be referred to the Directorate of Science and Technology (DST) and the Office of Security (OS) for information only. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>16-00170-1</th>
<th>Case Title:</th>
<th>Contract Fraud - Alleged Mischarging</th>
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</thead>
<tbody>
<tr>
<td>Investigator:</td>
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<td></td>
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<tr>
<td>Date Received:</td>
<td>2 June 2016</td>
<td>Opened:</td>
<td>2 June 2016</td>
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<td>Date Assigned:</td>
<td>13 June 2016</td>
<td>Case Type:</td>
<td>Full Investigation</td>
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II. (U) Summary of Investigative Actions

1. (S//NF) On 01 June 2016, the CIA Office of the Inspector General (OIG) received an unsolicited and anonymous mailed letter that alleged the government contract company had acted inappropriately by providing excessive salary increases to its employees, increasing the subcontractor rates dramatically, creating an exclusive fringe pool, inflated billing for work and travel, increased subcontractor rates and used second tier subcontractors on the contract. In addition, the letter alluded that [redacted] behavior was tied to an individual named [redacted] and his comments and concerns with respect to retention issues on the [redacted] played a role in “handpicking” subcontractors.

2. (U//FOOU) This matter was investigated as potential violations of:
   - (U) 18 USC §1001, False Statements;
   - (U) 18 USC §287, False Claims;
   - (U) 10 USC §2306, Truth in Negotiations Act;
   - (U) 41 USC §2102, Procurement Integrity Act; and
   - (U//FOOU) Agent Regulation (AR) 8-20, Acquisition of Material and Nonpersonal Services.

3. (U//FOOU) On 2 June 2016, OIG initiated an investigation into this matter. The OIG’s investigation of this matter included:

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
Case Closing Memorandum

III. (U) Findings

4. (U//FOUO) The OIG's investigation found no evidence to support violations of 18 USC §1001; 18 USC §287; 10 USC §2306; 41 USC §2102; or AR 8-20 by Vencore or any other individual.

8. (U//FOUO) Further investigative activity by OIG was unable to corroborate the anonymous allegations. As no violation of Federal law was determined, this matter was not briefed to the Department of Justice.

9. (U//FOUO) All investigative activity has been completed. The findings of this investigation will be referred to the Directorate of Science and Technology for awareness. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

Case No.: 16-00354-1
Case Title: Alleged USERRA Violation

Investigator: ____________________________
Supervisor: ____________________________

Date Received: 8 December 2016
Date Opened: 8 December 2016
Date Assigned: 8 December 2016
Case Type: Full Investigation

II. (U) Summary of Investigative Actions

1. (S/NF) On 08 December 2016, the Office of Inspector General received a complaint from an Agency staff officer currently assigned to the (b)(1)
alleging a violation of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and a failure to follow the Agency's Performance Improvement Plan (PIP) process by Agency managers, during the 2012-2013 timeframe.

2. (U/FOUO) On 08 December 2016, OIG initiated an investigation into this matter. The scope of this investigation was into a potential violation of:

   - (U) Federal law 38 U.S.C. §4311, Uniformed Services Employment and Reemployment Rights Act of 1994; and
   - (U//CIA-IUO) Agency Regulation (AR) 3-18, Employment and Reemployment of Members in the Uniformed Services.

3. (S/NF) This investigation was previously assigned to Special Agent (SA) but was subsequently reassigned to SA to conclude. (b)(3) CIAAct (b)(6) (b)(7)(c)

III. (U) Findings

4. (S/NF) The OIG investigation found insufficient evidence to support a violation of USERRA or AR 3-18, nor a deviation in the PIP process with regard to ____________

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5. (U//FOUO) All investigative activity has been completed. Due to finding no evidence to support the allegation(s), this matter is being closed. As no violation of criminal law was found during this investigation, this matter was not briefed to the Department of Justice. Should additional information be developed, the OIG may consider reopening the matter.

*NOTE: Due to transfer of assigned case agents prior to finalization of this report, SAC finalized in lieu Investigator.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>16-00463-I</th>
<th>Case Title: Alleged Contractor Mischarging</th>
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<tr>
<td>Date Received:</td>
<td>14 December 2016</td>
<td></td>
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<td>Date Opened:</td>
<td>22 December 2016</td>
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<td>Date Assigned:</td>
<td>17 April 2017</td>
<td></td>
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<td>Case Type:</td>
<td>Full Investigation</td>
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</tr>
</tbody>
</table>

II. Summary of Investigative Actions

1. (S//CIA-TOU/NE) On 14 December 2016, the Office of Inspector General (OIG) received information alleging contract mischarging violations were committed by _________. This matter was investigated as potential violation(s) of 18 USC §287 False, Fictitious, or Fraudulent Claims, 18 USC §1001 False Statements, and _________.

2. (U//FOUO) On 22 December 2016, OIG initiated an investigation into this matter. The OIG's investigation of this matter included _________.

III. Findings

3. (U//FOUO) The OIG's investigation of the allegation of contractor mischarging by _________.

This document is controlled by the OIG and neither the document nor its contents should be disseminated without prior IG authorization.
Case Closing Memorandum

5. (U//FOUO) As the OIG investigation did not identify any evidence of a federal criminal violation, this matter was not briefed to the Department of Justice.

6. (U//FOUO) All investigative activity has been completed. Due to a lack of information, this matter is being closed. The findings of this investigation will be referred to the Office of Security and to the for action. Should additional information be developed, the OIG may consider reopening the matter.  

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Acting Special Agent in Charge:

(b)(1) CIA Act
(b)(3) NatSec Act
(b)(7)(e)
Office of Inspector General
Investigations Staff

Case Closing Memorandum

I. Administrative Data

<table>
<thead>
<tr>
<th>Case No.:</th>
<th>18-00002-R</th>
<th>Case Title:</th>
<th>Alleged Whistleblower Reprisal - (b)(3) CIAAct Staff</th>
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<tbody>
<tr>
<td>(b)(3) CIAAct investigator:</td>
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<td>(b)(6)</td>
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<td>(b)(3) NatSecAct</td>
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<td>Date Received:</td>
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<td>Case Type:</td>
<td>Full Investigation</td>
<td>Case Type:</td>
<td>Full Investigation</td>
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</tbody>
</table>

II. Summary of Investigative Actions

1. (S/NF) On 22 May 2018, the Office of Inspector General (OIG) received a complaint from Staff Officer

   This matter was investigated as potential violation(s) of the Presidential Policy Directive (PPD) 19 - Protecting Whistleblower and Agency Regulation; and (AR) 3-51, Protecting Whistleblowers with Access to Classified Information.

2. (S/NF) On 7 August 2018, a Prima Facie Review was completed and OIG determined that the complaint met the standard for a prima facie case. On 11 October 2018, OIG initiated an investigation into the matter. The OIG's investigation included

   (b)(7)(e)

III. Findings

3. (S/NF) The OIG's investigation of the allegation of Whistleblower Reprisal was undetermined based on the withdrawal of the complaint. On 15 April 2019, the staff officer advised OIG that she transferred to duty with her husband, an Agency employee, and was very happy with her new location and position and is not interested in re-visiting the matter at this time. Therefore, withdrew her complaint as described above.

   (b)(3) CIAAct
   (b)(6)
   (b)(7)(c)
   (b)(7)(e)

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(b)(3) CIAAct
(b)(3) NatSecAct
5. *(S/NF)* All investigative activity has been completed. Due to the complainant withdrawing her complaint, this matter is being closed.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
Office of Inspector General  
Office of Investigations  

Case Closing Memorandum

I. (U) Administrative Data

<table>
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<tr>
<th>Case No.:</th>
<th>18-00006-I</th>
<th>Case Title:</th>
<th>(U) Alleged Misuse of Position</th>
<th>(b)(3) CIA Act</th>
<th>(b)(6) NatSec Act</th>
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<td>Date Received:</td>
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<td>5 February 2018</td>
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<td>Date Assigned:</td>
<td>28 September 2018</td>
<td>Case Type:</td>
<td>Full Investigation</td>
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II. (U) Summary of Investigative Actions

1. (U/FORO) On 5 February 2018, the Office of Inspector General (OIG) received an official referral from the Directorate of Science and Technology alleging staff officer may have misused his position in the to upload his son’s resume into the

2. (U/AOO) On 5 February 2018, OIG initiated an investigation into this matter as potential violations of: Title 5 U.S.C. § 3110, Nepotism and Misuse of Position; 5 C.F.R. § 2635.702, Use of Public Office for Private Gain; Agency Regulation (AR) 13-1, Conflicts of Interest/Misuse of Position; and AR 4-1, Standards of Conduct. Special Agent (SA) was the lead investigator until 28 September 2018, at which time OIG reassigned the investigation to . The investigation of this matter included review of

III. (U) Findings

3. (S/ADF) OIG’s investigation determined the allegation misused his position is unsubstantiated. OIG determined Kahle uploaded his adult son’s resume . While actions give the appearance of a conflict of interest and/or nepotism, they do not meet the threshold for a violation. To meet the threshold for a criminal violation, would have needed to use his public office to advocate for the appointment, employment, promotion or advancement of his son, and/or in such a way as to likely have a direct and predictable effect on his son. OIG finds that Kahle merely uploading his son’s resume into a database with no influence over if/how it was used, coupled with the fact that son did not gain employment at CIA from actions, does not meet the threshold for a

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5. (U//FOUO) All investigative activity is complete. As OIG did not identify evidence of a federal criminal violation, OIG did not brief these allegations to the Department of Justice, and OIG is closing this investigation. The findings of this investigation will be referred to DST for information. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge: A/SAC Jason Furbee
(U) Alleged Privacy Act Violation
Case No. 18-00042-1

Christine S. Ruppen
Acting Deputy Inspector General and Counsel

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18-000421
July 2019

(b)(3) CIA Act
(b)(3) NatSec Act
(U) EXECUTIVE SUMMARY

(U//CIA-RQ) On 18 October 2018, the Office of Inspector General (OIG) received information that alleged Agency staff officer “misused Agency systems by accessing an Agency system of record in a manner outside of his scope of authorization and accessed another officer’s personal identifying information.” It was further alleged that efforts were made by staff officers in chain of command to minimize or conceal the misuse.

(U) Potential Statutory or Regulatory Violations

• (U//CIA-RQ) Agency Regulation (AR) 4-1, Standards of Conduct.
• (U//CIA-RQ) AR 10-10, Protection of Personally Identifiable Information (PII).
• (U//CIA-RQ) AR 10-14, Access to and Release of Official Information.

(U//CIA-RQ) The OIG investigation found evidence to support that, in 2012, used to conduct inappropriate searches of CIA staff officers and contractors, which conducted without a business need, did this in violation of AR 10-14, Access to and Release of Official Information, and AR 4-1, Standards of Conduct.

(U//CIA-RQ) OIG also found that, when searched report without a business purpose, he violated the Privacy Act of 1974 and AR 10-10, Protection.
(U) INVESTIGATIVE ACTIVITY

(U) Background

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(e)
REPORT OF INVESTIGATION
(U) Alleged Privacy Act Violation

(b)(1)
(b)(3) CIA Act
(b)(3) NatSec Act
(b)(6)
(b)(7)(c)
(b)(7)(e)
(U) RECOMMENDATION

(U/FOUO) This Report of Investigation is being provided to you for your review and action as you deem appropriate. Please advise this Office within 60 days, via official written response, as to what action you have taken or plan to take regarding this matter; however, it will remain open pending your response. The OIG point of contact on this matter is [Special Agent in Charge], referencing case 18-00042-I.

(U) PRIVACY ACT AND FREEDOM OF INFORMATION ACT NOTICE

(U/FOUO) This report is the property of the Office of Inspector General. Appropriate safeguards should be provided for the report and access should be limited to CIA officials who have a need to know. Public disclosure is determined by the Freedom of Information Act, 5 U.S.C. §552, and the Privacy Act, 5 U.S.C. §552a. This report may not be disclosed outside the CIA, including distribution to contractors, without prior written approval of the OIG.
Office of Inspector General
Office of Investigations

Case Closing Memorandum

I. (U) Administrative Data

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Alleged Misuse of Agency Systems</th>
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<td>Investigator:</td>
<td>(b)(3) CIA Act</td>
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<tr>
<td>Date Received:</td>
<td>12 October 2018</td>
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<td>Date Assigned:</td>
<td>23 November 2018</td>
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<td>Date Opened:</td>
<td>25 October 2018</td>
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<td>(b)(7)(c)</td>
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</tbody>
</table>

II. (U) Summary of Investigative Actions

1. (U//FOOU) On 12 October 2018, the Office of Inspector General (OIG) received information from Office of Security (OS), derived through security processing, alleging a CIA Act (b)(3) misuse of her access to CIA computer systems and a database to conduct unofficial searches on her brother.

2. (U//FOOU) This matter was investigated as potential violation(s) of:
   - (U//FOOU) Agency Regulation (AR) 4-1, Standards of Conduct;
   - (U//FOOU) AR 10-10, Protection of Personally Identifiable Information (PII); and
   - (U//FOOU) AR 10-14, Access to and Release of Official Information.

3. (U//FOOU) On 25 October 2018, OIG initiated an investigation into this matter. The OIG's investigation of this matter included (b)(7)(e)

III. (U) Findings

5. (U//FOOU) The OIG investigation found that between (b)(3) CIA Act (b)(6) (b)(7)(c) (b)(7)(e)
   conducted approximately a (U//FOOU) OIG was unable to obtain the Agency Regulations that governed this violation in 2008.

1 (U//FOOU) OIG was unable to obtain the Agency Regulations that governed this violation in 2008.

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Case Closing Memorandum

7. (U//FOOU) OIG did not refer this matter to the Department of Justice, as OIG did not identify a violation of Federal law.

8. (U//FOOU) All investigative activity has been completed. The findings of this investigation will be referred to OS and Privacy and Civil Liberties Office for information only. Should additional information be developed, the OIG may consider reopening the matter.

IV. Review and Approval

Case Closing Memo submitted by Investigator to Supervisor:

Case Closing Memo approved by Special Agent in Charge:
DIR/OIG-2019-110226-E
01 November 2019

MEMORANDUM FOR: Deputy Director of CIA for Support

FROM: Assistant Inspector General for Investigations

SUBJECT: (U/FOOU) OIG Referral for Action - Alleged Misuse of a Government Vehicle (19-00191)

1. (S//NF) On 15 March 2019, the Office of Inspector General (OIG) received information alleging that [Security Protective] assigned to the Office of Security, misused his assigned government official vehicle (GOV) on when he drove it to for personal reasons while on duty. In addition, it was also alleged was in his official SPO uniform, which could have been perceived as an abuse of his authorities when he allegedly intervened at . The OIG has completed all investigative activities and is providing this for your awareness.

2. (S//CIA-U//FOOU) On 25 March 2019, OIG initiated an investigation into the matter. The focus of the investigation was to determine whether misused his assigned GOV and/or abused his position of authority as a SPO, potentially violations of Agency Regulation (AR) 04-1, Standards of Conduct; AR 12-16, Official Use of Agency Vehicles; and AR 13-1, Conflicts of Interest, Lack of Impartiality, and Misuse of Position.

3. (S//NF) The OIG investigation found no evidence to support that misused his position as a SPO when he presented himself at , removed his Further, did not utilize his person or the GOV to impede or block any person at . had also notified the

(b)(3) CIAAct (b)(6) (b)(7)(c)
(b)(3) CIAAct (b)(6) (b)(7)(c)
(b)(3) CIAAct (b)(6) (b)(7)(c)
(b)(3) CIAAct (b)(6) (b)(7)(c)
(b)(3) CIAAct (b)(6) (b)(7)(c)

An OIG review of AR 12-16 found that the regulation states GOV’s will only be used for US government purposes, but that meals (along the main route) are allowable under certain circumstances. The regulation also states the GOV may not be used to run personal errands or take care of other personal matters, even if along the main route.

As OIG did not identify any evidence of a Federal criminal violation, this matter was not briefed to the Department of Justice.

5. (S/NF) This information is being provided to you for your review and action as you deem appropriate. Please advise this office within 60 days, via official correspondence, as to what action you have taken or plan to take. In particular, OIG is requesting your response with regard to the use of the GOV in this circumstance and the appropriateness of management providing authorization for the conduct of this type of stop. The OIG point of contact on this matter is

6. (U//FOUO) This memorandum is the property of the Office of the Inspector General. This memorandum may contain information that is required to be protected from disclosure to the public under the Freedom of Information Act, 5 U.S.C. §552, or the Privacy Act of 1974, 5 U.S.C. §552a. Therefore, access to this memorandum must be limited only to CIA officials who have a need to know. Recipients of this memorandum must take appropriate safeguards to protect the memorandum and the information contained therein from improper disclosure to the public. The memorandum and the information contained in the memorandum must not be disclosed outside of the CIA, including distribution to contractors, without prior written approval of the Office of the Inspector General.
SUBJECT: (U//FOOU) OIG Referral for Action - Alleged Misuse of a Government Vehicle (19-00019-1)

Signed by

cc: D/OS
   DS IG Program Manager

(b)(3) CIA Act
(b)(6)
(b)(7)(c)
SECRET//CIA INTERNAL USE ONLY/NOFORN


(b)(3) CIAAct

DIR/OIG: (26 August 19)

Distribution:

(b)(3) CIAAct