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BY THE U.S. GENERAL ACCOUNTING OFFICE

NCJRS

Report To The Attorney General

NOV 2 1982

ACQUISITIONS

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The Department Of Justice Needs To Address The Problem Of Two Personnel Investigations Being Conducted On All Bureau Of Prisons Employees

All positions within the Bureau of Prisons are classified as "sensitive" which requires that all employees obtain security clearances. In this report, GAO expresses the view that not all of the Bureau's positions need to be classified as sensitive and calls upon the Department to streamline the investigative process for positions that should be so classified.

Except for correctional officers, the Department of Justice concurred in the need to reexamine the security classification of the Bureau's positions. However, it did not indicate whether it would take any action to streamline the investigative process.



GAO/GGD-82-56
JULY 8, 1982



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

FEDERAL GOVERNMENT
DIVISION

B-206574

The Honorable William French Smith
The Attorney General

Dear Mr. Attorney General:

The General Accounting Office recently concluded a review of certain aspects of the Bureau of Prisons' hiring and training practices. One of the issues which surfaced during our review was the practice of conducting two personnel investigations on all new Bureau of Prisons' employees--a full field investigation by the Office of Personnel Management (OPM) and a background check by the Bureau.

All Bureau of Prisons' employees are classified as occupying sensitive positions and, as a result, must undergo background investigations and obtain security clearances. However, because the Bureau does not consider the investigation which is normally conducted in such instances--OPM's full field investigation--to be timely, it has obtained permission from the Department of Justice to also conduct its own investigations.

Our review showed that these investigations often duplicate one another and that there may be opportunities for carrying out the investigative process more efficiently. For example, it may not be necessary to classify every position within the Bureau as sensitive. By removing this position classification, the need for a security clearance would be eliminated. Also, we noted that savings could be achieved if OPM discontinued the practice of visiting agencies that have requested full field investigations to obtain information about the individual. Since these agencies already have access to this information, they are paying for something they really do not need.

Our findings, which are discussed in detail below, are the result of work performed at the Headquarters offices of the Department of Justice, OPM, the Bureau of Prisons, and at seven of the Bureau's correctional institutions. We obtained information on the Bureau's investigations as well as the full field investigation process and interviewed agency officials who were involved with personnel hiring and security. We analyzed a sample of 165 of the 473 full field investigations which were completed

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by OPM on Bureau employees in the first quarter of fiscal year 1981. This quarter was selected because we believed cases from that period would have been complete enough to have been processed through the Bureau and the Department of Justice by the time of our fieldwork--the third quarter of fiscal year 1981. Department of Justice security officials told us that they believed that the cases we selected were representative of the full field investigation reports they usually processed. We reviewed 131 of these cases to determine the extent to which OPM investigators visited the Bureau's facilities.

We also analyzed information obtained from the Bureau of Prisons on all of the 127 probationary employees who were terminated or resigned in lieu of termination in fiscal year 1980 to determine the extent to which full field investigations had been a factor.

BUREAU OF PRISONS' EMPLOYEES
UNDERGO TWO SECURITY INVESTIGATIONS

A personnel security investigation is an inquiry into the activities of an individual to determine whether he or she is reliable, trustworthy, loyal, suitable for employment, and of good character. Authorities use this information to make hiring decisions and issue security clearances.

Given that all Bureau of Prisons' positions are classified sensitive, Department of Justice Order 2610.2 stipulates that these positions can be filled only by persons for whom a full field security investigation has been conducted. Full field investigations include a check of Federal agency arrest and investigative records; personal interviews with employers, educators, neighbors, and references; and checks of other local sources such as police arrest records. OPM is responsible for conducting such investigations for nearly all Bureau of Prisons' employees. ^{1/}

In the past, the Department required that full field investigations be completed and decisions regarding applicants' suitability for employment be made prior to their being hired. However, the Bureau of Prisons considered this system to be too slow to handle its hiring and staffing needs. Full field investigations took an average of 100 days to complete, and the processing time required by the Bureau averaged an additional 40 days. Personnel officials at the Bureau told us that the majority of qualified applicants were not willing to wait several months

^{1/}The Federal Bureau of Investigation conducts background investigations for attorney positions. As of April 1982, there were about 15 attorneys in the Bureau.

before being hired. Wardens and personnel officials said the delay caused by waiting for the full field investigations threatened to leave some institutions without enough staff to maintain security. As a result, the Department of Justice authorized the Bureau to provisionally hire new employees after conducting its own preappointment investigation. These investigations, which are conducted in addition to full field investigations, enable the Bureau to make more timely decisions about the suitability of applicants.

The Bureau's investigation is performed by staff of the institution that is hiring the individual and contains many of the same components as the full field investigation. It includes a check of Federal agency arrest and investigative records and contacts with employers and references. The main differences between the two systems are (1) the full field investigator makes onsite visits to personally interview contacts and check records, whereas the Bureau obtains its information by telephone or through written inquiries; and (2) the full field investigation is more comprehensive in that it includes verifying education and residences and checking credit and local law enforcement records.

Conducting two investigations of employees is a costly venture. The Bureau of Prisons spent approximately \$1.5 million in fiscal year 1980 for 1,308 full field investigations--a cost of \$1,200 per investigation. Cost figures were not available for fiscal year 1981, but a Bureau official we interviewed expected the amount to be greater because the fee per investigation increased to \$1,350.

Because of insufficient data, we were not able to determine the cost of the Bureau's investigations. These investigations are made by numerous employees throughout the Bureau in addition to their other duties. Because the time spent on investigations is not accumulated separately, obtaining a reliable cost estimate would be extremely difficult. Bureau of Prisons' officials estimate, however, that the cost of their investigations is steadily increasing. They informed us that the Department of Justice has pushed the Bureau to improve its preappointment investigations to the point where the Bureau believes it will soon be doing an investigation equivalent to the full field investigation.

ALL BUREAU POSITIONS DO NOT
NEED TO BE CLASSIFIED AS SENSITIVE

OPM provides for a three-category system to classify Federal agency positions--critical sensitive, noncritical sensitive, and nonsensitive. Sensitivity designations are determined according to the degree of adverse effect the employee can have, by virtue of his or her position, on the national security of the country. The various department and agency heads have primary responsibility

for classifying positions and, depending upon these classifications, applicants are subject to varying degrees of investigation. Full field investigations are to be made only for persons applying for positions in the critical sensitive category.

Department of Justice Order 2610.2, "Personnel Security Regulations," stipulates that all positions within the Department are to be classified into only two categories--sensitive and nonsensitive--and provides general criteria for designating sensitive positions. Department officials expressed the belief that correctional officers and other staff who could be called upon to perform correctional officer-type duties should be classified as occupying sensitive positions. The specific provisions in the regulations which are used as a basis for this determination are that the positions involve

- duties directly concerned with the enforcement of laws or the protection of individuals or property; and
- legal, fiduciary, public contact, or other duties demanding the highest degree of trust.

In January 1979, the Bureau of Prisons' Director, in a memorandum to the Department, questioned the Department's interpretation of the regulation. He strongly disagreed and expressed the belief that correctional officer and ancillary staff positions should be designated as nonsensitive. The Director stated that correctional officers

- perform certain enforcement duties in their daily routine, but they enforce the policies and administrative rules of an institution, not the laws of the United States;
- protect property and persons, but these functions are only incidentally related to their primary requirement to supervise inmate activity and maintain the orderly operation of the institution;
- operate with very limited weapon-carrying authority--the vast majority of posts are established within the institution compound where weapons are prohibited; and
- do not typically have public contact because they perform their duties within areas which are intentionally and carefully isolated from the surrounding community and the general public.

On the basis of these observations, the Director did not believe that correctional officers fell within the group of positions anticipated in the Department order.

The Department of Justice's reply to the Director in May 1979 reaffirmed its position that duties with a primary responsibility

for ensuring the custody, safety, and well-being of inmates are duties which were in consonance with the criteria for sensitivity--the enforcement of laws and the protection of individuals and property. In addition, it was the opinion of the Department that duties involving the correctional treatment, supervision, and custody of criminal offenders were duties demanding the highest degree of trust and that these positions should be classified sensitive.

The Bureau of Prisons' Director, upon receiving the Department's reply, determined that every position within the Bureau would be classified as sensitive. Bureau of Prisons' officials told us that because the Department took such a strong stance concerning correctional officer positions, they chose not to argue and negotiate the security designation of each position with Justice. They decided to classify the remaining staff as being in sensitive positions because, under a broad interpretation of the order, all Bureau staff provide support and contribute to its primary responsibility of protecting society, workers, and inmates by operating safe and secure correctional institutions.

About 60 percent of the Bureau's approximately 9,000 employees occupy support positions, such as accountants, personnel specialists, clerks, and secretaries. We discussed these support positions with Bureau of Prisons' and Department of Justice officials who agreed that many may not need to be classified as sensitive. They said these positions involved only limited contact with inmates and would probably not be covered by the Department order.

Regarding correctional officers, it was our view that, on the basis of our observations at seven institutions, the Bureau's argument for reclassifying correctional officer positions to non-sensitive had considerable merit. We found correctional officers have no access to national security information, little public contact, and that their enforcement efforts are geared toward the policies and procedures of correctional institutions. When we discussed this matter with Justice security officials, they told us that correctional officer positions may not all require sensitive classifications and that they would be open to negotiating these positions with the Bureau on an individual institution basis. For example, the officials expressed the view that a sensitive classification may not be needed for correctional officer positions at minimum security facilities.

INVESTIGATIONS ON EMPLOYEES IN
SENSITIVE POSITIONS SHOULD BE CONDUCTED
MORE EFFICIENTLY

Because we believed that some positions in the Bureau would probably retain their classification as sensitive, we identified several alternatives for the Department of Justice to consider to

streamline the investigative process. We proposed that the Department could either (1) use an expedited version of the full field investigation that is now being offered by OPM; (2) allow the Bureau to use its system, with some refinements, in lieu of a full field investigation; or (3) request a full field investigation only if the Bureau's investigation provided some indication of a problem. We also suggested that prior to making a decision on the matter, information on what it is costing the Bureau to conduct its own investigations should be developed.

The primary reason why full field investigations are not useful to the Bureau of Prisons is that they are untimely. The results of full field investigations are not received until employees have been working with the Bureau an average of 5 months. Bureau officials told us that they have the opportunity to observe the employees during this probationary time and believe this observation period, coupled with information obtained during their own investigation, is more valuable to them than the full field investigation report when making decisions about an employee's fitness. The officials said that if the full field investigations were received before the individuals were hired, there would be no need for the Bureau to conduct its own investigations.

As of July 1, 1981, OPM began offering an expedited full field investigation which takes 35 days to complete and costs \$1,800. Since the expedited investigation would allow the Bureau to have the information on hand when making hiring decisions, the Department of Justice should explore this alternative with OPM. It would be more costly than the full field investigations that are currently being performed, but it could very well be more economical than the cost of doing two.

The Department, in commenting on a draft of this report, specified the conditions under which this alternative would be acceptable and rejected the other alternatives we proposed. In our view, the Department was not totally responsive in that it commented on the alternatives but was silent with respect to what it planned to do to address the problem of full field investigations not being timely. As we pointed out in this report, full field investigations took an average of 100 days to complete and processing time took an additional 40.

We have a difficult time reconciling the concern expressed by the Department over the serious threat that it believes undesirable individuals represent to the security of correctional institutions with its willingness to wait 5 months to receive an investigation report. If full field investigations are important, they should be completed sooner. And, if our proposals are not acceptable, the Department should develop a suitable alternative.

VISITS NEED NOT BE MADE TO
AGENCIES REQUESTING FULL FIELD
INVESTIGATIONS

Investigators from OPM often visit the agency requesting a full field investigation, in this case the Bureau of Prisons, to obtain information about the employee being investigated. At the employing institution or office, the investigators review the individuals' personnel files and interview their supervisors and co-workers to obtain information on work performance. This procedure is unnecessary because agency personnel have been observing and monitoring the employee's performance and conduct for some time. Bureau officials concur, claiming they would already know about any negative information the investigator might turn up.

Our sample data indicated that OPM investigators visited Bureau facilities in 103 of the 131 cases we reviewed. Since 1,308 full field investigations were conducted in fiscal year 1980, the number of visits could have exceeded 1,000. Bureau officials estimate that these visits take one investigator between 4 and 8 hours, depending upon the amount of travel required. Given that the average investigator is a GS-10 earning about \$10 per hour, we estimate that OPM's visits to the Bureau in fiscal year 1980 cost as much as \$80,000. This figure does not include travel expenditures or hours spent by the Bureau in accommodating the investigators' requests.

OPM officials told us that this practice occurs not only in the Bureau of Prisons but also in other agencies within the Department of Justice. They acknowledged that this procedure may not be needed but believed it was Justice's responsibility to request its discontinuance. When we discussed the matter with Justice security officials, they agreed that the visits might be unnecessary and stated they would study the matter further.

CONCLUSIONS

Security clearances do not appear to be needed for all Bureau of Prisons' employees. Because the Department of Justice informed the Bureau that correctional officer positions should be classified as sensitive, the Bureau decided to classify all other positions sensitive as well. A proper review is needed to ensure that the Bureau's positions are properly classified.

Other matters that should be addressed are the need for the Department to streamline the investigative process for personnel who are occupying sensitive positions and the practice of OPM investigators visiting the Bureau to obtain information on Bureau employees under investigation. We believe these visits should be discontinued.

RECOMMENDATIONS TO
THE ATTORNEY GENERAL

We recommend that the Department of Justice, in conjunction with Bureau of Prisons' security staff, assess the appropriate sensitivity classifications for each of the Bureau's positions. If agreement cannot be reached concerning the classification of correctional officer positions, we recommend that the Department of Justice request OPM to audit positions to determine proper sensitivity classifications.

In addition, we recommend that you (1) explore additional ways to streamline the investigative process for persons occupying positions classified as sensitive and (2) request OPM to discontinue its current practice of visiting Department of Justice agencies to obtain current information on employees who are undergoing full field investigations.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Justice commented on a draft of this report by letter dated April 12, 1982. (See app.) Overall, the Department agreed that certain entry level positions may be nonsensitive and that reclassification of these positions may be appropriate with a resultant savings in investigative costs.

The Department also expressed concern about several matters included in our report. The Department stated that

- Bureau applicants do not undergo two complete background investigations;
- correctional officer positions should be classified as sensitive; and
- full field investigations act as a deterrent and, without them, there would be a serious threat against the security of Federal correctional institutions.

We agree with the Department's contention that there is only one complete background investigation conducted--OPM's full field investigation. We used the term "investigation" to facilitate the discussion of the background check conducted by the Bureau and the full field investigation conducted by OPM, and explained the difference between the two on page 3 of our draft report. We concur that they are different and did not take the position that one could be eliminated without making changes to the other. Our primary objective was to offer recommendations for streamlining the process.

With respect to the Department's comments about correctional officer positions being classified as sensitive, our draft report

pointed out that although this has consistently been the Department's position on the matter, Justice security officials did acknowledge that a sensitive classification may not be needed for correctional officer positions at minimum security facilities. Our draft report proposed that OPM be requested to conduct an audit of correctional officer positions if the Bureau and the Department could not agree on how they should be classified. The Department's comments indicate that the Bureau now agrees with the Department on this issue. If that is the case, an audit is not needed.

The Department's comments about the security of correctional institutions being threatened if full field investigations are eliminated appear to us to be exaggerated. The comments seem to be based on the premise that full field investigations would be eliminated and nothing would be put in their place. Since our draft report discussed alternatives that might enable the Department to get the job done more efficiently, a discussion of what might happen to the security of correctional institutions if full field investigations are eliminated is not relevant.

In commenting on our recommendation that an assessment be made of each Bureau position to determine the proper sensitivity classification, the Department stated that the Bureau would propose to the Department security staff that certain entry level positions--clerks, secretaries, teachers, vocational instructors, physician's assistants, and wage board employees--be reviewed to determine their position sensitivity and possible exemption from the full field investigation requirement. For those positions that are exempted, the Bureau plans to use a refined interview/vouchering process that is presently being developed and will request a full field investigation only if potential problems are noted during this process.

The Department reiterated its position that correctional officer positions will continue to be considered sensitive, but was silent with respect to whether correctional officers would also be subject to the new interview/vouchering procedures. If full field investigations are going to be continued for correctional officers, we do not believe there is a need to expand the Bureau's procedures. Such action would appear to us to increase the potential for duplication and could make the total investigative process even longer than it is now.

Regarding our recommendation to the Department that it request OPM to discontinue its visits to correctional institutions, it was the Department's view that the matter be given further study. In deciding, the Department should take into consideration the basis for our recommendation--that information at institutions which is obtained by OPM is also available to the Bureau. If a procedure could be developed whereby the Bureau could send

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certain information to the OPM investigator, the Government could save the cost of a visit.

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We wish to thank you for the cooperation extended to us during this review. As you know, Section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House Committee on Government Operations and the Senate Committee on Governmental Affairs not later than 60 days after the date of this report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are sending copies of this report to the Director, Office of Management and Budget.

Sincerely yours,



William J. Anderson
Director



U.S. Department of Justice

APR 12 1982

Washington, D.C. 20530

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter is in response to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "The Department of Justice Needs to Address the Problem of Two Personnel Investigations Being Conducted on All Bureau of Prisons' Employees."

The basic theme of the General Accounting Office (GAO) study on background investigations of Bureau of Prisons (BoP) personnel centers on GAO's contention that two personnel investigations are being conducted on all employees. The report also states that "An Office of Personnel Management [OPM] security official . . . believed that the sensitive classification of correctional officer positions was questionable." The Department takes issue with GAO's contention that BoP employees undergo two security investigations, and the enclosed OPM letter of March 18, 1982, unequivocally reaffirms that correctional officers positions are considered sensitive positions.

The report also covers a number of other issues relating to background investigations of BoP personnel. All of these issues are identified and addressed separately below.

BoP Employees Undergo Two Security Investigations

One major premise in the report is that BoP applicants undergo two investigations. One investigation, according to GAO, is conducted by BoP and the second by the OPM. It is the Department's contention that only one complete background investigation is conducted, and that investigation is done by OPM. OPM full field background investigations provide coverage in accordance with the requirements set forth in Federal Personnel Manual Supplement 736-71, which calls for:

- A national agency check, which consists of a Federal Bureau of Investigation (FBI) fingerprint check, an investigative files search, and checks of other Federal law enforcement records.
- Personal (not telephonic) interviews with present and former employers, supervisors, fellow workers, personal references, neighbors, and school authorities.
- Checks of local law enforcement and credit records.

A preappointment full field background investigation, which includes the aforementioned coverage, is required for all applicants hired into sensitive positions in the Federal Government. However, to facilitate staffing needs, Departmental policy requires that a small portion of the OPM full field investigation be completed on a preappointment basis, namely, checking name and fingerprints, vouchering the applicant's employers for the previous 5 years, and contacting three references or associates. This procedure, commonly referred to as a preappointment check or "waiver package," is used widely in the Department by all Offices, Boards, Divisions and Bureaus. The preappointment check is provided for in DoJ Order 2610.2 "Personnel Security Regulations."

The BoP "investigation" referred to in the GAO report is not an investigation at all, but merely the preappointment check referenced above. This process is not an investigation and to refer to it as such, which GAO does throughout the draft, demonstrates the predominant misconception held by GAO. In essence, the preappointment check is that portion of the full field background investigation which the Department requires prior to entry on duty. These checks are the minimum background checks that would be conducted by any employer to verify former employments and obtain recommendations on suitability to hire. The preappointment check, as an investigative tool, has two shortcomings. In most cases, vouchering is informally conducted on the telephone, and second, only sources supplied by the applicant are contacted. No sources are developed which meet OPM's requirement for a full field background investigation. In fact, OPM states in its letter of March 18, 1982, that the telephone and/or written inquiries conducted by BoP under no circumstances fulfill the background investigation requirements of Executive Order 10450. Further, OPM would consider it helpful if the results of BoP's inquiries were furnished to them with the requests for background investigations. The Department will comply with this request to avoid duplication of effort in any areas given adequate coverage. In response to GAO's statement that "... the Department of Justice has pushed the Bureau to improve its preappointment investigations ..." the Departmental Security Staff is merely requesting that BoP comply with established Departmental policy for conducting preappointment checks.

OPM Conducts All Full Field Background Investigations For BoP Employees

OPM does not conduct all background investigations for BoP. Certain positions in BoP, as outlined in DoJ Order 2610.2, Paragraph 7h(1)(5), are investigated by the FBI.

All Bureau Positions Do Not Need To Be Classified As Sensitive

The Department would endorse a position sensitivity audit of BoP positions by OPM because sensitivity should be determined on a position by position basis. However, we believe that the sensitivity of correctional officers is an issue that has already been discussed, analyzed and mutually resolved by Department, BoP and OPM officials.

The Security Staff has maintained, since the effective date of DoJ Order 2610.2 (August 18, 1978), that correctional officer positions are sensitive.

At the height of this controversial issue in May 1979, the Security Staff received an opinion from OPM that correctional officers occupy sensitive positions. In a most recent meeting regarding position sensitivity, BoP agreed that correctional officer positions are sensitive and requested Security Staff assistance in obtaining relief from the preappointment FBI fingerprint check, which takes an average of 7 weeks. BoP sent a memorandum on this matter to the Assistant Attorney General for Administration, dated August 3, 1981, referring to portions of the personnel security regulations stating that correctional officer positions are sensitive. Subsequent to this memorandum and meeting, Security Staff representatives met with BoP to discuss relief from the preappointment fingerprint check processing time. The Security Staff designed a series of written questions to be used in lieu of the preappointment fingerprint check in the BoP preappointment interview. These questions have been included in a draft BoP program statement for eventual implementation in the preappointment application process. It should be noted that the GAO draft report makes no mention of the August 3, 1981 memorandum.

Several final points should be made with regard to position sensitivity:

- While GAO references the Security Staff memorandum of reply to BoP dated May 1979, the report fails to mention that OPM had designated correctional officers as occupying sensitive positions.
- According to the GAO draft, an "Office of Personnel Management security official . . . believed that the sensitive classification of correctional officer positions was questionable." The enclosed memorandum from OPM, dated March 18, 1982, reaffirms that correctional officer positions are sensitive.

Full Field Background Investigations Rarely Produced Any Information Which Influenced BoP's Decisionmaking

According to GAO, "full field investigations rarely produced any information which has influenced the Bureau's decisionmaking." We disagree with this assertion because termination statistics are not a valid measure of the worth of a background investigation. The Security Staff requires that BoP, as well as other Offices, Boards, Divisions and Bureaus, address and resolve derogatory information. In addressing this information, the employee is interviewed and the results of the interview are made a part of the background investigation. This interview, in addition to putting the employee on notice that the Department is aware of derogatory information, provides an excellent vehicle for counseling and discussing Departmental security policy.

The Security Staff also believes that the background investigation acts as a deterrent. The risk of bringing attention to past misconduct or criminal behavior through a full field background investigation reduces the number of potential undesirable applicants. Finally, the GAO report states that only eight terminations were based on information obtained through the full field background investigation. If full field background investigations are discontinued, over a period of 5 years, 40 or more personnel could be hired and placed inside Federal correctional institutions who would otherwise not have been hired or terminated. Moreover, the background investigation, as a

deterrent, has probably discouraged 21 additional eight individuals a year from applying for the correctional officer position. Thus, over a period of five years, 40 more undesirable employees would not have been deterred from entering the Federal Prison System as correctional officers. While these numbers are relatively small to the BoP work force, they represent a serious threat against the security of the Federal correctional institutions. These points were made on several occasions when Security Staff representatives met with the GAO audit team.

Visits Need Not Be Made To Agencies Requesting Full Field Investigations

The Security Staff has given serious consideration as to the necessity of OPM visiting the agency requesting the background investigation. Our experience with background investigations has demonstrated that "developed" employments (disclosure that applicant was fired from a job) are uncovered as a result of the Official Personnel File review which is conducted at the institution. These developed employments often are intentionally omitted by the applicant from security paperwork because they yield derogatory information from a former employer. During meetings with the GAO audit team, two items were discussed regarding OPM agency visits. The first item was the OPM visit to the BoP duty station. For the reasons stated above, the Security Staff would like this coverage continued. The other item was the OPM visit to the Security Staff file room, called a security check. In the majority of the cases checked, the Security Staff has "no record" because the OPM background investigation is the security file. The check of Security Staff files is the visit we believe OPM should discontinue.

Recommendations to the Attorney General

GAO has set forth three recommendations which are addressed below:

1. GAO recommends the Department, in conjunction with the BoP security staff, assess the appropriate sensitivity classification of each BoP position, and if agreement cannot be reached, request an OPM audit. The Department is addressing this recommendation through implementation of two procedures:

Use of a refined interview/vouchering process for prospective BoP employees. BoP, in conjunction with the Department's Security Staff, is developing a detailed and somewhat standardized interview format designed to elicit information related to security and suitability concerns in addition to qualifications and aptitude for employment. Each servicing personnel office will also be required to complete an expanded vouchering process to include checks of employers, personal references, law enforcement agencies and credit bureaus. Details of the proposed procedures would be subject to approval by the Security Staff.

Request exemption from full field investigation requirement for certain entry level positions. DoJ Order 2610.2 requires full field investigations for the occupants of all sensitive positions. BoP will submit requests to the Security Staff proposing that certain entry level positions, such as clerks, secretaries, teachers, vocational instructors, physician's assistants and wage board employees, be reviewed to determine their position sensitivity and possible exemption from the full field investigation requirement. Correctional officers will be excluded from this procedure to conform with OPM's

sensitivity determination. In lieu of the full field investigation, the results of the refined interview/vouchering process mentioned above will be submitted to the Security Staff for review and clearance. If no derogatory information is disclosed, the applicant could be hired. Should the in-house investigation disclose derogatory information, the Security Staff would require OPM to conduct a post-appointment full field investigation. We anticipate that these investigations would be relatively few in number, and the higher cost to expedite these fewer investigations would be more economical than having a full field investigation conducted for every employee.

2. GAO recommends that, for those BoP positions which remain classified as sensitive, the Department either (1) instruct BoP to obtain expedited full field investigations from OPM and discontinue its own investigations; (2) request OPM to give the Department the authority to allow BoP to use an expanded version of its own investigation as a substitute for full field investigations; or (3) retain the option of requesting a full field investigation, but only when BoP's investigation provides some indication of a problem. Before making such a decision, BoP should develop cost data on the investigations it conducts.

Option (1) of this recommendation is acceptable only if BoP has the full-field background investigation conducted, completed, adjudicated and approved under Executive Order 10450 before the individual enters on duty. Otherwise, the Department requires an approved preappointment check and evidence that the background investigation has been initiated prior to entrance on duty.

Under option (2), the Department does not consider it a prudent decision to request a higher tier organization for a delegation of its authority to conduct the investigative function, especially when that function is being accomplished in a timely and acceptable manner. Moreover, it is not likely OPM would approve such a request because (a) an expanded version of the preappointment check would not meet OPM's standards for a full field background investigation, (b) BoP employees conducting the preappointment check lack the expertise needed to conduct full field background investigations, and (c) the Department would find it difficult to obtain new positions for qualified investigators to conduct full field background investigations under current staffing constraints. OPM, on the other hand, has the staffing and expertise to conduct such investigations.

Option (3) is an unacceptable recommendation for all of the reasons stated in this report.

3. The draft report recommends the Department request OPM to discontinue its current practice of visiting Departmental agencies to obtain current information on employees who are undergoing full field investigations. This matter was addressed earlier in our comments and, for the reasons cited, we prefer this coverage be continued. As for OPM visits to the Security Staff file room, we agreed that these visits should be discontinued. The question as to whether OPM should discontinue its visits altogether is a matter which needs further study to ascertain its impact on OPM's information gathering process and on the final investigative results.

Overall, while we do not agree that two personnel investigations are being conducted on all BOP employees, we do agree that certain entry level positions may be nonsensitive, and reclassification of these positions may be appropriate, with a resultant savings in investigative costs.

We appreciate the opportunity to comment on the draft report. Should you desire any additional information pertaining to our response, please feel free to contact me.

Sincerely,

Kevin D. Rooney
Kevin D. Rooney
Assistant Attorney General
for Administration

Enclosure

APPENDIX

APPENDIX



United States
Office of
Personnel Management

Washington, D.C. 20415

In Reply Refer To

Your Reference

Mr. D. Jerry Rubino, Director
Security Programs Staff
Justice Management Division
Department of Justice
Washington, D.C. 20530

MAR 18 1982

Dear Jerry:

In response to recent questions which have come to our attention regarding the sensitivity designations of the positions held by Bureau of Prisons' (BOP) employees, this office has made an in depth overview of the positions involved.

It is our firm opinion that the positions involved are sensitive by the standards set forth in FPM Chapter 732, Subchapter 1, part 1-3, and by the Department of Justice Order 2610.2, as being of high public trust and totally involved in law enforcement.

It should be further noted that the telephone and/or written inquiries conducted by BOP staff are under no circumstance to be considered up to the standard for a background investigation. In fact, they would not be considered as adequate to replace the NACI portion of our investigation. This type is absolutely not sufficient to fulfill the requirements of Sections 3(a) and 3(b) of E.O. 10450.

It would be considered helpful if the results of any prior inquiries by BOP staff be furnished to OPM with the requests for background investigations. In this manner, it would avoid duplication of effort in any areas given adequate coverage.

Sincerely,

Joseph R. Knaizk, Chief
Investigations Evaluation Division
Office of Personnel Investigations

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