



SPECIAL INVESTIGATIONS UNIT

QUALITY STANDARDS

ADOPTED 6 July 2020

INTRODUCTION

Mission Statement

Our mission is to promote transparency and accountability in the use of public funds, to expose fraud and corruption where it exists, and to assist law enforcement and prosecutors in the pursuit of justice.

Purpose

This document details the quality standards adopted by the Special Investigations Unit (“SIU”) for case activities¹ conducted by its members. In accomplishing the mission of the Auditor of State’s office, SIU utilizes various investigative techniques, in conjunction with forensic audit expertise, to gather and assess evidence related to allegations of wrongdoing within governmental offices and agencies subject to the Auditor of State’s jurisdiction, and, as appropriate, those doing business with those governmental offices. In doing so, it is incumbent upon SIU to do so with the greatest degree of professionalism, independence, integrity and in accordance with the best practices utilized by agencies with similar missions.

This document establishes the quality standards and guidelines for SIU team members to follow in the course of carrying out their duties, both to promote the effective and efficient execution of duties and to ensure accurate and reliable findings².

Acknowledgement

We would like to acknowledge the following organizations and their respective publications for helping to inform the development of these standards:

Association of Inspectors General: *Principles and Standards for Offices of Inspectors General*, “Quality Standards for Investigations”

Council of the Inspectors General on Integrity and Efficiency: *Quality Standards for Investigation*

Council of the Inspectors General on Integrity and Efficiency: *Quality Standards for Inspection and Evaluation*

¹ “Case activities” as used throughout this document refers collectively to forensic audit and investigative work.

² Audit work completed as part of a Special Audit 2 will conform to the standards established in the Yellow Book.

GENERAL STANDARDS

A. Staff Qualifications

Individuals assigned to conduct the case activities of the SIU must possess the knowledge, experience and professional proficiency required to perform such tasks.

Guidelines

Education and Experience – Newly appointed SIU team members shall have demonstrated through the hiring process a combination of education and professional experience that properly equips them for the duties at hand. Evidence of such may include some or all of the following: completion of relevant post-secondary educational courses and/or programs; licensure as a Certified Public Accountant and/or professional designation of Certified Fraud Examiner; law enforcement training and/or certification; investigative and/or audit experience with local, state or federal law enforcement or governmental agencies; experience investigating fraud and other white collar criminal activities; or other relevant education or experience that establish to SIU fitness for the duties.

Character – Each and every SIU team member shall maintain the highest standards of ethical conduct, especially in matters of honesty and integrity, fully aware that falling short of this guideline significantly impairs, perhaps irreparably, their credibility and may jeopardize the performance of their duties. To that end, in the hiring process, applicants will be subject to pre-employment screening that may include: criminal history checks; drug screening; queries of commercially available databases; previous employment and reference checks; or other screening measures deemed necessary or prudent by the Auditor of State and SIU.

- It is the responsibility of SIU management to set the tone for ethical behavior within SIU by maintaining an ethical culture and environment in which standards for acceptable behavior and expectations are clearly communicated.
- In matters of integrity, all SIU team members are to perform their duties with an attitude that is objective, fact-based and apolitical, and are expected to be honest and candid.

Knowledge, Skills, Abilities – It is incumbent upon leadership of SIU to ensure that all SIU team members possess the requisite knowledge, skills and abilities to fulfill the responsibilities of the positions. Included are the following:

- Knowledge of the theories, principles, practices and techniques of audit and/or investigation, and the combination of education and experience to apply that knowledge appropriately.
- Knowledge of the governmental organizations, agencies, activities and functions that are the focus of case activities.
- Knowledge of applicable laws, regulations and rules to be examined and applied to the facts of assigned cases.

- Necessary skills and abilities to conduct interviews, collect and analyze data and information, apply sound reasoning to draw conclusions supported by facts and evidence, and produce and provide clear and concise oral and written reports.
- Necessary skills and abilities to prepare and serve subpoenas, apply for and assist in the execution of search warrants, and prepare and obtain signed, sworn statements.
- Necessary knowledge, skills and abilities to utilize technological and other tools needed to carry out case activities in the most efficient and effective manner possible.

B. Independence

All SIU staff involved in performing or supervising case activities and assignments must be free of personal or external impairments to independence, including being mindful of apparent impairments.

Guidelines

Personal Impairments – Circumstances that may undermine the impartiality of an individual conducting case activities may include:

- Official, professional or personal relationships.
- Previous involvement with a group or organization being examined, especially if that involvement was in a management or decision-making capacity.
- Direct financial interest. Indirect financial interests that may have a negative impact on the scope, quality or outcome of case activities, or that create an appearance of a conflict, are also to be avoided.
- Any other circumstance, opinion, bias or other impairment that the individual feels could affect independence, impartiality or present an appearance of such.

To that end, all SIU personnel are required to periodically prepare and submit Confirmation of Independence (COI) forms identifying potential conflicts stemming from familial or close personal relationships with individuals employed by governmental agencies subject to the jurisdiction of the Auditor of State. Additionally, SIU staff are required to examine each case assignment and proactively identify real or potential impairments to independence, and file an updated COI to disclose any such impairments.

External Impairments – Factors external to SIU that may restrict or impair the ability of an individual to complete case activities with independence and objectivity include:

- Outside interference in case assignments.
- Outside influence on the scope or conduct of case work and/or restrictions on access to sources of information, be they witnesses, evidence, documents or other records.

C. Due Professional Care

Due professional care must be used in conducting case activities and preparing related case reports and referrals.

Guidelines

Thoroughness – Case activities must be conducted in a timely, diligent and complete manner, and reasonable steps must be taken to ensure that sufficient and relevant evidence is collected, reviewed and analyzed; all pertinent issues are sufficiently resolved; and appropriate criminal, civil, and/or administrative remedies are considered.

Legal Requirements – Cases must be initiated, conducted and reported in accordance with all applicable laws, rules and regulations; guidelines from applicable prosecutorial authorities; and internal SIU policies and procedures. Due respect for the rights and privacy of those involved shall be maintained.

Appropriate Techniques – Investigative and forensic audit methods and techniques used to conduct case activities should be appropriate for the circumstances and objectives.

Impartiality and Objectivity – All case activities must be conducted in a fair and equitable manner, and all evidence gathered, evaluated and reported in a fair, unbiased manner in an effort to determine the validity of any and all allegations.

Ethics – At all times, SIU team members must conform to the highest standards of ethical conduct.

Timeliness – Case activities must be conducted and reported in as timely a manner as possible, appropriate to the complexities of each case.

Accurate and Complete Documentation – Case findings, conclusions, and outcomes, including indictments, convictions and recoveries, must be supported by sufficient documentation in the case file.

Professional Skepticism – SIU team members are expected to use sound judgment and critical analysis when assessing evidence, records and data, objectively evaluating each for sufficiency and relevance, and should never assume either honesty or dishonesty when evaluating those providing evidence and/or witness and suspect statements.

QUALITATIVE STANDARDS

A. Planning

Case activities should be properly planned to ensure that all tasks are executed in a manner that maximizes efficiency and effectiveness.

Guidelines

Organizational Planning – It is the responsibility of leadership within SIU to prioritize cases and to make the priority level attached to each case known to those to whom the case is assigned. Organizational level planning includes consideration of available resources, caseloads and time constraints when making case assignments. Factors such as the significance of the allegations, including relevance and timeliness, and the significance or impact of potential or likely outcomes may also be considered when establishing priority of case assignments.

Individual Case Planning – Upon the initiation and assignment of a case, a case activities plan should be developed at the earliest opportunity. Effective planning provides a basis for conducting and concluding cases in a timely, efficient, thorough and objective manner. Case plans should address the following components:

- The planned focus, objectives and scope of all case activities.
- Possible violation(s) of law, rule or regulation (include criminal, civil and/or administrative).
- Steps to be taken, including which activities may be pursued in parallel, and which are to be undertaken jointly.
- Resources needed.
- Coordination with outside agencies or authorities, if applicable.

Case plans should be considered living documents, and should be reviewed and updated throughout the course of the case. Updates should be based on the evolving nature of the case as new evidence, allegations, witnesses or other relevant factors are identified.

B. Case Activity

All case activity should be conducted in a timely, efficient, thorough and objective manner, and carefully documented and organized to demonstrate that all conclusions reached are factual and supported.

Guidelines

Collecting Data – Data gathered and analyzed as part of the case should be accurately interpreted, logically presented, and maintained in the case file.

- The basis and support for all findings should be carefully organized and described in the case file.
- All data collected should be relevant to the informational needs of the case and not exceed the scope of case objectives.
- Due care and professional judgment should be used when assessing validity and reliability of data.

Collecting Evidence – Evidence should be collected in a manner that ensures all known or relevant material is obtained, the chain of custody is established and preserved, and the evidence is admissible in any subsequent proceedings.

- Evidence collected should be sufficient to support the case findings, logically related to those findings, and consistent with the facts of the case.
- Evidence should be reliable and the best available, and the source, independence, and originality of evidence should be considered when assessing its reliability.
- Procedures for the disposal or return of evidence should be established, well-documented and carefully observed.

Interviews – Planning and preparation should precede planned interviews in order to provide the best opportunity for achieving case objectives. Particular attention should be given to obtaining the interviewee's observation and knowledge of incidents and actions, events, and/or statements of others that have bearing on the case. Information, identification and likely location of relevant documents, and/or documents or records provided should be properly documented. Requests for confidentiality should be discussed and decided prior to an interview with a subject, and should be honored to the extent legally possible.

Records Management – Case records should be stored in a manner that allows for effective retrieval, reference and analysis, while also ensuring the protection of all sensitive data.

- Complaints received shall be reviewed and timely entered into the case management system for accountability and tracking purposes. Requests for confidentiality and/or anonymity shall be documented and addressed in as timely a manner as feasible.
- Case initiation, designation and disposition shall be documented for accountability and transparency in the case management system, as well as through meeting agendas and post-meeting instructions from the Special Audit Task Force.

- All electronic case records and information shall be maintained in the case management system, office audit software program, and/or on the office network file locations or other office-approved or provided data storage medium.
- Case records shall be maintained in accordance with all applicable laws, rules and policies governing duration, accessibility, restrictions, privacy and disposition or destruction.

C. Reporting

Case reports must thoroughly address all relevant aspects of the case, and be accurate, clear, complete, concise, organized, timely and objective. While reports such as Special Audit Reports and Prosecutor / Grand Jury packets should follow layout and format specific to those reports, the following guidelines apply to content, tone and objectivity.

Guidelines

In the preparation and presentation of a case report – whether oral or written, interim or final – the following guidelines should be observed:

- Reports should present clear and concise statements of fact and applicable law, rule or regulation that was allegedly violated.
- Reports should be well-organized, accurate, complete, concise, impartial and clear.
- Reports should be written in a straightforward and grammatically correct manner, avoiding the use of unnecessary, obscure and confusing verbiage or jargon.
- Exculpatory evidence and mitigating information should be clearly presented.
- All evidence outlined in a report should be supported by documentation in the case file.
- Reports should contain a clear statement of the outcome or accomplishment of the case, including indictments, convictions, fines, recoveries or other relevant outcomes.
- Where applicable, reports should document systemic weaknesses or management problems identified during the course of the investigation.