



United States
Office of Government Ethics

1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

January 22, 2003

✓ Steven J. Morello
General Counsel and
Designated Agency Ethics Official
Department of the Army
104 Army Pentagon
Washington, DC 20310-0104

Dear Mr Morello:

The Office of Government Ethics (OGE) recently completed its review of the ethics program at the Department of the Army (Army) Criminal Investigation Command (CID). This review was conducted pursuant to section 402 of the Ethics in Government Act of 1978, as amended (Ethics Act). Our objective was to determine the ethics program's effectiveness and compliance with applicable laws and regulations. The review was conducted during October and November 2002. The following is a summary of our findings and conclusions.

HIGHLIGHTS

CID has a generally strong ethics program. Ethics officials are committed to the difficult job of serving CID employees located throughout the world. OGE commends the Deputy Ethics Counselor (DEC) for her efforts to educate non-covered personnel on the ethics rules and provide tailored training for others.

ADMINISTRATION

CID's ethics program is administered by its Staff Judge Advocate, who serves as the DEC. At CID headquarters, the DEC is assisted in the review of financial disclosure reports, the provision of training, and the dissemination of advice by one attorney-advisor. The DEC also maintains almost daily contact with CID's geographically-dispersed Group Legal Advisors and Group Judge Advocates, who serve as ethics counselors for their respective areas of operation.¹

¹The Army Crime Records Center and the Army Criminal Investigation Laboratory do not have their own ethics counselors, but utilize those at headquarters instead. Group Legal Advisors are civilians, while Group Judge Advocates are military personnel. For ease of reference, the term Group ethics counselors will be used throughout this report to refer to both Group Legal Advisors and Group Judge Advocates.

FINANCIAL DISCLOSURE SYSTEMS

CID manages effective public and confidential financial disclosure systems, which generally comply with 5 C F.R. part 2634. We examined the one CID public report filed in 2002 (by the Commanding General), which is forwarded to the Army's Standards of Conduct Office (DA SOCO) for review and certification. This report was filed, reviewed, and certified timely and the review by DA SOCO appeared to be thorough, as we identified no technical or substantive deficiencies in our examination of the report.

We also examined a sample of the 149 CID confidential reports required to be filed in 2001.² These consisted of all 25 reports filed at headquarters and 26 of the reports filed with the Group ethics counselors. The confidential reports were generally filed, reviewed, and certified in a timely manner.³ Additionally, the review of the reports appears to have been thorough as we identified few technical and no substantive deficiencies.

Notwithstanding the apparent quality of the review of the reports, two of the six new entrant reports examined were reviewed over six months late. The attorney-advisor surmised that the delay in the review of the new entrant reports may be due to the filers' distant assignments as part of the 701st Major Procurement Fraud Unit. These reports are initially filed during the hiring process, which is conducted by the headquarters Civilian Personnel Office. If the filer is hired, the report is sent to the new employee's supervisor in the field who reviews the report and then forwards it to the 701st Group ethics counselor, who is located at 701st Group headquarters.

ETHICS EDUCATION AND TRAINING

The initial ethics orientation meets the requirements in subpart G of 5 C F.R. part 2638, while annual ethics training did not meet the requirements. In addition, CID provides education and training not required by subpart G.

²Recently, CID significantly decreased the number of positions requiring the filing of a confidential report, the requirement has been eliminated for most investigative positions, with the exception of those in the Procurement Fraud Unit.

³Accuracy in making this determination was difficult due to the failure of ethics counselors to record the date reports were received, as required by 5 C F R § 2634.605(a). Therefore we used the dates on which filers signed their reports to determine filing timeliness. We reminded headquarters ethics counselors of the requirement to record the dates on which reports are received from filers.

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According to the DEC, initial ethics orientation is provided to all new employees by their respective Group ethics counselors. The attorney-advisor provides the training materials, including *The Employees' Guide to Standards of Conduct* (developed by the Department of Defense (DOD) Standards of Conduct Office), as well as handouts on the DOD supplemental standards of conduct and topics such as use of Government equipment.

Based on discussions with headquarters ethics counselors and an examination of supporting documentation, annual ethics training was provided to CID's 1 public filer and approximately 150 confidential filers in 2001. The DEC provided the training to the public filer (the Commanding General), while confidential filers were provided training by their respective Group ethics counselors.

Finally, CID provides education and training in addition to initial ethics orientation and annual ethics training. The DEC occasionally publishes ethics-related articles in CID's Command Newsletter. Moreover, a section of the annual Special Agent in Charge Conference is dedicated to ethics. For example, at the 2001 conference, officials discussed gifts from outside sources and financial interests in business organizations under investigation. Attendees were given the *Employees' Guide to Standards of Conduct* as a reference.

COUNSELING AND ADVICE

We provided the OGE Desk Officer to whom Army is assigned a sample of ethics-related advice and counseling rendered by CID headquarters ethics officials from 2000 to the present. Based on her examination of this written advice, she concluded that all advice complied with applicable ethics laws and regulations.

TRAVEL PAYMENTS FROM NON-FEDERAL SOURCES

According to the attorney-advisor, employees wishing to accept payments under 31 U.S.C. § 1353 must consult with an ethics counselor. After receiving his or her approval, employees present the appropriate information to their supervisor, who either approves or denies the travel. The attorney-advisor at headquarters is responsible for compiling a report semiannually of all 31 U.S.C. § 1353 gift acceptances of more than \$250 per event for submission to DA SOCO.

CID reported no acceptances from April 2000 through September 2001, and only one acceptance from October through March 2001. This was for an employee at headquarters and the DEC attested that the employee had consulted with her prior to receiving approval from the Commanding General.

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CONCLUSIONS

CID's ethics program is in compliance with applicable laws and regulations. We commend the headquarters ethics staff and Group ethics counselors for administering an ethics program for numerous personnel located throughout the world. We recognize the challenges inherent in managing a program for such a geographically dispersed population and laud CID's ethics officials for their proactive and cooperative efforts

In closing, I wish to thank the headquarters ethics staff for their cooperation during the course of our review. A copy of this report is being forwarded to Army's Inspector General via transmittal letter. Please contact Dale Christopher at 202-208-8000, extension 1130, if we can be of further assistance.

Sincerely,



Jack Covalesski
Deputy Director
Office of Agency Programs

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