

AFCIA Message Board

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<p>AFCIA</p> <p>Registered: 01/12/07 Posts: 283</p>	<p><i>06/10/10 at 04:20 PM</i></p> <p>AFCIA POINT PAPER ~ ~ June 10, 2010</p> <p>Many questions have been asked by field investigators concerning the return of case notes.</p> <p>Historically, the return of case notes for Contract Investigators goes back to the closing months of the Defense Security Service (DSS) contract. Since that time, the Office of Personnel Management (OPM) has mandated notes be returned with the Report of Investigation. Other government agencies require that notes be destroyed 90 or 120 days after closing the case.</p> <p>Every investigator who has been conducting investigations outside the OPM knows that notes are "for the investigator's use". Notes assist the investigator in writing the Report of Investigation (ROI). All information contained in the ROI does not appear in notes and vice versa.</p> <p>In the past few years, there have been "many" investigators accused of "ghost writing"/falsifying statements/fraud, etc. Most of these investigators have been investigators for many years and have served their perspective agency(s) well and all of a sudden their credibility, integrity, personal and professional ethics are in question - Not to mention that those investigators who have taken up the task of defending their honor, loyalty, integrity and reputation have spent thousands of dollars to do so.</p> <p>Many investigators have lost credentials, money, time, and livelihoods because they are accused up to one or two years later that they committed a federal crime. These investigators are in a catch 22 situation – They have nothing to defend themselves! Notes are gone! Copies of everything are destroyed. They're notified one or two years later and where is the courtroom defense?</p> <p>By no means is anyone saying that a "ghost writer" - malicious and intentional offender should not be punished.</p> <p>Doesn't it strike anyone strange that the numbers of investigators who are appearing in federal court has grown to that which no one has ever seen before? So, it would stand to reason that there is a common denominator.</p>

	<p>There have always been quality assurance programs in place but all of a sudden (during the past five years) hundreds of investigators are inept or criminals?</p> <p>What has changed since the DSS investigating program where there was a clear and defined line between personal security investigations and background investigations?</p> <ul style="list-style-type: none"> -[if !supportLists]-->• <!--[endif]-->Investigator required experience -[if !supportLists]-->• <!--[endif]-->Investigation standards and requirements (over 40 types of investigations / substandard coverage) -[if !supportLists]-->• <!--[endif]-->Investigator performance timelines (quantity vs. quality) -[if !supportLists]-->• <!--[endif]-->Investigator clearances (OPM Agents and Investigators do not have a security clearance) -[if !supportLists]-->• <!--[endif]-->Investigator pay (much lower pay with shorter time line mandates) -[if !supportLists]-->• <!--[endif]-->Investigator inability to report security violations/breaches/compromises (due to knowledge and/or no clear defined process) <p>And, <u>what</u> suffers? THE NATIONAL SECURITY!</p> <p>And, <u>who</u> suffers? YOU!</p>
<p>ronhowerter</p> <p>Registered: 06/10/09 Posts: 1</p>	<p><i>06/10/10 at 09:45 PM</i></p> <p>Get over it! If your performing your job, conducting the leads, taking the notes, and producing an authentic ROI based on those notes, there should be no problems. Send them in, for Christ sake! In AFOSI, all notes, taken on napkins, match book covers, or notebooks were part of the case file and submitted. Just do it!</p>
<p>martinc</p> <p>Registered: 12/19/06 Posts: 122</p>	<p><i>06/11/10 at 11:06 AM</i></p> <p>Mr. Howeiter,</p> <p>Speaking as a contract investigator and NOT as the President of the AFCIA, I believe that you might have missed the point. Getting over it is not very easy when one has been an FBI, DSS, CIA, ATF, DEA, intelligence/counterintelligence etc. agent or a police, sheriff, or constable detective for over half your life and all of a sudden one's integrity and credibility is not only questioned but is tagged as a suspected criminal.</p> <p>The AFCIA has assisted 19 members with their cases of being threatened, harassed and accused of being a criminal. Three are still in court. All have spent tens of thousands of dollars in legal</p>

	<p>fees and at the end of the day, their retirement is gone, their families humiliated, and their livelihood shattered. And over what? . . . notes that were turned-in over a year or two ago.</p> <p>If anyone doesn't believe that it can happen to them, they are sadly mistaken.</p> <p>Carolyn Martin</p>
<p>PCB</p> <p>Registered: 01/25/08 Posts: 74</p>	<p><i>06/12/10 at 10:52 AM</i></p> <p>I have no problem whatever with taking and sending in notes, never have. I do however have a problem with being told what kind of paper to use, what to include, tracking requirements and being told that the ROI should be able to be recreated by looking at my notes....by someone else. OPM policy in this regard is absolute insanity.</p>
<p>weldonk</p> <p>Registered: 05/13/07 Posts: 63</p>	<p><i>06/13/10 at 02:17 PM</i></p> <p>It's not a case of "getting over it" it is a case of an onerous piling on of more regulations on already underpaid and at times overworked investigators (the "sharp point of the spear"remember) You mentioned taking notes on napkins, match book covers, etc. So what happens when OPM does not think that is sufficient and wants a complete set of legible, neat notes- so lets see notes of my notes plus the ROI-makes sense. Yes I kept my notes of interviews to help in preparing my formal ROI to put in the file and to testify from if necessary in my former investigative life. Many times my ROI was from my notes and at times from my "recollected memory" when it went into the file signed or initialed by me attesting to the ROI's validity . But those notes were for me and me alone to assist in preparing an ROI or in testifying on the stand (which I have done on many occasions) as a "refreshment of memory." and for no other purpose. MY SAVED NOTES WERE NOT FOR THE PURPOSE OR TRYING TO DETERMINE IF I FALSIFIED MY ROI. When I electronically "signature" my ROI that is my "testimony" that it is true and correct and I stand on that.</p> <p>Also what happens when the validity of my ROI comes into play and I have neither it nor my notes to look at and "refresh my memory" in replying to an allegation of providing fraudulent information as I have sent them in as part of the ROI. At least in my former investigative life I could walk over to the file cabinet, pull the file and find my notes in what we called the "1-A" section of the file in an envelope.</p> <p>In closing if we have to send in our notes so be it but don't tell me what kind of format, etc they must be in and be sure to make them available to me if my ROI comes into question regarding it's validity so I can conduct a satisfactory defense regarding my actions or alleged lack of.</p> <p>In my opinion I just see this as another OPM "footprint" with a message of "we are in charge."</p>
<p>AFCIA</p> <p>Registered: 01/12/07 Posts: 283</p>	<p><i>06/14/10 at 11:36 AM</i></p> <p>I agree with what you are saying. I for one do not see what is wrong with the investigators keeping a copy of their notes and also feel that investigator notes are just that, THE investigators notes. I do not write everything the person tells me on the notes but try to write the report up as soon as I can through a lot of recall as my note taking skills are crap and even I can't read them too good if</p>

	<p>time lapses. Some companies want one source on one sheet of paper, to me this is a waste if there is no derog info. Since the company I work for does not pay for the paper, I am going back to writing notes on the whole page regardless of how many sources/references I interview that are on the page.</p> <p>As far as the falsification plague that has recently come about, I understand through an OPM/FISD source that OPM is trying to train six agents from each region in investigating fraud/falsification issues. It would seem to me to try and determine why all the fraud/falsifications are being done. There is something out there that is causing this. Could it be quantity vs quality? Also understand that OPM/FISD is planning on hiring 400 additional agents.</p> <p>Just my two cents worth</p>
<p>sprange</p> <p>Registered: 12/27/06 Posts: 64</p>	<p><i>06/15/10 at 10:04 PM</i></p> <p>To quote another AFCIA Member's comment: "OPM policy in this regard is absolute insanity". So when did this stop OPM from enforcing its policies?</p> <p>And to borrow the comment of another member, "OPM's footprint is clearly visible"...</p> <p>OPM's influence is also apparent in a recent e-mail from CACI banning the use of templates for note-taking. It does not seem to matter to OPM that all CBP and ICE vendors, as well as numerous others, require the use of templates. And Keypoint, another OPM vendor requires the use of its templates. It only serves to generate more mistrust and confusion when federal agencies and vendors have different policies regarding note retention and templates.</p>
<p>PCB</p> <p>Registered: 01/25/08 Posts: 74</p>	<p><i>06/17/10 at 02:17 PM</i></p> <p>One word to describe OPM's latest lunacy: Manifests. Investigators have nothing better to do than fill out form after form after.....</p>
<p>AFCIA</p> <p>Registered: 01/12/07 Posts: 283</p>	<p><i>06/29/10 at 12:08 PM</i></p> <p>The training coordinator told us that Key Point not only wants all the Investigator's notes, but also all the case papers returned to Key Point. I never researched the OPM Handbook concerning the necessity to mail/FedEx in the Investigator notes and now all of the case papers, SF-86, CBR, etc. We were told this is CBP's new policy. I suppose we can't be trusted to shred all these documents after a given retention period. I usually wait at least 6 or so months as it is taking up wards to 6 months from the time of the SSBI until a new recruit BPA is hired. If there are any issues they should be revealed by then.</p> <p>Once more work is farmed out from CBP and the workload becomes overbearing I'll bet the vendors will be thinking twice about having to store all those sensitive materials (PII, including notes and other case documents). They may have to hire more employees just to file and shred expired sensitive materials. I can just see the vendors dedicating 100+ locking file cabinets for</p>

storage of these documents in a secure room then another room to shred those documents, it's crazy. Why not leave well enough alone and have the thousands of Investigators store the closed case files in a locked file cabinet for a designated retention period, then shred those documents as we have for at least 9 years I've been doing this work. I'll bet there was one Investigator who shredded their closed case file too soon, thus everyone has to now change because one person screwed up. Typical government way of doing things.

I see no real reason to send in our notes as I can barely read my own notes without a large magnifying glass by my computer to decipher my notes. My notes are prepared for the purposes of me to write up the ROI, not for someone else to read and review in the event of an issue. My notes are rather cryptic as I am writing while I am also reading questions in a conversational manner to the person being interviewed and doing my best to take notes without being distracting at the same time. I have seen Investigators ask a question, then take a couple of minutes to neatly write out the person's interviewed answer. That is distracting and no doubt annoying to the person being interviewed as the interview could then go well beyond 30 minutes with this method.

Another problem I see with sending in all of our notes and case papers is that how organized will the company be with this mountain of case files. Will they be able to find the one case file that is needed when it is needed. Have a great day.

Regards

martinc

Registered: 12/19/06
Posts: 122

06/29/10 at 07:14 PM

While conducting additional research for the working AFCIA Point Paper, it was discovered that the concern appears to be investigators notes containing PII (OPM's acronym for Personal Identifying Information, e.g., SSN, DOB, etc.). I, personally don't know of any investigator who places PII on their notes and if they do, more power to them. Most Investigators place on their notes the subject's last name or case number and the source's name and contact information which is NOT PII. We also discovered that by contract, vendors are required to mandate investigators return notes with their case. Per the OPM Investigators Handbook: "Your handwritten notes, regardless of the format, must be destroyed on the same schedule that governs destruction of local case files." [Whatever that means because the Handbook doesn't describe what the governing schedule is.]

The vendors have two weeks to turn the notes into OPM. OPM is required to maintain them for three years. During the inspection of OPM-FISD, 10 cases were pulled for inspection for notes retained. No notes could be located by OPM.

The OPM Investigators Handbook also addresses "retaining copies of your e-mails." ~ ~ "Print the outgoing message and keep it in the case file. Later, it will be destroyed with other case materials per established procedures."

Then the Handbook goes on to direct, "Should the Subject or source respond via e-mail, despite the request not to, print and retain the message as well. It will later be destroyed as above."

Once again, the point that contract investigators that are being investigated and charged in the federal courts for submitting fraudulent reports one to three years later have NO DEFENSE because there are no notes!