

[INVESTIGATIONS]

The Desk Audit: How a Supervisor Can Help the Struggling Investigator

Just how much time does the investigator have to work on any one case?

**BY INSPECTOR GENERAL
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As a supervisor I find it frustrating when an investigation is stalled and appears to be going nowhere. If it is not a particularly difficult category of investigation, I have to be concerned about the investigator. Is the case an anomaly or is it typical of the majority of cases carried by the investigator? One method I use to help make such a determination is the desk audit process. When using the desk audit, I need to keep the limitations of what I call the “investigative box” in mind. Certain unavoidable factors impose limits, (the sides of the box).

- Box Side 1: There is a limited amount of time to conduct a criminal, administrative, or civil inquiry.
- Box Side 2: There are a limited number of personnel who can be assigned to any one case.
- Box Side 3: There is a limited amount of money that can be spent on any one case.
- Box Side 4: There are laws, regulations, and policies that limit how an investigation can be conducted.

TIME

The amount of time an investigation is taking may be the biggest discussion item I have with an investigator. New cases are reported and need to be assigned. Certain cases have a higher level of visibility inside and outside the organization. As a supervisor, I am expected to keep things moving and to guide or push investigators as needed. When I con-



duct a desk audit I need to know if the investigator has a realistic understanding of the amount of time it will take to successfully resolve the case. Is the time estimate realistic given the number of leads to be completed? My experience as a case agent and as a supervisor should allow me to make a good estimate. Do I have a good understanding of the limited number of hours that are available to the investigator? Just how much time does the investigator have to work on any one case? Do I remember all of the demands placed on a case agent?

Let's look at a possible work schedule for a three month period of time for a federal investigator working a 10 hour investigative day. Three months represents about 60 workdays, multiplied by 10 hours per day, yields 600 potential work hours per quarter. Now let's begin reducing those potential work hours with the other time demands placed on the investigator.

Scheduled annual leave of one week	-40
Scheduled court appearance estimated by the AUSA to be one week	-40
Quarterly required legal training	-8
Quarterly required firearms and unarmed self-defense training	-8
Physical fitness incorporated with lunch hour three times per week	-36
Planned surveillance in support of a major investigation	-40
Total available hours	428

If the investigator has 428 available hours for 25 assigned cases that represents about 17 hours, or roughly two days per case per quarter. Not all that much time and it includes those administrative hours for documenting interviews and assembling reports. Also, this assumes there are no

special assignments from the front office, sick leave, or any other unplanned events to interfere with the work schedule.

PERSONNEL

Normally, I assign a new investigation to one investigator to see it through to completion. To successfully complete a case or to move a stalled investigation forward, the investigator may need more personnel to assist.

Is surveillance required? Are there a large number of witnesses to be interviewed? Will a search warrant be executed and multiple investigators needed for several days? If so, where will I find those personnel to help in the investigation?

Unlike popular British detective dramas, there is usually not a chief constable, multiple detective sergeant constables, and several shifts of detective constables devoted to a single investigation. Even if extra personnel are available for short periods of time, very quickly they have to return to their own case load.

MONEY

There are always budget limitations in any organization and for every case. If the investigator and I believe 24 hours of surveillance of a suspect is required and the surveillance team requires an airplane, is funding available? While the investigator is enthusiastic about the case, can I convince the front office that expensive air surveillance is a good investment?

What other less expensive investigative techniques might I suggest to help resolve the case or move it forward?

LAWS, REGULATIONS, AND POLICIES

Does the investigator understand the elements of the offense under investigation or the allegations? I need to remember if this is the first time the case agent has

worked on this category of crime or if the investigator has worked, for example, only on major fraud cases for the last five years. Is the investigator making full use of the laws, rules, regulations, and procedures available? For example, could a federal grand jury subpoena provide needed records if probable cause for a search warrant has fallen short? If a suspect is in custody, has the investigator prioritized the remaining work to meet speedy trial requirements?

All investigators have to deal with the limits imposed by the investigative box. But sometimes, these day-to-day challenges can be overwhelming for an investigator. As a supervisor, I become concerned when deadlines are missed. What do I need to do when it appears cases do not seem to be moving toward completion? When other investigators start to complain that they are always getting the new cases coming through the door, what is my response? If the AUSA calls and wants to know why subpoenas have not been delivered or key witnesses interviewed, how do I respond?

As a supervisor, I get a variety of clues from a variety of sources that I have an unproductive investigator. They may come from other members of the squad, my boss, outside sources or even from the investigator. Every once in a while, a case agent says "I'm overloaded and I need help. I don't know what I should be doing on these cases."

THE DESK AUDIT PROCESS

Rather than waiting for the clues to come my way, I have found that use of the desk audit process is the best early warning system to identify the unproductive investigator. It helps me start the process of figuring out why there might be a problem.

The desk audit can provide the mechanism to help an investigator navigate around the four sides of the investigative box. I schedule the average

productive investigator for a desk audit on an average of 90-120 days, just to make sure the assigned cases are moving towards completion. This is the opportunity for me to make sure the investigator is working toward the goals and objectives of the squad, the office, or the organization overall.

For an unproductive investigator, I find that 90-120 days is too long. Here is where the standard file review technique is modified for use as a performance improvement or development plan. I schedule a development plan file review at least every 60 days. If problems persist, I could schedule it at a 45 or 30 day interval depending on the investigator and my comfort level with his or her work.

Just like the regular desk audit process, the development plan desk audit starts with the investigator. The case agent creates a list of all assigned cases with the date the investigation was opened and assigned. The investigator lists the major allegation (such as fraud against the government over \$50,000). The case agent then writes a one to three sentence summary of the investigation to date along with a summary of the planned investigative activity. The investigator estimates the amount of time that will be devoted to that particular investigation during the next review period of 60, 45, or 30 days. This time estimate cannot exceed the available hours for the next desk audit time period and must include all of the other time commitments required such as annual leave and training.

In theory, each investigation should have some investigative activity during the review period. As a practical matter, that is not always possible. Some cases will have had no investigative activity during the review period. There may be a logical explanation for the lack of activity. It is nonetheless an opportunity for me to discuss with the investigator

what is happening especially if there has been no activity for more than one review period.

Now back to the investigative box. When a case is apparently stalled, I must examine the four sides of the box for that particular investigation. Has there been sufficient time for the investigator to work on a particular case?

Is surveillance required but other personnel have not been able to participate? Do I need to assign additional personnel for specific days to assist in the investigation? Is there another investigative agency with potential interest in the case that could contribute personnel even for a period of time? Are specialized forensic personnel needed, which requires that I talk with another supervisor from another squad regarding scheduling?

If funding is an issue, what are the specific requirements? Are funds needed for a short-term light undercover operation or a sting operation? Are special rental vehicles needed? Does a subpoena request require extra funds to pay for copying expenses for the case file, prosecutor, and eventually for the defense in a major white collar crime case? Has the investigator started the funding request process and completed the necessary paperwork to obtain funding? Do I need to intervene with the administrative office to get the request moving?

Has the case agent run into an unusual legal situation that I need to discuss with the legal advisor for the office or a supervisor in the U.S. Attorney's Office? Do I need to remind the case agent of a change in the law or an organizational policy that either authorizes or prohibits certain investigative techniques?

As the investigator and I work our way through each case during the desk audit process, I develop a better understanding of exactly what is happen-

ing. A pattern forms. I may decide the investigator is overloaded and some cases need to be reassigned or closed. Or, I may decide the agent is not working to full capacity and I need to provide specific guidance for each case.

Keeping in mind the time limits imposed by the investigative box, the case agent and I agree on milestones and deadlines that are set or adjusted from a prior desk audit. At the end of the desk audit, the investigator will have a clear understanding of exactly what needs be done for each case. The investigator and I have developed a workable and agreed upon action plan.

Since the goal of the development plan desk audit process is to provide the investigator an opportunity to improve, I should see progress over a series of desk audit meetings. Once sufficient progress has been made and all investigations are back on track, I can resume the 90-120 day routine or standard desk audit schedule.

Not every series of development plan desk audits quickly moves the unproductive investigator back to the totally productive stage. Sometimes backsliding takes place. Sometimes the process never takes at all.

In such cases, a second option I can use is the intensive or daily audit. Unproductive days can become unproductive weeks and roll into a problem desk audit. The intensive or daily audit allows for my daily interaction with the investigator for a short but useful period of time. As with the other reviews, the process starts with the investigator.

At the beginning of each day, the investigator takes the first 15 to 20 minutes and prepares a summary of what investigative activity was conducted the day before with reference to the specific cases involved. Next, the investigator lists a summary of what is planned for

the upcoming workday, again with reference to specific cases. This can best be done by an e-mail sent to me.

However, the investigator is not done. The process is followed by a 5 to 10 minute discussion with me that allows me to quickly review and provide any needed clarification. Since the planned work references specific investigations, I can review the last desk audit worksheet, as needed. After our brief discussion, I can make comments in a reply e-mail, send it for confirmation to the case agent, and file it under the name of the investigator for future documentation.

Most investigators, being investigators, can follow the trail at this point and realize I am documenting their work on a daily basis. At this point, the investigator should be making a serious attempt at work improvement to get out from under the daily audit.

Admittedly, the daily audit adds to the burden of an already busy supervisor. Nonetheless, it is an investment that pays off in the future when I have a more productive investigator who requires less supervision.

The development plan desk audit process and the daily audit are designed to restore an investigator to full productivity, but if required, the audits can also provide me with a well documented record for future personnel action.

The desk audit process allows for the regular review of investigative work that ensures the goals and objectives of the unit are being met. The supervisor and the investigator have an agreed upon strategy for the next review period whether it is 120 days, 60 days, or tomorrow. It allows for periodic fine-tuning of investigations or daily mentoring and training for improved performance of a struggling investigator.✿

Sample Desk Audit Summary

1. **Case name and number:** Smith, John A. #123-456-789
2. **Offense:** Fraud against the government over \$50,000
3. **Allegation:** An employee and cooperating witness alleged that over the last six months, Smith filed false claims in excess of \$10,000-\$12,000 per month against the government for work not done as part of a contract for electrical repairs at a government installation.
4. **Investigation completed since last desk audit:** The cooperating witness and three additional witnesses interviewed. Contract obtained and reviewed. Invoices submitted by Smith to date being assembled by accounts payable office but some invoices appear to be missing. Some invoices signed by persons other than Smith.
5. **Planned investigation:** The cooperating witness is willing to hire an undercover investigator posing as administrative assistant in the accounting office of the company to work on a part-time basis. Liason being conducted with AUSA to establish limits on undercover activity. Interview of witnesses and cooperating witness to be continued. Search warrant affidavit for main office company records to be discussed with assigned AUSA.
6. **Time Estimate:**
 - a. 2 -hours- Finalizing undercover operation with AUSA
 - b. 45-60 hours- daily telephone contact with undercover investigator and summary of investigative activity for the next 30 days
 - c. 16-24 hours- interviews of company personnel
 - d. 4-8 hours- final debrief of cooperating witness
 - e. 8-hours- preparation, legal review, and meeting with AUSA regarding possible search warrant for documents.75-102 estimated total hours of investigative work and written instructions from supervisor on desk audit:

Cancel plans for undercover operation. (Undercover person not currently available.) Concentrate on finishing interviews and seeking search warrant. Conduct trash cover of business dumpster with new agent on squad and include results in search warrant application. Estimate how many investigators will be needed for search warrant execution and interviews of suspect company officials. Recalculate time estimate for case for review period.



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Prior to his current assignment, Mr. Scott was a security consultant for the Northrop Grumman Corporation in Albuquerque, New Mexico. He retired from the Federal Bureau of Investigation having served as a Special Agent in Seattle and a Supervisory Special Agent in San Francisco (Oakland Resident Agency). He subsequently was assigned to FBI Headquarters in Washington D.C. working at the National Counterintelligence Center in Langley, Va. Prior to his transfer to the FBI, Mr. Scott was a Special Agent of the Naval Investigative Service assigned to Memphis, Tenn., Agana, Guam, the USS Forrestal, Charleston S.C., and Orange County Calif.

