



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Court Services and Offender Supervision
Agency for the District of Columbia

Report No. 11-024
May 2011

Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Court Services and Offender Supervision Agency for the District of Columbia's (CSOSA) ethics program in March 2011. The results of the review indicated that CSOSA's ethics program was generally effectively administered and in compliance with applicable laws, regulations, and policies.

Highlights

- Ethics duties are incorporated into the position description and performance appraisal of CSOSA's Alternate Designated Agency Ethics Official (ADAEO). Ethics duties are also incorporated into the position description of the Designated Agency Ethics Official (DAEO).
- The DAEO meets with every public financial disclosure filer individually to discuss policies and procedures on filing their form.
- The public and confidential filers' folders contain meticulous documentation.
- CSOSA requires that all employees receive annual ethics training.

Concerns

- The Ethics Office does not maintain written procedures for administering its public and confidential financial disclosure systems.
-

Contents

Objectives, Scope, and Methodology.....	3
Program Administration.....	3
<i>Model Practice</i>	
Financial Disclosure.....	3
<i>Model Practice</i>	
<i>Recommendations</i>	
Education & Training.....	4
<i>Model Practice</i>	
Advice & Counsel.....	5
Agency-Specific Ethics Rules.....	5
Ethics Agreements.....	5
Enforcement.....	5
1353 Travel Acceptance.....	6
Agency Comments.....	6

Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. *See* Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess COSA's ethics program, OGE examined a variety of documents provided by the ethics officials including the annual questionnaire; prior review report; financial disclosure reports that were required to be filed at CSOSA in 2010, covering calendar year 2009; and a sample of advice and counsel provided to employees. We examined all nine non-PAS public financial disclosure reports. Because of the large number of confidential financial disclosure filers at CSOSA, OGE selected 29 (20 percent) of the 144 confidential financial disclosure reports required to be filed. In addition, the OGE review team met with the Designated Agency Ethics Official (DAEO), the Alternate Designated Agency Ethics Official (ADAEO), CSOSA's Acting Director, and the Director of the Office of Professional Responsibility to obtain additional information on the strengths and weaknesses of CSOSA's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

CSOSA's ethics program is administered within the Office of General Counsel (OGC). The Acting General Counsel serves as the DAEO. The Assistant General Counsel serves as the ADAEO. The DAEO and the ADAEO are responsible for the day-to-day administration of the ethics program.

Model Practice

- Ethics duties are incorporated in the position description and performance appraisal of the ADAEO. Ethics duties are also incorporated in the position description of the DAEO.

Financial Disclosure

OGE found that both the public and confidential financial disclosure reports it examined were generally filed, reviewed, and certified timely. However, a few improvements can bring CSOSA's program into full compliance. At the time of OGE's review, CSOSA did not have written procedures outlining the process for administering its public financial disclosure system as required by section 402(d)(1) of the Ethics Act. In addition, CSOSA's written procedures for the administration of its confidential financial disclosure systems contained incorrect filing dates for the OGE Form 450. Written procedures are important in establishing consistency and efficiency in ensuring that agency ethics officials follow the same step-by-step procedures for administering

their portion of the financial disclosure system. When properly used and updated, written procedures provide ethics officials with the opportunity to plan for system improvement. According to the DAEO, CSOSA's General Counsel's Office is in the process of vetting a draft of the public written procedures and in the process of revising the outdated information on the confidential written procedures and the Standards of Employment-Agency Directive.

Public financial disclosure reports and confidential financial disclosure reports were generally submitted by filers and certified by ethics officials in a timely manner. The DAEO meets with public filers in person to discuss policies and procedures relevant to the filing year. The conflicts analysis process appeared thorough, with the inclusion of the Associate Directors and PSA's Deputy Director in the first stage review of the confidential reports.

The OGE review team was pleased to see CSOSA's ethics office use a worksheet notation form located on the inside of every confidential financial disclosure file. The form summarizes the reviewer's findings of each report and ensures agency consistency in noting filing extensions, correspondence, certification dates, and other pertinent reviewer notes. The notated forms contained evidence that a thorough review had been conducted.

Model Practice

- The DAEO meets with every public financial disclosure filer in person to discuss policies and procedures on filing their form.

Recommendations

- Establish written procedures for administering CSOSA's public financial disclosure system to comply with the requirements of section 402(d)(1) of the Ethics Act.
- Update the written procedures for administering the confidential financial disclosure system.
- Amend the public and confidential financial disclosure procedures in the appropriate sections of the Standards of Employment Conduct Agency Directive located on the CSOSA website.

Education & Training

CSOSA reported that all required employees received initial ethics orientation and annual ethics training. Initial ethics orientation is provided by the ADAEO in a two-hour oral presentation and the material covered is in compliance with 5 CFR § 2638.703. The OGE review team also examined the CSOSA's annual ethics training materials and found them to be in compliance with 5 CFR 2638.704 and 2638.705.

According to the DAEO, annual ethics training is a mandatory course for all employees. Employees sign into the Learning Depot, a system that offers an automated means of managing and tracking employees' training. According to the 2011 Written Plan for Annual Ethics Training, ethics is included in all employees' learning plans. Employees will not receive an

agency bonus if they have not attended annual training. According to the Acting Deputy Director, disciplinary action with a letter of reprimand is written and placed in an employee's personal file if the employee failed to complete the mandatory ethics training.

Model Practice

- CSOSA requires that all employees receive annual ethics training.

Advice & Counsel

CSOSA's advice and counsel process is clearly defined. The ADAEO is primarily the contact person on most ethics-related questions. Assistant General Counsels may at times render advice and counsel. Advice is kept in a database and Assistant General Counsels discuss all opinions amongst themselves. The DAEO makes the final determination. According to the DAEO, she discusses current ethics issues during meetings with members of the executive senior staff. The written advice and counsel opinions reviewed by OGE were accurate and timely.

Agency-Specific Ethics Rules

During our review we noticed that CSOSA had not yet published its supplemental regulation requiring prior approval for outside activities in the Federal Register. OGE recognizes CSOSA's need to require prior approval. Until the supplemental regulation has been published, however, employees can only be requested to seek advice regarding their outside employment activities--they cannot be required to obtain prior approval.

CSOSA agreed that pending the publication of the supplemental regulation in the Federal Register, CSOSA would revise its Standards of Employee Conduct Agency Directive and its training materials to reflect this temporary revision. CSOSA's Office of General Counsel as well as the employee's supervisor will review requests for outside employment. The revision addresses this matter pending final publication of the applicable supplemental regulations. CSOSA has been working with OGE and is in the process of publishing a proposed supplemental regulation. The proposed supplemental regulation once published in the Federal Register as an interim rule will be in effect for approximately 3 months until the final supplemental regulation is published. (Note: CSOSA published an interim rule that required employees to seek prior approval before engaging in outside employment. That rule became effective April 21, 2011.)

Ethics Agreements

At this time, CSOSA does not currently have PAS employees at the agency. Additionally, CSOSA has no active ethics agreements for non-PAS employees.

Enforcement

CSOSA reported 10 disciplinary actions based wholly or in part upon violations of the standards of conduct provisions or the (5 CFR 2635) and no disciplinary actions based wholly or in part

upon violations of the criminal conflict of interest statutes (18 U.S.C §§ 203, 205, 207, 208, and 209). According to the 2010 agency ethics program questionnaire, CSOSA made no referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

1353 Travel Acceptance

CSOSA submitted to OGE the required GSA standard form 326 semi-annual reports of payments accepted from non-Federal sources. The ADAEO or the DAEO reviews each travel request for conflicts of interest. If the request is reviewed by the ADAEO, then the ADAEO makes a recommendation to the DAEO. The DAEO has final approval authority. A clear system exists to identify and communicate with those employees who might file a report under 31 U.S.C. § 1353.

Agency Comments

CSOSA provided comments on the draft version of this report, some of which have been incorporated into this final version. CSOSA's comments in their entirety are attached to this report as an appendix.



**Court Services and Offender Supervision Agency
for the District of Columbia**

Office of the General Counsel

May 6, 2011

Michelle Walker
Program Analyst

U.S. Office of Government Ethics
Program Review Division
Office of Government Ethics
1201 New York Avenue, NW.
Suite 500
Washington, DC 20005

Re: Ethics Program Review for the Court Services
and Offender Supervision Agency

Ms. Walker:

This is in response to the Office of Government Ethics (“OGE”) program review of the Court Services and Offender Supervision Agency (“CSOSA”). After reviewing OGE’s report, CSOSA has the following comments in response to OGE’s concerns and recommendations, and we request that all of these comments be added to any final document which is distributed to the public.

Financial Disclosure

CSOSA Comments: OGE states in its Program Review that CSOSA’s Ethics Office does not maintain written procedures for administering its public and confidential disclosure systems.

CSOSA maintains written procedures for administering its public and confidential disclosure system, as acknowledged by OGE on page 4 of its report.

Specifically, CSOSA’s Standards of Employee Conduct, Section XVI, Public Financial Disclosure, sets forth procedures for administering the public disclosure system, in compliance with the requirements of section 402(d)(1) of the Ethics Act. Moreover, CSOSA’s Policy Statement 1106, Confidential Financial Disclosure Report Program, as well its Standards of Employee Conduct, Section XVII, sets forth procedures for administering the confidential disclosure system.

In consideration of OGE's recommendation, CSOSA has developed a separate policy for administering the public financial disclosure report and has updated the Policy Statement 1106 for administering its confidential disclosure system, both of which are in the process of being vetted.

Agency-Specific Ethics Rules

CSOSA Comment: OGE noted that CSOSA's supplemental standards of conduct regulation requiring employees to seek prior approval for outside activities have not yet been finalized. Having recently received the Office of Government Ethics' concurrence, which was required before proceeding with publication in the Federal Register, CSOSA published its interim rule in the Federal Register. This rule became effective April 21, 2011.

If you have any questions, please feel free to contact Theresa Rowell, Assistant General Counsel, at (202) 220-5634.

Sincerely,

Cynthia E. Tompkins
Deputy General Counsel and DAEO
Office of General Counsel
Court Services & Offender Supervision Agency
633 Indiana Avenue Ave., Room 1374
Washington, D.C. 20004



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 16, 2011

Theresa A. Rowell
Alternate Designated Agency Ethics Official
Court Services and Offender Supervision Agency
633 Indiana Avenue Ave., Room 1378
Washington, D.C. 20004

Dear Ms. Rowell:

The United States Office of Government Ethics (OGE) has completed its review of the ethics program at the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA). OGE's primary objective was to identify and report on the strengths and vulnerabilities of the program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

Enclosed is a report on the results of the review. The review indicates that CSOSA's ethics program generally appears to be effectively administered and in compliance with applicable laws, regulations, and policies. OGE highlighted a number of model practices that the CSOSA's ethics office has implemented. OGE recommends CSOSA update and finalize their written procedures for administering public and confidential financial disclosure systems. Please advise me within 60 days of the specific actions planned or taken concerning the recommendations in OGE's report. A follow-up review will be scheduled approximately six months from the date of OGE's report to evaluate the progress made in addressing the issues raised.

I appreciate the courtesies extended to the OGE program review staff. If you would like to discuss the report, please contact me at 202-482-9286.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia C. Zemple".

Patricia C. Zemple
Associate Director

Enclosure



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Court Services and Offender Supervision
Agency for the District of Columbia

Report No. 11-024
May 2011

Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Court Services and Offender Supervision Agency for the District of Columbia's (CSOSA) ethics program in March 2011. The results of the review indicated that CSOSA's ethics program was generally effectively administered and in compliance with applicable laws, regulations, and policies.

Highlights

- Ethics duties are incorporated into the position description and performance appraisal of CSOSA's Alternate Designated Agency Ethics Official (ADAEO). Ethics duties are also incorporated into the position description of the Designated Agency Ethics Official (DAEO).
- The DAEO meets with every public financial disclosure filer individually to discuss policies and procedures on filing their form.
- The public and confidential filers' folders contain meticulous documentation.
- CSOSA requires that all employees receive annual ethics training.

Concerns

- The Ethics Office does not maintain written procedures for administering its public and confidential financial disclosure systems.
-

Contents

Objectives, Scope, and Methodology.....	3
Program Administration.....	3
<i>Model Practice</i>	
Financial Disclosure.....	3
<i>Model Practice</i>	
<i>Recommendations</i>	
Education & Training.....	4
<i>Model Practice</i>	
Advice & Counsel.....	5
Agency-Specific Ethics Rules.....	5
Ethics Agreements.....	5
Enforcement.....	5
1353 Travel Acceptance.....	6
Agency Comments.....	6

Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. *See* Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess COSA's ethics program, OGE examined a variety of documents provided by the ethics officials including the annual questionnaire; prior review report; financial disclosure reports that were required to be filed at CSOSA in 2010, covering calendar year 2009; and a sample of advice and counsel provided to employees. We examined all nine non-PAS public financial disclosure reports. Because of the large number of confidential financial disclosure filers at CSOSA, OGE selected 29 (20 percent) of the 144 confidential financial disclosure reports required to be filed. In addition, the OGE review team met with the Designated Agency Ethics Official (DAEO), the Alternate Designated Agency Ethics Official (ADAEO), CSOSA's Acting Director, and the Director of the Office of Professional Responsibility to obtain additional information on the strengths and weaknesses of CSOSA's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

CSOSA's ethics program is administered within the Office of General Counsel (OGC). The Acting General Counsel serves as the DAEO. The Assistant General Counsel serves as the ADAEO. The DAEO and the ADAEO are responsible for the day-to-day administration of the ethics program.

Model Practice

- Ethics duties are incorporated in the position description and performance appraisal of the ADAEO. Ethics duties are also incorporated in the position description of the DAEO.

Financial Disclosure

OGE found that both the public and confidential financial disclosure reports it examined were generally filed, reviewed, and certified timely. However, a few improvements can bring CSOSA's program into full compliance. At the time of OGE's review, CSOSA did not have written procedures outlining the process for administering its public financial disclosure system as required by section 402(d)(1) of the Ethics Act. In addition, CSOSA's written procedures for the administration of its confidential financial disclosure systems contained incorrect filing dates for the OGE Form 450. Written procedures are important in establishing consistency and efficiency in ensuring that agency ethics officials follow the same step-by-step procedures for administering

their portion of the financial disclosure system. When properly used and updated, written procedures provide ethics officials with the opportunity to plan for system improvement. According to the DAEO, CSOSA's General Counsel's Office is in the process of vetting a draft of the public written procedures and in the process of revising the outdated information on the confidential written procedures and the Standards of Employment-Agency Directive.

Public financial disclosure reports and confidential financial disclosure reports were generally submitted by filers and certified by ethics officials in a timely manner. The DAEO meets with public filers in person to discuss policies and procedures relevant to the filing year. The conflicts analysis process appeared thorough, with the inclusion of the Associate Directors and PSA's Deputy Director in the first stage review of the confidential reports.

The OGE review team was pleased to see CSOSA's ethics office use a worksheet notation form located on the inside of every confidential financial disclosure file. The form summarizes the reviewer's findings of each report and ensures agency consistency in noting filing extensions, correspondence, certification dates, and other pertinent reviewer notes. The notated forms contained evidence that a thorough review had been conducted.

Model Practice

- The DAEO meets with every public financial disclosure filer in person to discuss policies and procedures on filing their form.

Recommendations

- Establish written procedures for administering CSOSA's public financial disclosure system to comply with the requirements of section 402(d)(1) of the Ethics Act.
- Update the written procedures for administering the confidential financial disclosure system.
- Amend the public and confidential financial disclosure procedures in the appropriate sections of the Standards of Employment Conduct Agency Directive located on the CSOSA website.

Education & Training

CSOSA reported that all required employees received initial ethics orientation and annual ethics training. Initial ethics orientation is provided by the ADAEO in a two-hour oral presentation and the material covered is in compliance with 5 CFR § 2638.703. The OGE review team also examined the CSOSA's annual ethics training materials and found them to be in compliance with 5 CFR 2638.704 and 2638.705.

According to the DAEO, annual ethics training is a mandatory course for all employees. Employees sign into the Learning Depot, a system that offers an automated means of managing and tracking employees' training. According to the 2011 Written Plan for Annual Ethics Training, ethics is included in all employees' learning plans. Employees will not receive an

agency bonus if they have not attended annual training. According to the Acting Deputy Director, disciplinary action with a letter of reprimand is written and placed in an employee's personal file if the employee failed to complete the mandatory ethics training.

Model Practice

- CSOSA requires that all employees receive annual ethics training.

Advice & Counsel

CSOSA's advice and counsel process is clearly defined. The ADAEO is primarily the contact person on most ethics-related questions. Assistant General Counsels may at times render advice and counsel. Advice is kept in a database and Assistant General Counsels discuss all opinions amongst themselves. The DAEO makes the final determination. According to the DAEO, she discusses current ethics issues during meetings with members of the executive senior staff. The written advice and counsel opinions reviewed by OGE were accurate and timely.

Agency-Specific Ethics Rules

During our review we noticed that CSOSA had not yet published its supplemental regulation requiring prior approval for outside activities in the Federal Register. OGE recognizes CSOSA's need to require prior approval. Until the supplemental regulation has been published, however, employees can only be requested to seek advice regarding their outside employment activities--they cannot be required to obtain prior approval.

CSOSA agreed that pending the publication of the supplemental regulation in the Federal Register, CSOSA would revise its Standards of Employee Conduct Agency Directive and its training materials to reflect this temporary revision. CSOSA's Office of General Counsel as well as the employee's supervisor will review requests for outside employment. The revision addresses this matter pending final publication of the applicable supplemental regulations. CSOSA has been working with OGE and is in the process of publishing a proposed supplemental regulation. The proposed supplemental regulation once published in the Federal Register as an interim rule will be in effect for approximately 3 months until the final supplemental regulation is published. (Note: CSOSA published an interim rule that required employees to seek prior approval before engaging in outside employment. That rule became effective April 21, 2011.)

Ethics Agreements

At this time, CSOSA does not currently have PAS employees at the agency. Additionally, CSOSA has no active ethics agreements for non-PAS employees.

Enforcement

CSOSA reported 10 disciplinary actions based wholly or in part upon violations of the standards of conduct provisions or the (5 CFR 2635) and no disciplinary actions based wholly or in part

upon violations of the criminal conflict of interest statutes (18 U.S.C §§ 203, 205, 207, 208, and 209). According to the 2010 agency ethics program questionnaire, CSOSA made no referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

1353 Travel Acceptance

CSOSA submitted to OGE the required GSA standard form 326 semi-annual reports of payments accepted from non-Federal sources. The ADAEO or the DAEO reviews each travel request for conflicts of interest. If the request is reviewed by the ADAEO, then the ADAEO makes a recommendation to the DAEO. The DAEO has final approval authority. A clear system exists to identify and communicate with those employees who might file a report under 31 U.S.C. § 1353.

Agency Comments

CSOSA provided comments on the draft version of this report, some of which have been incorporated into this final version. CSOSA's comments in their entirety are attached to this report as an appendix.



**Court Services and Offender Supervision Agency
for the District of Columbia**

Office of the General Counsel

May 6, 2011

Michelle Walker
Program Analyst

U.S. Office of Government Ethics
Program Review Division
Office of Government Ethics
1201 New York Avenue, NW.
Suite 500
Washington, DC 20005

Re: Ethics Program Review for the Court Services
and Offender Supervision Agency

Ms. Walker:

This is in response to the Office of Government Ethics (“OGE”) program review of the Court Services and Offender Supervision Agency (“CSOSA”). After reviewing OGE’s report, CSOSA has the following comments in response to OGE’s concerns and recommendations, and we request that all of these comments be added to any final document which is distributed to the public.

Financial Disclosure

CSOSA Comments: OGE states in its Program Review that CSOSA’s Ethics Office does not maintain written procedures for administering its public and confidential disclosure systems.

CSOSA maintains written procedures for administering its public and confidential disclosure system, as acknowledged by OGE on page 4 of its report.

Specifically, CSOSA’s Standards of Employee Conduct, Section XVI, Public Financial Disclosure, sets forth procedures for administering the public disclosure system, in compliance with the requirements of section 402(d)(1) of the Ethics Act. Moreover, CSOSA’s Policy Statement 1106, Confidential Financial Disclosure Report Program, as well its Standards of Employee Conduct, Section XVII, sets forth procedures for administering the confidential disclosure system.

In consideration of OGE's recommendation, CSOSA has developed a separate policy for administering the public financial disclosure report and has updated the Policy Statement 1106 for administering its confidential disclosure system, both of which are in the process of being vetted.

Agency-Specific Ethics Rules

CSOSA Comment: OGE noted that CSOSA's supplemental standards of conduct regulation requiring employees to seek prior approval for outside activities have not yet been finalized. Having recently received the Office of Government Ethics' concurrence, which was required before proceeding with publication in the Federal Register, CSOSA published its interim rule in the Federal Register. This rule became effective April 21, 2011.

If you have any questions, please feel free to contact Theresa Rowell, Assistant General Counsel, at (202) 220-5634.

Sincerely,

Cynthia E. Tompkins
Deputy General Counsel and DAEO
Office of General Counsel
Court Services & Offender Supervision Agency
~~633 Indiana Avenue Ave., Room 1374~~
Washington, D.C. 20004



United States
Office of Government Ethics

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

May 16, 2011

James G. Smith
Office of Professional Responsibility
Court Services and Offender Supervision Agency
633 Indiana Avenue Ave., Room 1378
Washington, D.C. 20004

Dear Mr. Smith:

The United States Office of Government Ethics (OGE) has completed its review of the ethics program at the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA). OGE's primary objective was to identify and report on the strengths and weaknesses of the program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

The enclosed report summarizes the results of our review and recommends several actions to help improve the effectiveness of CSOSA's ethics program. OGE highlighted four model practices that the CSOSA's ethics office has implemented. OGE recommends CSOSA update and finalize their written procedures for administering public and confidential financial disclosure systems. A follow-up review will be scheduled approximately six months from the date of OGE's report to evaluate the progress made in addressing the issues raised.

I appreciate the courtesies extended to the OGE program review staff. Please do not hesitate to contact me at 202-482-9286 or by email at pczemple@oge.gov, if you would like to discuss this report.

Sincerely,

A handwritten signature in black ink that reads "Patricia C. Zemple".

Patricia C. Zemple
Associate Director

Enclosure



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Court Services and Offender Supervision
Agency for the District of Columbia

Report No. 11-024
May 2011

Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Court Services and Offender Supervision Agency for the District of Columbia's (CSOSA) ethics program in March 2011. The results of the review indicated that CSOSA's ethics program was generally effectively administered and in compliance with applicable laws, regulations, and policies.

Highlights

- Ethics duties are incorporated into the position description and performance appraisal of CSOSA's Alternate Designated Agency Ethics Official (ADAEO). Ethics duties are also incorporated into the position description of the Designated Agency Ethics Official (DAEO).
- The DAEO meets with every public financial disclosure filer individually to discuss policies and procedures on filing their form.
- The public and confidential filers' folders contain meticulous documentation.
- CSOSA requires that all employees receive annual ethics training.

Concerns

- The Ethics Office does not maintain written procedures for administering its public and confidential financial disclosure systems.

Contents

Objectives, Scope, and Methodology.....	3
Program Administration.....	3
<i>Model Practice</i>	
Financial Disclosure.....	3
<i>Model Practice</i>	
<i>Recommendations</i>	
Education & Training.....	4
<i>Model Practice</i>	
Advice & Counsel.....	5
Agency-Specific Ethics Rules.....	5
Ethics Agreements.....	5
Enforcement.....	5
1353 Travel Acceptance.....	6
Agency Comments.....	6

Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. *See* Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess COSA's ethics program, OGE examined a variety of documents provided by the ethics officials including the annual questionnaire; prior review report; financial disclosure reports that were required to be filed at CSOSA in 2010, covering calendar year 2009; and a sample of advice and counsel provided to employees. We examined all nine non-PAS public financial disclosure reports. Because of the large number of confidential financial disclosure filers at CSOSA, OGE selected 29 (20 percent) of the 144 confidential financial disclosure reports required to be filed. In addition, the OGE review team met with the Designated Agency Ethics Official (DAEO), the Alternate Designated Agency Ethics Official (ADAEO), CSOSA's Acting Director, and the Director of the Office of Professional Responsibility to obtain additional information on the strengths and weaknesses of CSOSA's ethics program, seek clarification on issues that arose through the documentation analysis, and verify data collected.

Program Administration

CSOSA's ethics program is administered within the Office of General Counsel (OGC). The Acting General Counsel serves as the DAEO. The Assistant General Counsel serves as the ADAEO. The DAEO and the ADAEO are responsible for the day-to-day administration of the ethics program.

Model Practice

- Ethics duties are incorporated in the position description and performance appraisal of the ADAEO. Ethics duties are also incorporated in the position description of the DAEO.

Financial Disclosure

OGE found that both the public and confidential financial disclosure reports it examined were generally filed, reviewed, and certified timely. However, a few improvements can bring CSOSA's program into full compliance. At the time of OGE's review, CSOSA did not have written procedures outlining the process for administering its public financial disclosure system as required by section 402(d)(1) of the Ethics Act. In addition, CSOSA's written procedures for the administration of its confidential financial disclosure systems contained incorrect filing dates for the OGE Form 450. Written procedures are important in establishing consistency and efficiency in ensuring that agency ethics officials follow the same step-by-step procedures for administering

their portion of the financial disclosure system. When properly used and updated, written procedures provide ethics officials with the opportunity to plan for system improvement. According to the DAEO, CSOSA's General Counsel's Office is in the process of vetting a draft of the public written procedures and in the process of revising the outdated information on the confidential written procedures and the Standards of Employment-Agency Directive.

Public financial disclosure reports and confidential financial disclosure reports were generally submitted by filers and certified by ethics officials in a timely manner. The DAEO meets with public filers in person to discuss policies and procedures relevant to the filing year. The conflicts analysis process appeared thorough, with the inclusion of the Associate Directors and PSA's Deputy Director in the first stage review of the confidential reports.

The OGE review team was pleased to see CSOSA's ethics office use a worksheet notation form located on the inside of every confidential financial disclosure file. The form summarizes the reviewer's findings of each report and ensures agency consistency in noting filing extensions, correspondence, certification dates, and other pertinent reviewer notes. The notated forms contained evidence that a thorough review had been conducted.

Model Practice

- The DAEO meets with every public financial disclosure filer in person to discuss policies and procedures on filing their form.

Recommendations

- Establish written procedures for administering CSOSA's public financial disclosure system to comply with the requirements of section 402(d)(1) of the Ethics Act.
- Update the written procedures for administering the confidential financial disclosure system.
- Amend the public and confidential financial disclosure procedures in the appropriate sections of the Standards of Employment Conduct Agency Directive located on the CSOSA website.

Education & Training

CSOSA reported that all required employees received initial ethics orientation and annual ethics training. Initial ethics orientation is provided by the ADAEO in a two-hour oral presentation and the material covered is in compliance with 5 CFR § 2638.703. The OGE review team also examined the CSOSA's annual ethics training materials and found them to be in compliance with 5 CFR 2638.704 and 2638.705.

According to the DAEO, annual ethics training is a mandatory course for all employees. Employees sign into the Learning Depot, a system that offers an automated means of managing and tracking employees' training. According to the 2011 Written Plan for Annual Ethics Training, ethics is included in all employees' learning plans. Employees will not receive an

agency bonus if they have not attended annual training. According to the Acting Deputy Director, disciplinary action with a letter of reprimand is written and placed in an employee's personal file if the employee failed to complete the mandatory ethics training.

Model Practice

- CSOSA requires that all employees receive annual ethics training.

Advice & Counsel

CSOSA's advice and counsel process is clearly defined. The ADAEO is primarily the contact person on most ethics-related questions. Assistant General Counsels may at times render advice and counsel. Advice is kept in a database and Assistant General Counsels discuss all opinions amongst themselves. The DAEO makes the final determination. According the DAEO, she discusses current ethics issues during meetings with members of the executive senior staff. The written advice and counsel opinions reviewed by OGE were accurate and timely.

Agency-Specific Ethics Rules

During our review we noticed that CSOSA had not yet published its supplemental regulation requiring prior approval for outside activities in the Federal Register. OGE recognizes CSOSA's need to require prior approval. Until the supplemental regulation has been published, however, employees can only be requested to seek advice regarding their outside employment activities--they cannot be required to obtain prior approval.

CSOSA agreed that pending the publication of the supplemental regulation in the Federal Register, CSOSA would revise its Standards of Employee Conduct Agency Directive and its training materials to reflect this temporary revision. CSOSA's Office of General Counsel as well as the employee's supervisor will review requests for outside employment. The revision addresses this matter pending final publication of the applicable supplemental regulations. CSOSA has been working with OGE and is in the process of publishing a proposed supplemental regulation. The proposed supplemental regulation once published in the Federal Register as an interim rule will be in effect for approximately 3 months until the final supplemental regulation is published. (Note: CSOSA published an interim rule that required employees to seek prior approval before engaging in outside employment. That rule became effective April 21, 2011.)

Ethics Agreements

At this time, CSOSA does not currently have PAS employees at the agency. Additionally, CSOSA has no active ethics agreements for non-PAS employees.

Enforcement

CSOSA reported 10 disciplinary actions based wholly or in part upon violations of the standards of conduct provisions or the (5 CFR 2635) and no disciplinary actions based wholly or in part

upon violations of the criminal conflict of interest statutes (18 U.S.C §§ 203, 205, 207, 208, and 209). According to the 2010 agency ethics program questionnaire, CSOSA made no referrals to the Department of Justice of potential violations of the criminal conflict of interest statutes.

1353 Travel Acceptance

CSOSA submitted to OGE the required GSA standard form 326 semi-annual reports of payments accepted from non-Federal sources. The ADAEO or the DAEO reviews each travel request for conflicts of interest. If the request is reviewed by the ADAEO, then the ADAEO makes a recommendation to the DAEO. The DAEO has final approval authority. A clear system exists to identify and communicate with those employees who might file a report under 31 U.S.C. § 1353.

Agency Comments

CSOSA provided comments on the draft version of this report, some of which have been incorporated into this final version. CSOSA's comments in their entirety are attached to this report as an appendix.



**Court Services and Offender Supervision Agency
for the District of Columbia**

Office of the General Counsel

May 6, 2011

Michelle Walker
Program Analyst

U.S. Office of Government Ethics
Program Review Division
Office of Government Ethics
1201 New York Avenue, NW.
Suite 500
Washington, DC 20005

Re: Ethics Program Review for the Court Services
and Offender Supervision Agency

Ms. Walker:

This is in response to the Office of Government Ethics (“OGE”) program review of the Court Services and Offender Supervision Agency (“CSOSA”). After reviewing OGE’s report, CSOSA has the following comments in response to OGE’s concerns and recommendations, and we request that all of these comments be added to any final document which is distributed to the public.

Financial Disclosure

CSOSA Comments: OGE states in its Program Review that CSOSA’s Ethics Office does not maintain written procedures for administering its public and confidential disclosure systems.

CSOSA maintains written procedures for administering its public and confidential disclosure system, as acknowledged by OGE on page 4 of its report.

Specifically, CSOSA’s Standards of Employee Conduct, Section XVI, Public Financial Disclosure, sets forth procedures for administering the public disclosure system, in compliance with the requirements of section 402(d)(1) of the Ethics Act. Moreover, CSOSA’s Policy Statement 1106, Confidential Financial Disclosure Report Program, as well its Standards of Employee Conduct, Section XVII, sets forth procedures for administering the confidential disclosure system.

In consideration of OGE's recommendation, CSOSA has developed a separate policy for administering the public financial disclosure report and has updated the Policy Statement 1106 for administering its confidential disclosure system, both of which are in the process of being vetted.

Agency-Specific Ethics Rules

CSOSA Comment: OGE noted that CSOSA's supplemental standards of conduct regulation requiring employees to seek prior approval for outside activities have not yet been finalized. Having recently received the Office of Government Ethics' concurrence, which was required before proceeding with publication in the Federal Register, CSOSA published its interim rule in the Federal Register. This rule became effective April 21, 2011.

If you have any questions, please feel free to contact Theresa Rowell, Assistant General Counsel, at (202) 220-5634.

Sincerely,

Cynthia E. Tompkins
Deputy General Counsel and DAEO
Office of General Counsel
Court Services & Offender Supervision Agency
633 Indiana Avenue Ave., Room 1374
Washington, D.C. 20004
