

# **THE FEDERAL BUREAU OF INVESTIGATION'S FOREIGN LANGUAGE TRANSLATION PROGRAM**

U.S. Department of Justice  
Office of the Inspector General  
Audit Division

Audit Report 10-02  
October 2009

**THE FEDERAL BUREAU OF INVESTIGATION'S  
FOREIGN LANGUAGE TRANSLATION PROGRAM**

**EXECUTIVE SUMMARY\***

The Federal Bureau of Investigation's (FBI) ability to translate foreign language material is critical to the FBI counterterrorism, counterintelligence, and criminal investigations. Without accurate and timely translations, the FBI's ability to effectively investigate terrorist and criminal enterprises that communicate in a foreign language is significantly hampered.

The FBI's Language Services Section (LSS) is responsible for overseeing the FBI's Foreign Language Program (FLP), including managing the FBI's translation efforts and the linguists who translate into English the vast amounts of foreign language material that the FBI collects. The LSS is also responsible for collecting and reporting data on the FBI's collection and review of material that is entirely in English. In fiscal year (FY) 2008 alone, the FBI collected 878,383 hours of foreign language and English only audio material, 1,610,091 pages of text, and 28,795,212 electronic files.

**Previous OIG Audits**

In 2004 and 2005, the Department of Justice (DOJ) Office of the Inspector General (OIG) completed audits of the FBI's foreign language translation operations. The 2004 audit found that the FBI had significant backlogs of unreviewed audio material awaiting translation that had been collected in its highest priority cases. Additionally, we found weaknesses within the FBI's FLP that hindered the FBI's ability to review and translate the counterterrorism and counterintelligence audio material it collected. In addition, the FBI did not consistently adhere to its standards for reviewing the work of its linguists.

The OIG's 2004 audit contained 18 recommendations to the FBI for corrective actions to improve its foreign translation operations, including expediting implementation of the FLP's automated statistical reporting system, ensuring Language Program managers were provided information on the relative priority of individual counterterrorism and counterintelligence cases requiring translation services, enhancing foreign language translation

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\* The full version of this report includes information that the FBI considered to be classified or law enforcement sensitive, and therefore could not be publicly released. To create this public version of the report, the OIG redacted the portions of the full report that the FBI considered classified or law enforcement sensitive, and indicated where those redactions were made.

quality control procedures, and improving the processes for hiring and screening prospective linguists.

The OIG's 2005 follow-up audit found that while the FBI made some improvement in several of these areas, significant deficiencies remained in the FBI's FLP. The 2005 audit determined that the FBI's backlog of audio material awaiting translation had increased since the 2004 audit, and that the FBI was not prioritizing the translation of high priority material in accordance with its national priorities and its overall mission. The 2005 audit also concluded that the FBI needed to improve the management of its linguist resources by developing linguist hiring goals and setting target staffing levels.

### **OIG Audit Approach**

This audit again evaluated the FBI's FLP and the FBI's progress in improving its ability to timely translate foreign language material. The primary objectives of this audit were to:

- (1) determine the extent of the FBI's foreign language translation backlog and the actions taken by the FBI to address the backlog of material awaiting translation;
- (2) assess the FBI's efforts to ensure the quality of its translated material, particularly through compliance with FBI quality control standards; and
- (3) review the FBI's linguist hiring process, as well as the FBI's efforts to ensure linguists timely receive the required security clearances, introductory training, and hearing assessments.

In this audit, we reviewed FBI documents, records, and data pertaining to its FLP since April 2005, including computer-processed data from the FBI's audio collection systems and information on translation workload statistics, quality control operations, and workforce planning. We interviewed FBI officials from the Directorate of Intelligence, Assistant Directors for Counterterrorism and Counterintelligence, and other management officials and linguists at FBI headquarters and within the Language Services Translation Center and FBI field offices in Miami, Florida; New York, New York; and Washington, D.C.

Appendix I contains further description of our audit objectives, scope, and methodology.

## **Results in Brief**

Our audit found that the FBI reviewed 100 percent of the 4.8 million foreign language text pages it collected for its counterterrorism, counterintelligence, and criminal investigations between FYs 2006 and 2008. However, we found that the FBI did not review 14.2 million (31 percent) of the 46 million electronic files that it collected during this same period.<sup>1</sup> In addition, for counterterrorism and counterintelligence operations between FYs 2003 and 2008 and for criminal investigations between FYs 2005 and 2008, we found that the FBI did not review 1.2 million hours (25 percent) of the 4.8 million audio hours it collected. Of this unreviewed material, 1 percent of the total unreviewed audio and text material and 72 percent of the unreviewed electronic files was material entirely in English.

Significant portions of the FBI's unreviewed audio material were collected for cases in its two highest-priority counterterrorism and counterintelligence categories. Specifically, in FY 2008 the FBI reviewed the foreign language collections in its highest priority counterterrorism and counterintelligence cases. However, the FBI did not review 740 counterterrorism audio hours collected in English for its highest-priority translation category. Additionally, the FBI did not review 2,800 counterterrorism audio hours (including 300 English-only hours) and 150,000 counterintelligence hours (including 300 English-only hours) for cases in its second highest-priority category. The FBI also had significant unreviewed electronic file material for cases in the two highest-priority categories. Not reviewing such material increases the risk that the FBI will not detect information in its possession that may be important to its counterterrorism and counterintelligence efforts. The FBI stated that it was not able to review all high-priority material requiring translation due in part to limited linguistic resources with proficiency in certain languages.

We also determined during our testing that two FBI field offices each had one occasion where it potentially collected material for counterterrorism cases beyond the dates authorized by the Foreign Intelligence Surveillance Act (FISA) Court. The FBI determined that one of these matters was reportable to the President's Intelligence Oversight Board.

In our previous two audits we reported that the LSS refines the reporting of data on its backlog of unreviewed counterterrorism audio material. This refinement involves subtracting hours identified on its

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<sup>1</sup> Text material primarily includes facsimile intercepts and hard copy documents.

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collection systems as unreviewed material that the FBI does not believe should be considered part of its backlog, such as more than one office counting the same hours in its backlog totals, hours of unreviewed material for inactive cases that still exist on the collection systems, and hours for collections that are entirely in English and do not require translation. The LSS has used these “refined” backlog totals to report to FBI management and Congress on the FBI’s backlog of unreviewed counterterrorism foreign language audio material.

We concluded that the FBI cannot accurately determine the amount of foreign language material it collects and reviews because it lacks a consolidated collection and statistical reporting system. Additionally, in our analysis of FLP monthly workload reporting that the LSS uses to obtain comprehensive data on collected and reviewed material, we found inconsistencies between collected and reviewed totals reported to the LSS by the field offices compared to the totals reported by the LSS. These inconsistencies prevent the LSS from accurately evaluating the FLP’s ability to review collected foreign language material and affects its efforts to accurately assess the FLP’s resource needs. The FBI stated that some of these inconsistencies are the result of field offices not resubmitting a corrected report. However, we also identified data entry errors made by LSS that resulted in incorrect monthly collected and reviewed figures. Until the FBI develops a reliable, automated means of tracking the amount of material collected and reviewed, we believe the LSS needs to improve its procedures for producing accurate data.

Quality control of translations is essential for the FBI to ensure that its linguists accurately translate collected counterterrorism, counterintelligence, and criminal investigative material. Following a recommendation in our 2004 audit, the FBI created the Quality Control Standards Unit, dedicated to managing the FLP’s quality control efforts. We noted significant improvements in some aspects of quality control, but we also identified continued deficiencies in the management and oversight of the quality control process that can adversely affect the accuracy and reliability of FLP translated material. Specifically, we found that the FBI should improve its internal controls to ensure that its linguists only translate and its Certified Quality Control Reviewers only review material in languages and genres in which they were certified.<sup>2</sup> The FBI also did not regularly follow up Not Satisfactory quality control reviews with required follow-up reviews, and did not consistently perform quality control reviews of its experienced linguists

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<sup>2</sup> Genres represent the type of translation performed by linguists. The five primary genres for translation are audio summary, audio verbatim, document summary, document verbatim, and no reportable intelligence.

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in accordance with FBI policy. These deficiencies increase the potential for inaccurate translations and for useful intelligence to be overlooked during the translation of foreign language material.

Since our 2005 audit, the number of linguists has decreased from 1,338 in March 2005 to 1,298 in September 2008. As in our previous audits, we found that the FBI failed to achieve its linguist hiring goals for critical languages. In FY 2008, the FBI only met its hiring target for 2 of the 14 critical languages for which it set goals. Failure to meet its hiring goals affects the FBI's ability to translate all of its collected material and hampers its efforts to reduce the backlog of unreviewed material.

As we found in our previous audits, the significant time it takes the FBI to hire contract linguists and convert contract linguists to permanent FBI employees contributes to the FBI's hiring shortfalls. We determined that from FYs 2005 through 2008 it took the FBI about 19 months to hire a contract linguist, an increase from the 16 months we found in our 2005 audit. Similar to our previous audits, the longest periods of time in applicant processing were the security clearance adjudication processes and proficiency testing. On average, the security clearance vetting process for applicants took an average of 14 months to complete, while the language proficiency testing process took an additional 5 months.

We also determined that 70 percent of FBI linguists in the field offices we tested did not attend the FBI's required training course for new linguists within 1 year of the date they entered on duty, as required by FBI policy. Moreover, the FBI does not require contract linguists to attend this training, and therefore many contract linguists did not receive important instruction on translation standards, FBI operations, and other facets and functions intimate with FBI linguist duties.

In our report, we make 24 recommendations to assist the FBI in improving its management of the FLP and its ability to accurately and timely review materials collected for its counterterrorism, counterintelligence, and criminal investigative operations.

Our report contains detailed information on the full results of our review of the FBI's FLP and its ability to manage and review the material it collects. The remaining sections of this Executive Summary provide more detail on our audit findings.

## **Unreviewed Material**

The FBI collects material for its counterterrorism, counterintelligence, and criminal investigative operations in audio (including video), text, and electronic formats. Our 2004 and 2005 audits found that the FBI had unreviewed foreign language material collected during FBI counterterrorism and counterintelligence operations. In this audit, we again analyzed the FBI's ability to review its collected counterterrorism and counterintelligence material. In addition, we added to this review an analysis of materials the FBI collected for its criminal investigations.

The LSS generates a consolidated monthly report on the total amount of material collected and reviewed in the three collection formats – audio, text, and electronic file. In the 4<sup>th</sup> quarter of FY 2005, the FBI started to separately track its collection and review of text and electronic material.<sup>3</sup> Consequently, we analyzed text and electronic file data for FYs 2006 through 2008. As shown in Exhibit 1, during our testing periods the FBI collected 4.8 million hours of audio material, 4.8 million text pages, and over 46 million electronic files. We determined that the FBI reviewed more than 100 percent of the text pages it collected.<sup>4</sup> However, it did not review 25 percent of the audio material and 31 percent of the electronic files it collected. We recognize that not all collected material yields valuable intelligence and that not all collected material may need to be reviewed.<sup>5</sup> However, without reviewing the material, the FBI cannot determine whether collected material represents critical intelligence information. In fact, FBI policy requires a review of all counterterrorism material and all its highest priority counterintelligence material.

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<sup>3</sup> Through quarter 3 FY 2005, the FBI tracked text and electronic file collections together in its text collection category.

<sup>4</sup> As discussed below, the reason for the FBI reviewing more text pages than it collected during this period could be attributable to the FBI reviewing a backlog of material from previous years or the FBI reviewing materials more than once.

<sup>5</sup> The FBI's collection systems cannot reliably filter our "white-noise" and unintelligible audio.

**Exhibit 1  
Unreviewed Audio, Text, and Electronic File Material  
Collected by the FBI**

<b>Type of Collection</b>	<b>Collected<sup>6</sup></b>	<b>Reviewed<sup>4</sup></b>	<b>Unreviewed<sup>4</sup></b>	<b>Percent Unreviewed</b>
<b>Audio Hours</b> FYs 2003 – 2008 <sup>7</sup>	4,841,433	3,639,979	1,201,454	25%
<b>Text Pages</b> FYs 2006 – 2008	4,853,288	5,174,177	(320,889)	0%
<b>Electronic Files</b> FYs 2006 – 2008	46,017,672	31,838,691	14,178,981	31%

Source: OIG analysis of FBI Language Services Section data

According to the FBI, the review of collected material should be prioritized according to the FBI’s national priorities and a five-category rating scale used to assign priority levels to counterterrorism and counterintelligence cases. FBI officials also said they consider other factors such as local threats and legal requirements when deciding which review category to assign its cases.

We found that the FBI had unreviewed material for counterterrorism and counterintelligence cases in its two highest-priority categories. We believe the FBI needs to improve its oversight of unreviewed material to ensure that high-priority collections are reviewed in a timely manner.

The LSS is responsible for ensuring the translation of foreign language material, and the FBI’s operational components – primarily its field offices – are responsible for reviewing material entirely in English. We found that the FBI’s unreviewed material included information entirely in English. We analyzed the FBI’s monthly reporting data for FYs 2006 through 2008 to determine the amount of unreviewed English-only material and did not find any unreviewed English-only material for the FBI’s criminal investigative

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<sup>6</sup> Due to FBI collection system limitations the data on collected, reviewed, and unreviewed material may contain materials that were reloaded onto a collection system for further review, transferred collection files that may have resulted in duplicated copies and collection totals, and other factors related to system limitations.

<sup>7</sup> Our review included analyses of counterterrorism and counterintelligence audio material collected and reviewed between FYs 2003 and 2008 to account for data reported in previous audits. We analyzed audio material collected and reviewed between FYs 2005 and 2008 for FBI criminal investigations.

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operations. But for its counterterrorism and counterintelligence operations, the FBI's unreviewed English-only material included a backlog of almost 5,000 audio hours, approximately 500 text pages, and nearly 10 million electronic files, including material for the FBI's 2 highest priority counterterrorism and counterintelligence cases. Overall, the unreviewed English-only material constituted 1 percent of the FBI's total unreviewed audio and text material and 72 percent of all unreviewed electronic files.

The FBI does not have a procedure for ensuring that its English-only counterterrorism and counterintelligence material was reviewed. We believe the FBI needs to develop a process for ensuring that its collection of English-only material is reviewed on an ongoing basis, especially for its high-priority counterterrorism and counterintelligence operations.

The following sections discuss the FBI's collection and review of material according to the type of material collected.

### *Audio Material*

The FBI collects audio material primarily through wiretaps and other electronic surveillance techniques. As shown in Exhibit 2, from FYs 2003 through 2008 for counterterrorism and counterintelligence operations and from FYs 2005 through 2008 for criminal investigations the FBI collected over 4.8 million hours of audio material.<sup>8</sup> Approximately 3.8 million hours (78 percent) were collected for FBI counterintelligence operations, 780,000 hours (16 percent) for counterterrorism operations, and 260,000 for criminal investigations. In total, the FBI did not review 25 percent of the collected audio material, including almost 47,000 hours of counterterrorism material and over 1.1 million hours of counterintelligence collections.

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<sup>8</sup> We incorporated in this review the FYs 2003 and 2004 counterterrorism and counterintelligence data from our previous report. We did not review criminal investigation data in our 2004 and 2005 audits, and therefore we reported only on FYs 2005 through 2008 criminal investigation data in this review.

**Exhibit 2**  
**Audio Material Collected and Reviewed**

	<b>Collected</b>	<b>Reviewed</b>	<b>Unreviewed</b>	<b>Percent Unreviewed</b>
<b>Counterterrorism</b> (FYs 2003 - 2008)	782,692	735,717	46,975	6%
<b>Counterintelligence</b> (FYs 2003 - 2008)	3,797,493	2,637,991	1,159,502	31%
<b>Criminal</b> (FYs 2005 - 2008)	261,248	266,271	(5,023)	0%
<b>TOTAL</b>	<b>4,841,433</b>	<b>3,639,979</b>	<b>1,201,454</b>	<b>25%</b>

Source: OIG analysis of FBI Language Services Section data

Counterterrorism Audio Material

In our 2004 and 2005 audits, we reported that the FBI reviewed 93 percent of its counterterrorism collections. In this audit, our analysis of FBI monthly workload data showed that the FBI reviewed 94 percent of the counterterrorism audio material it collected between FYs 2003 and 2008, leaving 6 percent (46,975 hours) unreviewed. This unreviewed material is about 5.5 times the 8,600 unreviewed hours in FY 2003. For FY 2008 alone, the FBI collected 85,546 hours of counterterrorism audio and reviewed 77,375 hours, adding another 8,171 hours to the backlog of unreviewed counterterrorism audio material. LSS policy is to review 100 percent of the material it collects for its counterterrorism operations.

Our analysis of the FY 2008 monthly translation workload reporting data also shows that 45 percent of the 8,171 hours of FY 2008 unreviewed audio material was collected in cases in the FBI's 2 highest priority categories for national security investigations. Specifically, 740 hours of the FY 2008 unreviewed counterterrorism material pertained to the highest priority cases – the most significant of FBI national security investigations. We determined that this unreviewed high-priority material was entirely in English, and therefore the collecting field office, rather than the FLP, was responsible for ensuring the review of these collections. Additionally, even though the FBI had reviewed over 25,000 hours of lower priority counterterrorism audio material, the FBI had over 2,800 hours of unreviewed counterterrorism material in its second highest priority, of which fewer than 300 hours was English-only material. We were told by the FBI that it reviews material according to the priority of the case and that its limited linguist resources in certain languages can prevent it from reviewing high-priority material. Further, the FBI stated that within each language it

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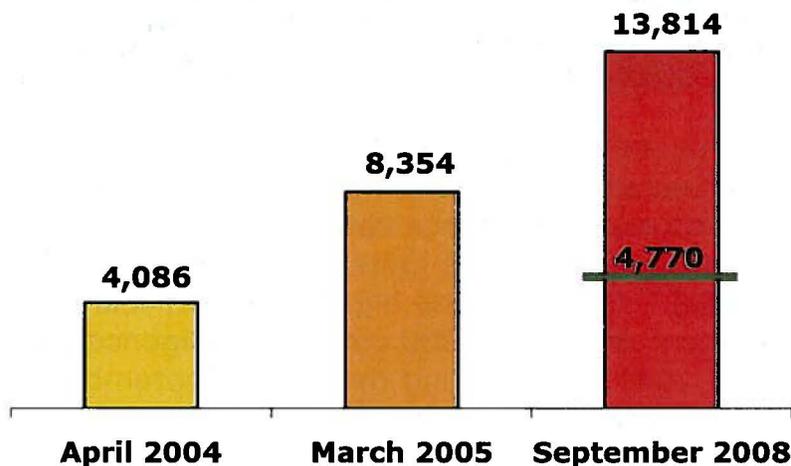
reviewed material for its higher priority cases before its lower priority cases. The FBI also provided workload data for two languages in which it has limited resources showing that higher priority material in these languages was reviewed while lower priority material was not. As discussed in Finding IV, the FBI's failure in meeting hiring goals in critical languages contributes to its inability to review collected material, including material collected for its second highest priority cases.

In our 2004 and 2005 audits, we discussed that the FBI reported "refined" amounts for its backlog of unreviewed audio material. This refinement process entails subtracting hours identified on its collection systems as "unreviewed" or "needs further review" that the FBI does not consider to be part of its backlog. For example, the FBI subtracts hours that it believes more than one office has counted in its backlog total, hours of unreviewed material for inactive cases that still exist on the collection systems, and hours for collections that are entirely in English and do not require translation. The FBI derives its refined totals using information from only one of its audio collection systems – Collection System A. The FBI does not include data on material contained on other collections systems.

As shown in Exhibit 3, we stated in our previous audits that the FBI's reported totals for its backlog of unreviewed counterterrorism audio material (derived from Collection System A) was 4,086 hours in April 2004 and 8,354 hours in March 2005. In this audit, we found that as of September 30, 2008, Collection System A data indicated that the backlog of unreviewed counterterrorism audio material was 13,814 hours. However, the LSS further refines the Collection System A backlog totals by subtracting audio hours that it believes are incorrectly included in backlog statistics. The FBI stated that the refined backlog of unreviewed counterterrorism audio material as of September 2008 was 4,770 hours, rather than the 13,814 hours identified in Collection System A. This refined figure is what the LSS reports to FBI senior managers and to Congress as the FLP backlog of unreviewed counterterrorism audio material.

**Exhibit 3  
Collection System A  
Counterterrorism Audio Backlog  
on September 30, 2008**

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Source: OIG analysis of Language Services Section data

An LSS Unit Chief told us that he prepares a spreadsheet detailing the Collection System A backlog numbers, and as part of the “refinement process,” identifies audio collections that he believes fall within 10 anomaly categories and subtracts the associated hours from the Collection System A backlog total. He then maintains the documentation in electronic files that the management team at LSS can access. We reviewed the FBI’s methodology for subtracting audio hours for each of these categories, and we agree that it is reasonable to eliminate certain collections from its foreign language audio backlog totals.

Counterintelligence Audio Material

We determined in our 2004 and 2005 audits that 34 and 33 percent, respectively, of the FBI’s counterintelligence foreign language audio collections had not been reviewed.<sup>9</sup> During this audit, we found that the FBI’s collection of counterintelligence audio continues to exceed the FBI’s ability to review the material. Between FYs 2003 and 2008, the FBI reviewed 2.6 million hours of its nearly 3.7 million hours of collected counterintelligence audio material resulting in an accrued 1.1 million unreviewed audio hours or about 31 percent of its total collected material.

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<sup>9</sup> In our prior audits, English-only audio was included in the counterintelligence foreign language audio data.



When we analyzed FY 2008 FLP monthly translation workload data, we found that the FBI translated all 1,200 hours of audio material collected for its highest priority counterintelligence cases. However, the FBI had about 150,000 hours of unreviewed audio material – including 300 hours of English-only material – for its second highest priority cases, which constituted 21 percent of the 700,000 counterintelligence audio hours it collected during FY 2008.<sup>11</sup> We found that as of September 2008 the amount of unreviewed counterintelligence audio material on Collection System A was 84,355 hours. The FBI told us that as of June 5, 2009, it determined the amount of unreviewed counterintelligence audio material on Collection System A was 25,258 audio hours.

#### Criminal Investigative Audio Material

We did not examine foreign language translation data for FBI criminal operations in our previous audits. We added this topic to the current audit to provide a more comprehensive perspective on the FBI’s translation workload and performance.

According to FBI monthly translation workload reporting, from FYs 2005 through 2008 the FBI collected 261,248 hours of foreign language audio material for its criminal investigations. During this same period, FBI data shows that it reviewed 266,271 hours of criminal investigation audio material. The FBI offered explanations for why the data showed that it reviewed more material than it collected, including material collected before FY 2005 and reviewed in the last 3 fiscal years, and field offices potentially duplicating review totals for certain collections.

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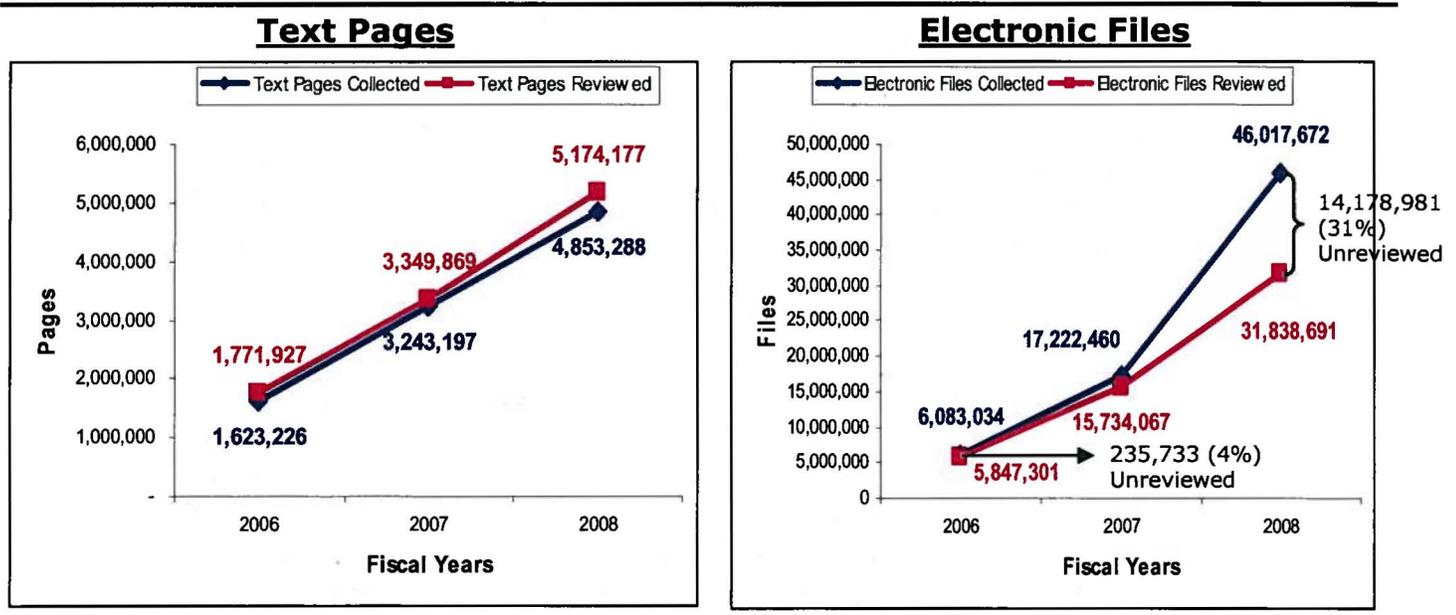
<sup>11</sup> About 300 hours were unreviewed English-only material.

*Text and Electronic Files Material*

In addition to audio material, we also reviewed the FBI’s collection of text and electronic files for its counterterrorism, counterintelligence, and criminal investigative operations. Beginning in July 2005, the FBI separated out its collections in these two categories.

We found that between FYs 2006 through 2008, the FBI collected over 4.8 million text pages and over 46 million electronic files. As shown in Exhibit 4, the FBI was able to review all its collected text pages and a majority of its electronic files collected during FYs 2006 and 2007. However, the FBI experienced a substantial increase in electronic files collections in FY 2008, and consequently was not able to review a significant portion of this material.

**Exhibit 4  
Accrued, Collected, and Reviewed  
Text Pages and Electronic Files  
Fiscal Years 2006 through 2008**



Source: OIG analysis of FBI Language Services Section data

Counterterrorism Text and Electronic File Material

In counterterrorism cases, between FYs 2006 and 2008, the FBI reviewed over 7,500 more text pages than the 137,857 it collected, likely reviewing backlog material from previous years. However, the FBI was not able to review all of the electronic files material it collected during this same

period. At the end of FY 2008, the FBI had reviewed 18.9 million of the 26 million electronic files it collected. This constituted a backlog of 7.2 million unreviewed electronic files for its counterterrorism cases. Over 6.7 million of these electronic files – 94 percent of the 7.2 million unreviewed counterterrorism electronic files – were added to this backlog during FY 2008 when the FBI experienced substantial increases in electronic file collections.

**Exhibit 5  
Counterterrorism Text Pages and Electronic Files  
Collected and Reviewed  
Fiscal Years 2006 through 2008**

Type of Collection	Collected	Reviewed	Unreviewed	Percent Unreviewed
<b>Text Pages</b>	137,857	145,413	0	0%
<b>Electronic Files</b>	26,083,300	18,909,041	7,174,259	28%

Source: OIG analysis of FBI Language Services Section data

From FY 2006 through 2008, the FBI reviewed all text page material for cases in its two highest priority counterterrorism categories. For electronic file counterterrorism collections, the FBI reviewed all of its nearly 115,000 electronic files in the highest priority, but only reviewed 1.8 million (60 percent) of the 3 million files in its second highest priority category. In FY 2008, 92 percent of the unreviewed electronic file material in the FBI's second highest priority was in a foreign language and required translation.

Counterintelligence Text and Electronic File Material

Overall, the FBI was able to keep pace in reviewing its collected counterintelligence text pages, but it was unable to review a significant portion of its electronic file collections. As shown in Exhibit 6, between FYs 2006 and 2008 the FBI did not review about 98,000 (3 percent) of the over 3.5 million text pages it collected for counterintelligence operations. In addition, the FBI did not review 6.7 million (36 percent) of the 18.7 million electronic files it collected for its counterintelligence operations. Nearly 85 percent of the FBI's backlog of unreviewed counterintelligence files was collected in FY 2008, demonstrating the FBI's inability to keep pace with the significant increase in electronic file collections during FY 2008.

**Exhibit 6**  
**Counterintelligence Text Pages and Electronic Files**  
**Collected and Reviewed**  
**Fiscal Years 2006 through 2008**

Type of Collection	Collected	Reviewed	Unreviewed	Percent Unreviewed
<b>Text Pages</b>	3,539,145	3,440,828	98,317	3%
<b>Electronic Files</b>	18,753,411	12,032,050	6,721,361	36%

Source: OIG analysis of FBI Language Services Section data

In FY 2008, the FBI reviewed most text page material for its highest priority cases, but did not review some of its highest priority electronic file collections. Specifically, the FBI reviewed 57,000 (90 percent) of the almost 64,000 electronic files that it collected for its highest priority counterintelligence cases. Of the 10.1 million electronic files the FBI collected, the FBI did not review about 5.4 million files, including 3.5 million English-only files for its second highest priority cases in FY 2008.

Criminal Investigative Text and Electronic File Material

As it did with text file collections for its counterterrorism and counterintelligence operations, the FBI reviewed all text pages collected for its criminal investigations between FYs 2006 and 2008. However, the FBI did not review nearly 283,000 (23 percent) of the nearly 1.2 million electronic files it collected, as shown in Exhibit 7. This entire backlog of these unreviewed electronic files was accumulated in FY 2008.

**Exhibit 7**  
**Criminal Investigative Text Pages and Electronic Files**  
**Collected and Reviewed**  
**Fiscal Years 2006 through 2008**

Type of Collection	Collected	Reviewed	Unreviewed	Percent Unreviewed
<b>Text Pages</b>	1,176,286	1,587,936	0	0%
<b>Electronic Files</b>	1,180,961	897,600	283,361	23%

Source: OIG analysis of FBI Language Services Section data

*Foreign Intelligence Surveillance Act Overrun*

In counterterrorism or counterintelligence investigations, the FBI can seek authorization from the FISA court to perform electronic surveillance. FISA court orders include surveillance expiration dates dictating when the

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FBI must cease surveillance. Any collection beyond the expiration date of the FISA court order is a violation of the FISA order and is considered an “overrun.”<sup>12</sup> Instances of potential overrun must be immediately reported to the FBI Office of the General Counsel, which decides whether the overrun should be reported to the President’s Intelligence Oversight Board.<sup>13</sup>

During our audit, we reviewed a sample of 110 FLP files at FBI field offices in Miami, New York, and Washington, D.C. During this review, we found one instance of a potential FISA overrun at one field office and one instance of an overrun at another field office. In June 2009, the FBI’s Office of the General Counsel determined that one field office’s overrun should be reported to the Intelligence Oversight Board.

In September 2008, one of the field offices told us that it agreed with our assessment of a potential overrun. However, in June 2009 the FBI informed us that it no longer considered this an overrun. The FBI stated that it believes the calls that were collected were initiated by telemarketers who waived their privacy rights by making the call. However, the FBI collected several minutes of calls on lines on which a FISA court judge ordered it to cease collecting material and in which the FBI field office believed was an instance of a potential overrun. The FBI must ensure that it does not collect on lines for which it does not have active FISA authorization.

### Workload Monitoring and Reporting

The FBI still does not have an automated means for assessing the amount of audio, text, and electronic file material that it collects and reviews. The FBI had Collection System B that was planned to replace the interim system called Work Flow Manager. Instead, the FBI decided that it would consolidate the following three systems due to their similar functionalities:

- Collection System B – This system supports the sharing and analysis of collected electronic files.

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<sup>12</sup> In our report we make a distinction between “overrun” and “over-collection.” An “overrun” refers to investigative activity conducted outside the time period of the FISA court order or outside the authorized period of investigative activity, which may involve the collection of unauthorized information. An “over-collection” refers to information gathered within the authorized time period of the FISA court order but outside the scope or intent of the order.

<sup>13</sup> Executive Order 12863 designates the Intelligence Oversight Board as a standing committee of the President’s Foreign Intelligence Advisory Board and directs the Intelligence Oversight Board to inform the President of any activities that may be unlawful or contrary to Executive Order or Presidential Directive.

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- Collection System C – This system is a smaller version of Collection System B that supports the collection and analysis of electronic files. As noted below, Collection System B and Collection System C were consolidated in February 2009 to maintain identical data.
- Collection System D – The FBI uses this system for electronic media extraction.

As of February 2009, the FBI had consolidated Collection Systems B and C, and FBI officials said their long-term plan is to consolidate Collection System D, the third system. However, we determined this consolidated system will include Collection System A, which as mentioned previously contains 70 to 80 percent of the FBI's collected audio material.

In the absence of an automated statistical mechanism for determining its collection totals and performance in reviewing collected material, the FBI continues to collect data monthly from field offices on the amount of material it collected and reviewed. However, these workload monitoring practices do not produce comprehensive, accurate, and verifiable data on FLP collection totals and the backlog of unreviewed material. These practices also prevent the LSS from accurately evaluating the FLP's ability to review all collected foreign language material and hinder its efforts in determining the program's resource needs.

### **Quality Control Program Practices**

Quality control practices are essential to ensuring the accuracy of the FBI's translations of collected foreign language material. In 2005, the LSS began monitoring nationwide compliance with the FBI's FLP quality control requirements through its quality control program. Additionally, that same year the LSS created the Quality Control Standards Unit (QCSU) as a dedicated unit to manage FLP quality control efforts. These changes helped formalize the FLP's quality control program and enhanced the oversight of the FLP quality control requirements by the LSS.

### *Linguist Assignments*

FBI linguists should translate only in the genre – summary or verbatim – and the languages in which they have been formally tested and deemed proficient by the FBI's Language Testing and Assessment Unit. We analyzed FLP records and data for July 2005 through June 2008 to determine whether the FBI was assigning linguists to review only material in which they were certified. Of the 414 linguists within the four field offices we visited,

we found that 4 linguists performed 7 translations in languages in which they were not certified to translate. All seven of these translations received Satisfactory quality control ratings.<sup>14</sup>

In addition, monitors – linguists with lower proficiency scores – are only authorized to perform summary translations, except for in exigent circumstances requiring an immediate verbatim translation. In our analysis of the FLP's records and data for July 2005 through June 2008, of the 467 linguists classified as monitors, we found 69 occurrences where 43 monitors performed verbatim translations, which are not permissible according to FBI policies. Only 5 of these 69 occurrences resulted in Not Satisfactory quality control ratings. However, translations performed by ineligible linguists increase the potential that valuable intelligence will be overlooked during translations.

In October 2008, the LSS Section Chief told us that the FBI is developing a database that will assist the FBI in assigning translation work to linguists. She also stated that upon its implementation the database will limit the linguist assignments to the linguist's approved language proficiency. As of February 2009, the linguist tasking phase of the proposed database remained under development. Until this database is implemented, however, the FBI must ensure that linguists are only assigned tasks for which they are qualified to translate.

#### *Certified Quality Control Reviewers*

A Certified Quality Control Reviewer is a linguist approved to perform quality control reviews for other linguists' work. Before being approved as a Certified Quality Control Reviewer, linguists must attend a certification workshop, pass the workshop exam, and be satisfactorily reviewed in the genres of translation (summary and verbatim) that they will be reviewing. Since our 2005 audit, the number of Certified Quality Control Reviewers increased from 100 reviewers to 342 as of September 2008. We reviewed LSS records of quality control reviewers and found that all reviewers had attended the required certification workshop and passed the exam.

However, we found several instances where Certified Quality Control Reviewers performed reviews in languages and genres for which they were not certified. Specifically, when we tested FLP quality control records of all Certified Quality Control Reviewers between July 2005 and June 2008, we found 173 instances, including 55 instances (32 percent) in FY 2007 and

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<sup>14</sup> In addition, we found 35 instances where 11 linguists were identified as translating in languages they were not authorized to translate.

26 instances (15 percent) in the first 3 quarters of FY 2008, where reviewers performed quality control reviews in languages they were not certified to review. Additionally, we found 14 instances where individuals other than Certified Quality Control Reviewers were performing quality control reviews.

In addition, we assessed whether Certified Quality Control Reviewers were certified to review the genres of translations they were assigned between July 2005 and June 2008. We found 612 instances where 341 reviewers reviewed translations for which they were not certified, such as a linguist certified to review only document summary translations that performed a quality control review of an audio verbatim translation. Of the 612 instances, Not Satisfactory ratings were assigned to linguists for 73 of the reviews.

Of the 414 linguists we tested in the 4 field offices we visited, we found that 71 Certified Quality Control Reviewers were approved to perform translations in genres for which they did not receive Satisfactory reviews, such as being approved to perform a quality control review in the audio verbatim genre without ever having been satisfactorily quality control reviewed in that genre themselves. Certified Quality Control Reviewers not being appropriately certified to review assigned translations detracts from the overall effectiveness of the quality control program and may diminish the LSS' understanding of the need for linguist training and mentoring. We recommend that the LSS improve its monitoring of the quality control program to ensure that supervisors are appropriately assigning quality control reviews to Certified Quality Control Reviewers.

#### *Quality Control Program Reviews*

The FLP's quality control program helps to ensure that linguists accurately translate collected material, which is essential to enhancing FBI counterterrorism, counterintelligence, and criminal operations. It is important that quality control reviews are performed in a timely fashion, and by linguists who are certified to assess the quality of the translations being reviewed. The FBI revised its 2004 FLP quality control policy in 2007 to more clearly define quality control requirements for ensuring that the quality control review process is a systematic method for monitoring translations rather than a purely subjective assessment by the reviewer.

According to the LSS quality control policy, the FBI performs quality control reviews of all translated material being disseminated outside the FBI, such as material being used in court proceedings. Additionally, the FBI's quality control program requires routine reviews of all its linguists.

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We found that 167 experienced linguists had not received quality control reviews in FYs 2006 and 2007. While the FBI improved its compliance with quality control requirements over the last 3 fiscal years, we identified 33 linguists who were due to have quality control reviews during the first 3 quarters of FY 2008 who did not receive them. Moreover, we identified 19 linguists who never received a quality control review between FY 2006 and June 2008. While the QCSU does monitor quality control reviews, our findings for the four offices we visited indicate a need for the FBI to continue improving its management and monitoring of the quality control program. QCSU and field-level FLP supervisors must remain diligent in their efforts to monitor the need for quality control reviews of experienced linguists.

### Not Satisfactory Ratings

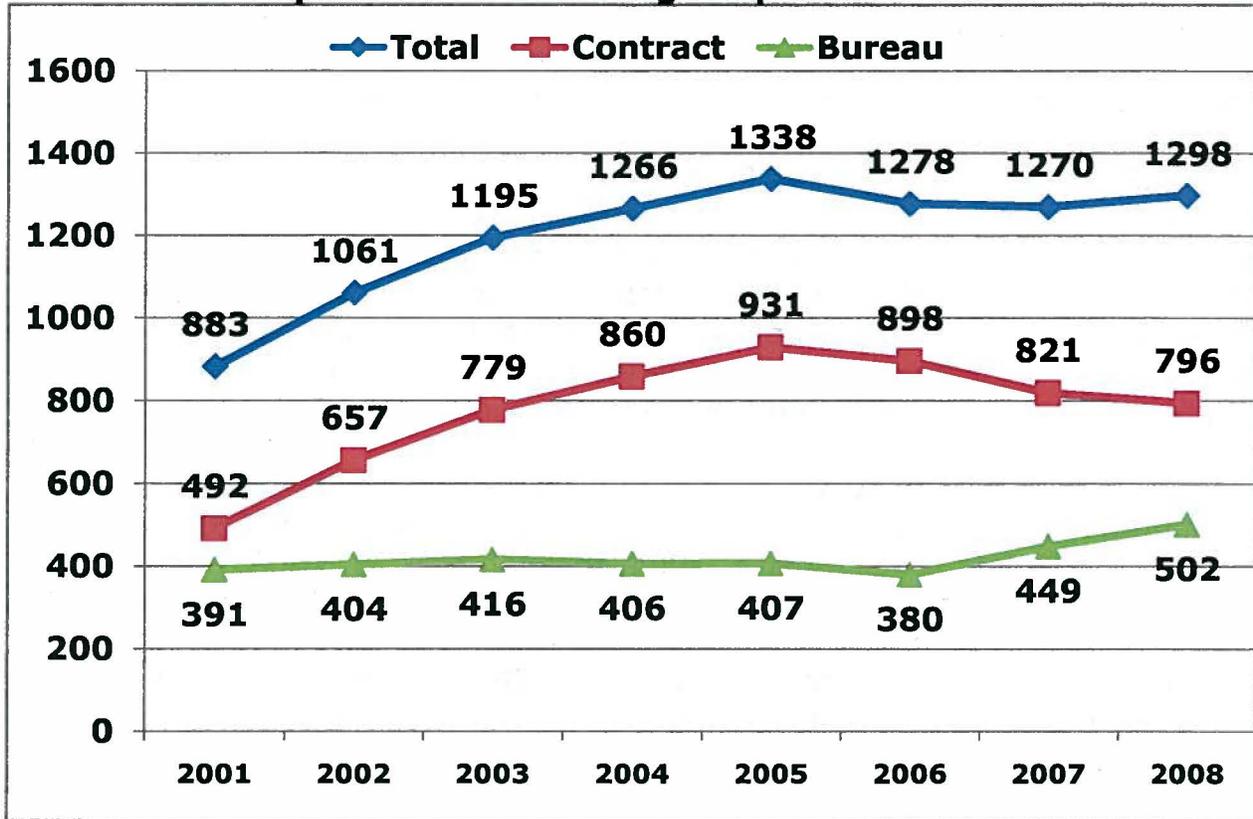
The quality control review process requires supervisors at field offices nationwide to coordinate with each other to ensure that quality control reviews of linguists are performed in a timely fashion. The objective of the review process is to determine whether linguists are performing translations at a satisfactory level. The FBI uses Not Satisfactory ratings for the purposes of taking corrective action to remedy errors in translations and ultimately improving the ability of linguists to perform accurate translations.

According to the Quality Control Quarterly Compliance reports, approximately 10 percent of the 8,244 quality control reviews performed between July 2005 and June 2008 resulted in Not Satisfactory ratings. Additionally, our review of FLP quality control records revealed that 47 (53 percent) of the 89 Not Satisfactory reviews were not followed up with subsequent reviews at the 4 field sites we visited, as required by FBI policy. Therefore, linguists whose work was determined to be below standard for translation were allowed to continue translating material.

### **Linguist Workforce**

The FBI hires permanent employees as linguists and also hires contract linguists to provide foreign language services for FBI operations. In our 2004 and 2005 audits, the FBI had increased the number of full-time linguists – both permanent FBI employees and contract personnel – from 1,214 linguists in April 2004 to 1,338 linguists in March 2005, as shown in Exhibit 8. In this audit, we determined that despite a significant increase in collected material in the past several years, the FBI experienced a decrease of 40 linguists since 2005. As of September 2008, the FBI had 1,298 linguists assigned to the various FBI field offices worldwide, with contract personnel comprising 60 percent of the FY 2008 linguist workforce.

**Exhibit 8**  
**FBI and Contract Linguists On Board**  
**September 2005 through September 2008**



Source: FBI Language Services Section

The FBI categorizes its linguist personnel in four categories according to their language proficiency scores. Linguists with higher proficiency ratings – FBI Language Analysts and Contract Linguists – are authorized to perform both summary and verbatim translations of foreign language material. FBI FLP Monitor Analysts and Contract Language Monitors are only authorized to perform summary translations due to their lower language proficiency.

### *Linguist Hiring*

The FBI establishes linguist hiring goals based on available funding and according to languages considered the most critical to the FBI's counterterrorism, counterintelligence, and criminal investigative operations. In our FY 2004 audit, we found that the FBI achieved its hiring goals for 11 of 26 languages for which goals were established. We found in our 2005 audit that as of March 30, 2005, the FBI had met its hiring goals in 14 of 43 languages for which goals were established.

We found during this audit that the FBI continued to fall short of most of the linguist hiring goals it established for critical languages. In FY 2006, the FBI only met 17 of 42 hiring goals for languages with established goals. In FY 2007, the FBI met its target for only 38 percent of the languages for which it set a goal. In FY 2008, the FBI set hiring goals for only 14 languages, and met the hiring targets for only 2 of these languages.

LSS officials said that its funding limitations prevented the FBI from implementing practices to improve its hiring process, such as technology improvements and the use of third-party testing centers. Further, LSS officials told us that rigorous foreign language proficiency testing and security vetting process, competition with other intelligence community agencies for linguist resources, and limited staffing resources to process applicants more efficiently contributed to their inability to meet hiring goals.

During our 2005 audit, we reported that it took the FBI about 16 months to hire a contract linguist. In this audit, we tested FBI contract linguist hiring data for October 1, 2004, through May 29, 2008, and found that the FBI's average time to hire a linguist had increased on average to 19 months. The language proficiency testing process took the FBI an average of 5 months to complete, while the FBI averaged 14 months to complete the background security adjudication process for linguist applicants.

In addition to long processing times for hiring contract linguists, we found that it took the FBI 9 months to convert contract linguists into permanent FBI employees.<sup>15</sup> In these cases, the background security adjudication process took an average of 7 months to complete.

### **Linguist Security Clearance Adjudication and Training**

Because linguists are involved in translating sensitive material important to the FBI's counterterrorism, counterintelligence, and criminal investigative effort the FBI requires linguists to maintain Top Secret security clearances.<sup>16</sup> The FBI interprets current Intelligence Community Policy Guidance to give the FBI 7 years from the date of an individual's previous

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<sup>15</sup> We did not review this conversion process during our previous audits and therefore did not determine whether this time period has also lengthened.

<sup>16</sup> However, not all contract linguists used by the FBI are vetted for security clearances. Contract linguists who provide periodic translations for criminal matters only are provided escorted access and no security clearance is required. These linguists do not have or require access to classified information.

security clearance adjudication to complete a reinvestigation in order to renew a security clearance. However, the DOJ's Security and Emergency Planning Staff – the DOJ authority for security matters – believes the FBI must comply with Executive Order 12968 and DOJ security policy, which require security clearance reinvestigations to be initiated every 5 years.

Since our 2005 audit, the FBI has replaced its 4-day Training for New Linguist course with a 2-week Language Analyst Specialized Training (LAST) course. According to the FBI policy, all new FBI linguists are required to take LAST training within 1 year of the date they entered on duty. FBI officials said they attempted to train as many contract linguists as possible, but does not require its contract linguists to attend LAST training. We examined training records for FBI and contract linguists assigned to the four field offices we visited who had worked at the FBI for more than 1 year. We found 125 (70 percent) of 178 FBI linguists and 115 (48 percent) of 238 contract linguists had not attended a Training for New Linguist or LAST training course. The FBI provided several reasons why both FBI and contract linguists had not taken one of the initial linguist training courses. For example, individuals who were experienced linguists upon hire were not subject to the requirements and some linguists were unable to travel due to operational responsibilities or personal obligations.

The LAST training benefits FBI and contract linguists by providing instruction on areas such as FBI translation standards, quality control policies, principles of translation and interpretation, and the FBI's collection and data systems. Linguists not trained in general translation standards and FBI processes and policies can affect the overall quality of translations and hinder the FBI's efforts to reduce the backlog of unreviewed foreign language material.

## **Conclusion and Recommendations**

The FBI collects large amounts of foreign language audio, text, and electronic materials in the course of conducting its counterterrorism, counterintelligence, and criminal investigative operations. Its ability to timely review and accurately translate this material is critical for the FBI to perform its mission effectively.

We found that the FBI reviewed all of the text material it collected between FYs 2006 and 2008. By contrast, the FBI had a significant backlog of unreviewed electronic material and did not review 31 percent of the electronic files it collected during this same period. Additionally, the FBI did not review 25 percent of the audio material it collected for counterterrorism

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and counterintelligence operations between FYs 2003 and 2008 and for criminal investigations between FYs 2005 and 2008.

Since the time of our first reviews of the FLP, the total amount of unreviewed audio material increased from 8,600 hours in FY 2003 to almost 47,000 hours by the end of FY 2008 for counterterrorism operations and from about 218,000 hours to nearly 1.2 million hours for counterintelligence operations. Moreover, we determined that the backlog of unreviewed material included collections in cases within the FBI's highest priority counterterrorism and counterintelligence investigations.

The FBI still lacks an accurate and comprehensive means of monitoring its collection workload and its performance in reviewing collected material. Without a consolidated collection and reporting system, the FBI must rely on monthly workload reporting from FBI field offices for determining the amount of material it has collected and reviewed. However, we found that data reported by the field to the LSS often does not match the figures reported by the LSS due to data entry errors and revisions made by the LSS. We believe the LSS needs to improve its procedures for producing and reporting accurate data on its foreign language translation program and backlog.

The FLP quality control program helps to ensure the accuracy of translated material. Our audit found that the FBI has improved its quality control over the FLP since our previous reviews by instituting a tracking system capable of monitoring nationwide compliance. However, we found that the FBI did not ensure that its linguists and Certified Quality Control Reviewers were performing translations and quality control reviews only in languages and genres in which they were certified. We also determined that the FBI did not consistently follow up Not Satisfactory quality control ratings with the required subsequent quality control reviews. We recommend that the FBI improve its monitoring of linguist and Certified Quality Control Reviewer assignments and its oversight of quality control review results and scheduling.

We found during this audit, as we did in our 2004 and 2005 reviews, that the FBI did not meet its critical-language linguist hiring goals for FYs 2005 through 2008. As a result, the number of linguists decreased from 1,338 to 1,298 between FYs 2005 and 2008. We also found the linguist hiring process to be slow, and the average time it took to hire a contract linguist increased from 16 months in our last audit to 19 months in this audit. Failing to hire an adequate number of linguists in a timely manner adversely affects the FBI's ability to manage the growing translation workload and reduce the current backlog of unreviewed material.

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In this audit, we made 24 recommendations to assist the FBI in improving the management of its FLP and for ensuring the review of collected audio, text, and electronic file material. These recommendations include developing a reliable means of assessing its collection workload and backlog of unreviewed material; improving its oversight of the FLP quality control program; and implementing measures to help ensure that linguists and Certified Quality Control Reviewers are assigned to translate and review translations in languages and genres in which they are certified.

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## **INTRODUCTION**

The translation of foreign language audio material, written information, and electronic material is crucial to the Federal Bureau of Investigation's (FBI) counterterrorism and counterintelligence missions, as well as to its criminal investigative operations. Without accurate and timely translations, the FBI's ability to effectively investigate terrorist and criminal enterprises that communicate in a foreign language is significantly hampered.

The Department of Justice (DOJ) Office of the Inspector General (OIG) previously completed two audits of the FBI's foreign language translation operations.<sup>17</sup> Our initial 2004 audit found weaknesses in the FBI's Foreign Language Program (FLP) that undermined the FBI's ability to review and translate counterterrorism and counterintelligence material it collected. In addition, we found that the FBI did not comply with its own standards for ensuring the quality of translations performed by its linguists.

The OIG conducted a follow-up audit in 2005 which found that the FBI had made some improvement in its foreign language translation program, but that deficiencies in the management of the program persisted. Specifically, the 2005 audit found that the FBI's backlog of material awaiting translation had increased from 2004 to 2005 and the FBI was not prioritizing the translation of collected foreign language material. We also concluded that the FBI needed to improve its linguist work force management, including developing hiring goals and setting target staffing levels.

The 2004 audit contained 18 recommendations to help the FBI improve its foreign language translation efforts; our 2005 audit made no additional recommendations to the FBI. The FBI stated that it agreed with our recommendations and would take action to address them.

Following these audits, the FBI provided information demonstrating actions it had taken to address our recommendations. Based on this written information, we closed the 18 recommendations as of October 13, 2006. However, we decided to conduct this follow-up audit to reassess the performance of the FBI's foreign language translation program.

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<sup>17</sup> U.S. Department of Justice Office of the Inspector General, *The Federal Bureau of Investigation's Foreign Language Program – Translation of Counterterrorism and Counterintelligence Foreign Language Material*, Audit Report 04-25 (July 2004) and OIG, *Federal Bureau of Investigation's Foreign Language Translation Program Follow-up*, Audit Report 05-33 (July 2005).

## FBI Investigative Priorities

The FBI has established as its two highest investigative priorities the protection of the United States from terrorist attacks (counterterrorism) and against foreign intelligence operations and espionage (counterintelligence).

### **FBI INVESTIGATIVE PRIORITIES**

1. Protect the United States from terrorist attack.
2. Protect the United States against foreign intelligence operations and espionage.
3. Protect the United States against cyber-based attacks and high-technology crimes.
4. Combat public corruption at all levels.
5. Protect civil rights.
6. Combat transnational and national criminal organizations and enterprises.
7. Combat major white-collar crime.
8. Combat significant violent crime.

Source: FBI

Such investigations often involve foreign language materials that require linguists who can translate the material to English in a timely and accurate manner.

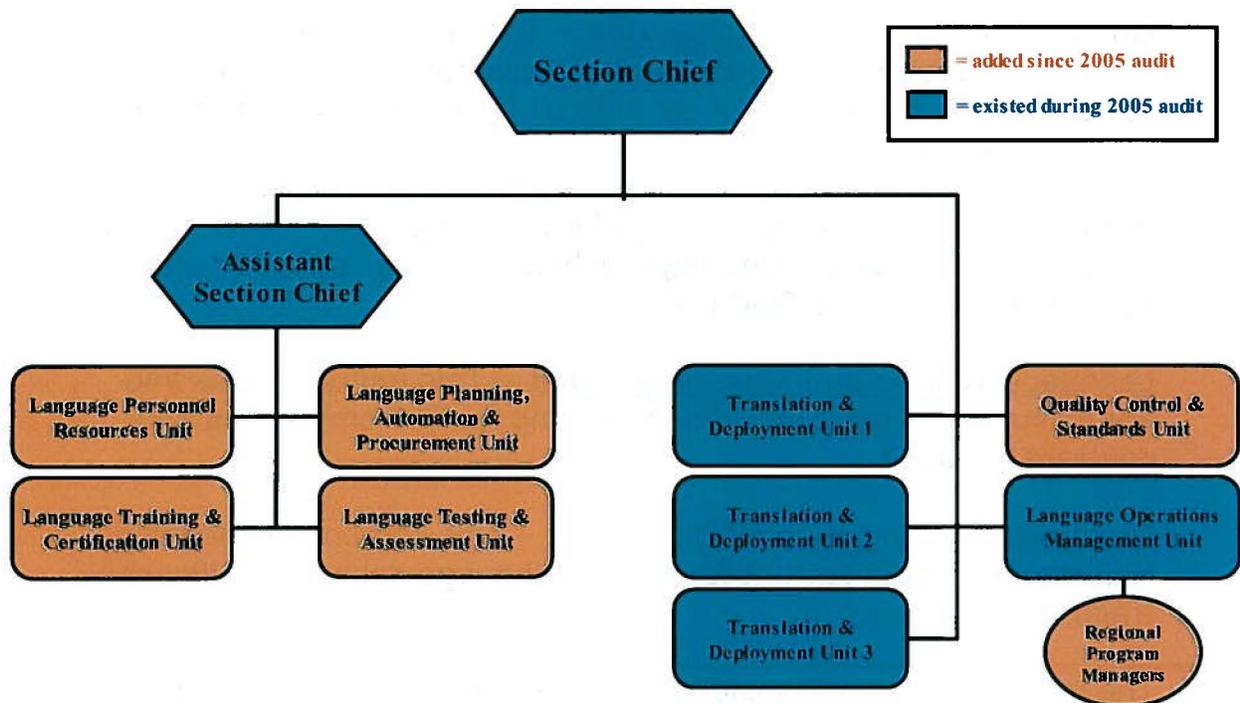
### **Language Services Section**

The FBI's Language Services Section (LSS) is responsible for overseeing FBI translation efforts and for managing linguists who translate foreign language material to English. Formed in January 1999 to help centralize FBI

translation needs, the LSS became part of the FBI's Directorate of Intelligence in 2005. The LSS is responsible for managing the FLP; ensuring that the program's resources are utilized in accordance with the FBI's established priorities; and providing quality translation, interpretation, and language analysis services to the FBI and other members of the intelligence and law enforcement communities.

Since our 2005 audit, the LSS has expanded from four to nine units and placed in the field eight Regional Program Managers to help it monitor and coordinate with field offices on foreign language translation matters. Exhibit 1 illustrates the May 2009 organizational structure of the LSS.

**Exhibit 1  
Language Services Section  
Organization Chart**



Source: FBI Language Services Section

The nine units identified in Exhibit 1 and described below are managed by Unit Chiefs who report to the LSS Section Chief and Assistant Section Chief.

Translation and Deployment Units – These three units directly support the translation efforts of the FLP.<sup>18</sup> Each unit is responsible for managing resources and establishing national policy for designated languages. The Translation and Deployment Units work with field offices by deploying and directing linguist resources to translate material for priority matters.

Quality Control & Standards Unit – This component monitors the quality of FBI translations performed by FBI and contract linguists, as well as other personnel performing language-related work.

<sup>18</sup> The Translation and Deployment Units I, II, and III are collectively referred to as the Language Services Translation Center.

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Language Operations Management Unit – This unit develops and implements FLP policies and procedures. Additionally, the unit is in charge of the Regional Program Managers in the field.

Language Personnel Resources Unit – This unit manages the FLP's linguistic personnel resources and coordinates the recruitment, selection, and processing of candidates for FBI permanent and contract linguist positions.

Language Planning, Automation & Procurement Unit – This unit is responsible for human language technology, linguist space and equipment, and other field resources.

Language Testing and Assessment Unit – This unit develops and administers language proficiency testing for FBI employees and contract linguists.

Language Training & Certification Unit – This component develops requirements and content for all FBI language-related intelligence training.

The National Virtual Translation Center (NVTC), a multi-agency element of the intelligence community, was established by the *USA Patriot Act of 2001*.<sup>19</sup> Members of the NVTC include the FBI, Department of Defense, Central Intelligence Agency, and the National Security Agency. In addition to serving as a member of the NVTC, the FBI serves as the Executive Agent and provides administrative support in areas such as recruitment, testing, and procurement. Many linguists under contract with the FBI also do work for the NVTC.

### *Foreign Language Program Budget*

Though the FLP is centrally managed by the LSS, FBI field managers are also involved in managing program resources. For example, field managers are responsible for ensuring that FLP resources are applied to a field office's highest priority translations and operations.

The FBI receives funding specifically designated for the FLP. Program funding increased significantly after the September 11, 2001, terrorist attacks. As noted in our 2005 report, a dramatic increase in fiscal year (FY)

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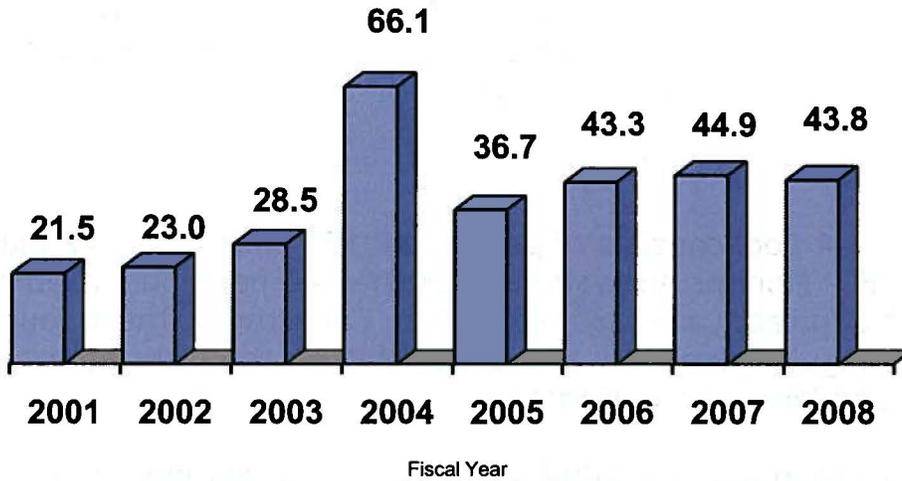
<sup>19</sup> The USA PATRIOT Act refers to *The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001*, 107<sup>th</sup> Congress, 1<sup>st</sup> session.

2004 funding included an additional \$38.5 million from a supplemental appropriations bill. Since then, the FLP’s budgets have remained relatively steady at the \$43-\$44 million level.

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**Exhibit 2**  
**Foreign Language Program Funding**  
**Fiscal Years 2001 Through 2008**  
**(in millions)**

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Source: FBI Language Services Section

### **Foreign Language Program Field Personnel**

The LSS centrally manages FLP personnel distributed across FBI headquarters and all FBI field offices, resident agencies, and Legal Attaché offices. In addition to personnel assigned to the LSS components, FLP personnel include:

- linguists who provide translation and interpretive services;
- local FLP managers and coordinators within each field office; and
- Regional Program Managers who serve as a liaison between the LSS and their local field offices.

#### *Linguists*

FLP linguists play a critical role in developing effective intelligence to detect and prevent terrorist acts, to support counterintelligence efforts, and as part of criminal investigations. A linguist is the first line of analysis for information collected in a language other than English. Linguists must use

their judgment when reading or listening to foreign language materials to identify information with potential intelligence value and provide that information to an agent or analyst responsible for the case.

Linguists listen or read thousands of hours of audio conversations and thousands of pages of documents in retrieving intelligence information in foreign languages. Although some intelligence is obvious, often information with intelligence value can be subtle because the parties to the conversation may suspect they are being monitored. In these cases in particular, linguists must have high standards of language proficiency and cultural knowledge to decipher coded messages.

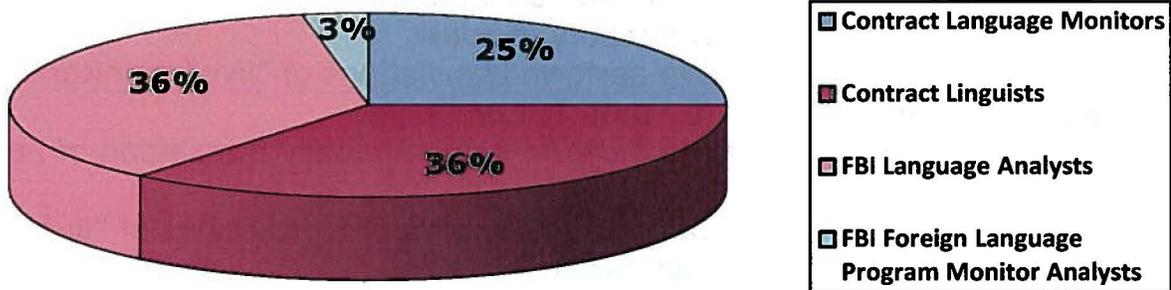
#### Linguist Pool

The linguist pool consists of permanent FBI employees (Language Analysts and FLP Monitor Analysts) and contracted personnel (Contract Linguists and Contract Language Monitors). Collectively, these four categories of linguist personnel are responsible for the translations of collected foreign language material.

As reported in our July 2004 audit report, the number of permanent FBI employees and contract personnel working as linguists increased from 1,214 in April 2004 to 1,338 linguists in March 2005. As of September 2008, the FBI had 1,298 linguists (502 FBI employees and 796 contract personnel) assigned to FBI headquarters, field offices, and legats worldwide.

As shown in Exhibit 3, over 60 percent of the FBI's linguist workforce is contract personnel.

**Exhibit 3  
FBI Linguist Pool  
(as of September 2008)**



Source: FBI Language Services Section

A linguist is assigned to one of the four linguist categories based on their employment type – FBI employee or contract personnel – and their language proficiency. Exhibit 4 provides a brief description of the four categories of FBI linguists.

In essence, FBI Language Analysts and Contract Linguists can perform verbatim and summary translations. FLP Monitor Analysts and Contract Language Monitors are limited to performing summary translations because of their lower scores on language translation proficiency tests. In addition to FBI-administered tests, language proficiency scores from the Central Intelligence Agency, Defense Language Institute, and Foreign Service Institute are accepted within 2 to 3 years depending on the type of test.

<b>Exhibit 4 FBI Linguist Personnel</b>	
<b>Job Title</b>	<b>Job Description</b>
Language Analyst	<ul style="list-style-type: none"><li>- full-time FBI employee</li><li>- can perform summary and verbatim translations of audio and documents</li><li>- can testify in court</li><li>- can perform translations of "live" monitoring</li></ul>
Foreign Language Program Monitor Analyst	<ul style="list-style-type: none"><li>- full-time FBI employee</li><li>- can perform only summary translation of audio and documents</li><li>- can perform summary translations of "live" monitoring</li><li>- cannot perform verbatim translations</li><li>- cannot testify in court</li></ul>
Contract Linguist	<ul style="list-style-type: none"><li>- independent contractor</li><li>- can perform summary and verbatim translations of audio and documents</li><li>- can testify in court</li></ul>
Contract Language Monitor	<ul style="list-style-type: none"><li>- independent contractor</li><li>- can perform only summary translation of audio and documents</li><li>- can perform summary translations of "live" monitoring</li><li>- cannot do verbatim translations</li><li>- cannot testify in court</li></ul>

Source: FBI Language Services Section

Language Proficiency

All applicants for FBI and contract linguist positions undergo language proficiency testing prior to employment. The tests are designed to measure foreign language proficiency in several skills:

- listening comprehension in the foreign language,
- reading comprehension in the foreign language,
- translation from the foreign language into English, and
- speaking in both English and the foreign language.

The FBI uses tests it has developed, as well as tests developed by the Defense Language Institute and other intelligence community agencies, to assess applicants' language proficiency. The FBI currently offers tests in

over 100 languages, a significant increase compared to the 40 language tests it administered in 2004.<sup>20</sup> Linguistic testing measures speaking proficiency according to a multi-level scale as shown in Exhibit 5.

**Exhibit 5  
Language Proficiency Rating Scale**

0	NO PROFICIENCY
1	ELEMENTARY PROFICIENCY
2	LIMITED PROFICIENCY
3	GENERAL PROFESSIONAL PROFICIENCY
4	ADVANCED PROFESSIONAL PROFICIENCY
5	SUPERIOR PROFESSIONAL PROFICIENCY

Source: FBI Language Services Section

The LSS Language Testing and Assessment Unit develops and administers language testing for the FBI. Its standards require minimum proficiency levels on the Defense Language Proficiency Test, a test battery that assesses a linguist's reading and listening abilities in a foreign language and in English through the use of four tests. Linguists are assigned a pass or fail rating for each of the tests after a conversion factor is applied. The remaining tests to determine proficiency are translation (or, if not available, English composition), English speaking proficiency, and foreign language proficiency. For these tests, a proficiency level from 0 to 5 is assigned, with 5 designated as the highest proficiency. When the proficiency substantially exceeds one skill level but does not fully meet the criteria for the next level, a "plus" may be added to the whole-number rating, such as 1+ or 2+.<sup>21</sup> Of these remaining tests, more than one rating of a 2+ or lower disqualifies the applicant for the Language Analyst or Contract Linguist position. However, the applicant could qualify for the FLP Monitor Analyst or Contract Language Monitor position with a score of 2 on the English composition test and a score of 2+ in the foreign and speaking proficiency tests.

*Field Managers and Coordinators*

Depending on the size of the field office and the volume of the office's foreign translation needs, a FLP Supervisor or Coordinator manages the day-to-day operations of the program at the field level. Coordinators are designated at field offices that do not have FLP supervisors. The duties for these FLP field managers include:

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<sup>20</sup> Appendix III contains a list of languages for which the FBI administers proficiency tests.

<sup>21</sup> See Appendix IV for more information regarding the proficiency level descriptions.

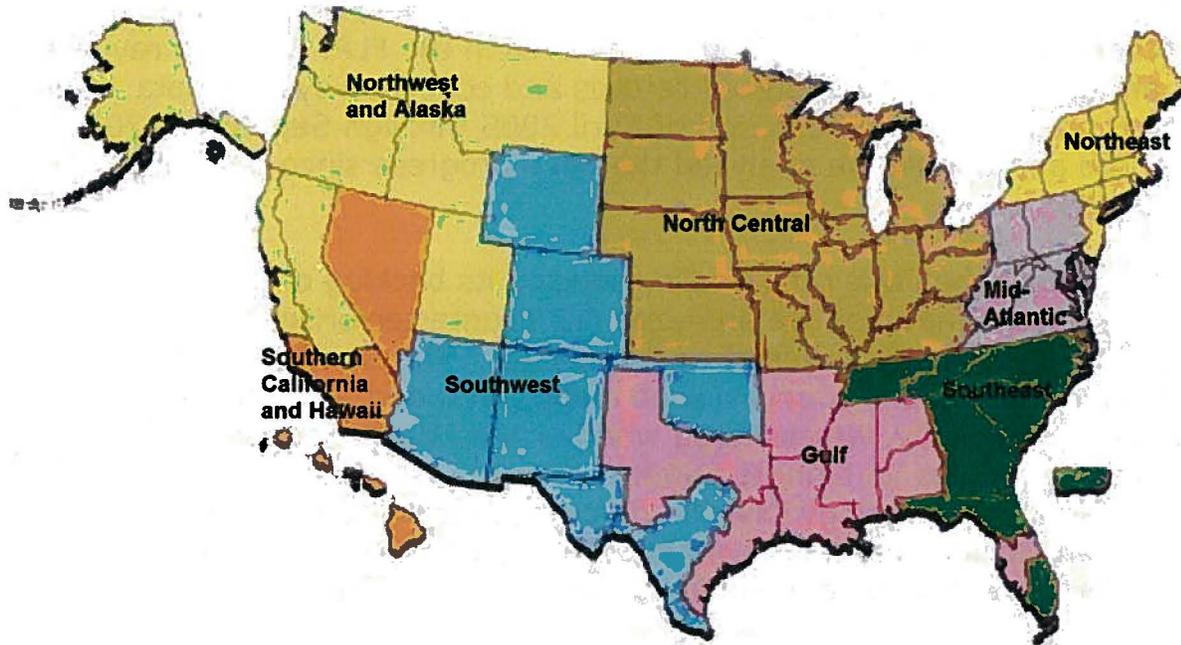
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- assigning and tracking translation work,
- coordinating with the LSS,
- evaluating the performance of linguists, and
- reporting on workload and production.

*Regional Program Managers*

The eight Regional Program Managers report to the LSS Language Oversight Management Unit and serve as the liaison between the LSS and the field offices in their region. The managers offer field offices guidance on FLP administrative and operational issues, provide oversight of linguistic resource utilization, and monitor the field's compliance with FLP policies and standards. However, Regional Program Managers are not directly involved in the day-to-day assignments of linguists. Exhibit 6 illustrates the Regional Program Managers' regions of responsibility.

**Exhibit 6**  
**Regional Program Manager Geographic Jurisdictions<sup>22</sup>**



Source: FBI Language Services Section

**Audit Approach**

The OIG conducted this audit to assess the status of the FBI’s translation program and to assess the FBI’s actions addressing weaknesses in the FBI’s FLP that we found during our previous reviews. Our primary objectives were to determine the extent of the FBI’s foreign language translation backlog and actions taken by the FBI to address the backlog. We also assessed the FBI’s procedures for properly ensuring the accurate and timely translation of pertinent information and the appropriate prioritization of its translation workload. In addition, we assessed the FBI’s efforts to ensure the quality of translated material, particularly through compliance with its quality control program requirements. Our audit also examined the FBI’s linguist resource planning and hiring process. Further, we reviewed the FBI’s efforts to train new linguists, to ensure linguists received required security clearances, and to monitor linguists’ hearing ability.

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<sup>22</sup> The eight regional office locations are: Northeast Region – New York City, New York; Mid-Atlantic Region – Washington, D.C.; Southeast Region – Miami, Florida; Gulf Region – Houston, Texas; North Central Region – Chicago, Illinois; Southwest Region – San Antonio, Texas; Southern California and Hawaii Region – Los Angeles, California; and Northwest and Alaska Region – Salt Lake City, Utah.

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To accomplish our objectives, we conducted fieldwork at FBI headquarters and at FBI field offices in Miami, Florida; New York, New York; and Washington, D.C. We interviewed the Director of the FBI's Directorate of Intelligence, LSS Section Chief, LSS Unit Chiefs, field office management, and other FBI personnel and linguists involved in the FLP. We also reviewed program documents and analyzed records and collection system data. Our audit generally covered the period of April 2005 through September 2008, and where appropriate we analyzed the FBI's progress since our 2004 and 2005 audits.

To assess the FBI's progress in reducing its backlog of unreviewed foreign language material, we analyzed FLP counterterrorism, counterintelligence, and criminal workload data. Through these analyses we determined the amount of unreviewed audio, text, and electronic file material. Additionally, we assessed whether the FBI managed its FLP resources to address its highest priority matters. We also interviewed LSS and Operational Technology Division officials regarding current and future plans for enhancing collection systems used by the FLP. The results of these efforts are discussed in Findings I and II of this report.

Finding III contains our discussion of the FBI's efforts to ensure the quality of its foreign language translations. Specifically, we analyzed the FBI's practices for assigning linguists to translate material in languages in which they have tested proficiently. Additionally, we assessed the FBI's compliance with its quality control program policies and procedures, examining quality control reviews for the four field offices we visited, determining whether the FBI followed its quality control processes, and analyzing the eligibility of Certified Quality Control Reviewers to perform quality control reviews.

To meet its foreign language translation needs, the FBI must maintain a sufficient and qualified linguist workforce. In Findings IV and V, we analyze the FBI's efforts regarding workforce planning, training, security clearances, and hearing ability. We also assessed the FBI's ability to meet FLP hiring goals and staffing level targets. In addition, we analyzed FBI records to determine whether the FBI: (1) provided linguists with basic linguist training, (2) ensured linguist personnel maintained requisite security clearances, and (3) verified the hearing ability of its linguists.

A more detailed discussion of our scope and methodology can be found in Appendix I.

## **FINDINGS AND RECOMMENDATIONS**

### **I. FBI'S TRANSLATION WORKLOAD**

The FBI reviewed more than 100 percent of the text material it collected between FYs 2006 and 2008. However, it did not review 31 percent of its electronic files collections during this period, most of which was collected in FY 2008. Additionally, the FBI did not review 25 percent of the audio material it collected between FYs 2003 and 2008, including 6 percent of its counterterrorism collections and 31 percent of its counterintelligence material. These totals are similar to the amount of unreviewed materials we found in our 2004 and 2005 reviews of the FBI's foreign language translation program. We also determined that the FBI did not review significant amounts of material it collected for cases in its two highest-priority categories of counterterrorism and counterintelligence operations.

In our 2004 and 2005 audits, we found that the FBI did not translate significant amounts of the foreign language counterterrorism and counterintelligence material it collected. Among other things, we recommended that the FBI expedite the implementation of its automated statistical reporting system for analyzing foreign language material collected and reviewed, and that the FBI ensure that this system accurately reflects the accrued backlog of unreviewed material. We also recommended that the FBI ensure that accurate information was provided to the LSS regarding the priority of individual counterterrorism and counterintelligence cases to ensure that the LSS could effectively prioritize its work.

Similar to our previous audits, in this audit we analyzed FBI data on foreign language material collection and on the FBI's performance in translating the collected material. In addition to examining the FBI's translation efforts for its counterterrorism and counterintelligence operations, for this review we also analyzed the FBI's translation workload for its criminal investigations. We examined FBI data to determine the amount of unreviewed audio (including video), text, and electronic file material collected during counterterrorism, counterintelligence, and criminal investigative operations.

## **Translation Workload**

Each month the LSS compiles data submitted by field offices on the amount of material the FBI collected and reviewed as part of its counterterrorism, counterintelligence, and criminal investigative operations. The LSS generates agency-wide statistics on collected and reviewed material according to the type of material: (1) audio (including video), (2) text, and (3) electronic files.<sup>23</sup>

Included in the monthly reporting are data for collections in a foreign language and for collected material entirely in English.<sup>24</sup> While the LSS is not responsible for reviewing English-only material, it is required to include English-only material in its reporting to FBI senior managers on the total amount of material collected and reviewed by the field offices. The LSS is responsible for the overall management of the FLP and the review and translation of foreign language material. The FBI's operational components, mainly its field offices, are responsible for reviewing collected material in English. Unless specifically noted, data presented throughout this report on the FBI's ability to review its collected material includes both foreign language and English-only material. However, we highlight in our discussion instances where portions of unreviewed material involved collections entirely in English.

In our previous audits, we found that the FBI's workload reporting process did not produce accurate statistics. As we discuss in Finding II, we found in this audit several inconsistencies between the figures reported from the field and the finalized translation workload statistics determined by the LSS.<sup>25</sup> However, we determined that the statistics developed by the LSS – while not completely accurate – are the most comprehensive data the FBI maintains on the material it collects and reviews. Despite its limitations, the FBI uses this data to develop FLP workforce plans, assess collection trends, and allocate FLP linguistic resources.

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<sup>23</sup> The FBI did not differentiate between text pages and electronic files in the 2004 and 2005 audits.

<sup>24</sup> The LSS tracks the FBI's efforts in collecting and reviewing all material, including collections entirely in a foreign language, in both a foreign language and English, and entirely in English.

<sup>25</sup> We discuss later in Finding II our testing of the FBI's monthly workload reporting.

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### *Total Unreviewed Material*

We analyzed the data from the FBI's monthly workload reporting to determine the FBI's backlog of unreviewed material for FBI counterterrorism and counterintelligence operations from FYs 2003 through 2008. Additionally, for this review we analyzed data on audio collected and reviewed for criminal investigations from FYs 2005 through 2008. In the 4<sup>th</sup> quarter of FY 2005, the FBI began tracking its collection of electronic files in a separate category; previously these collections were included in its text collection figures. Consequently, we focused our review of text and electronic file material for FYs 2006 through 2008.

As shown in Exhibit 7, our analysis of the FBI's monthly reporting data found that for all its operations the FBI collected 4.8 million hours of audio material, 4.8 million text pages, and over 46 million electronic files during our testing periods.

Overall, the FBI was able to review all of the text pages it collects, but it did not review all of the audio and electronic files. Specifically we found that the FBI reviewed more text pages than it collected from FYs 2006 to 2008, an outcome we attribute to its review of a backlog of material from previous years. However, we determined that the FBI did not review 25 percent of its collected audio material and 31 percent of its electronic files material during these periods. We recognize that not all collected material yields valuable intelligence and that not all collected material may need to be reviewed.<sup>26</sup> However, without reviewing the material, the FBI cannot determine whether collected material represents critical intelligence information. In fact, FBI policy requires that all counterterrorism material and all its highest priority counterintelligence material be reviewed.

Using the FBI's formula for estimating the number of hours required to review its collected material, we determined that it would require 1.4 million hours in order to review the unreviewed audio, text, and electronic file material shown in Exhibit 7.<sup>27</sup> This equates to 100 linguists and other personnel working 40 hours a week for over 7 years in order to review and translate the unreviewed material.

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<sup>26</sup> The FBI's collection systems cannot reliably filter out "white-noise" and unintelligible audio.

<sup>27</sup> The LSS Metrics Manual formula estimates 1 hour of linguist work to translate 50 pages of electronic files.

**Exhibit 7  
Audio, Text, and Electronic File Material  
Collected, Reviewed, and Unreviewed<sup>28</sup>**

<b>Type of Collection</b>	<b>Collected</b>	<b>Reviewed</b>	<b>Unreviewed</b>	<b>Percent Unreviewed</b>
<b>Audio Hours</b> FYs 2003-2008 <sup>29</sup>	4,841,433	3,639,979	1,201,454	25%
<b>Text Pages</b> FYs 2006-2008	4,853,288	5,174,177	(320,889)	0%
<b>Electronic Files</b> FYs 2006-2008	46,017,672	31,838,691	14,178,981	31%

Source: OIG analysis of FBI Language Services Section data

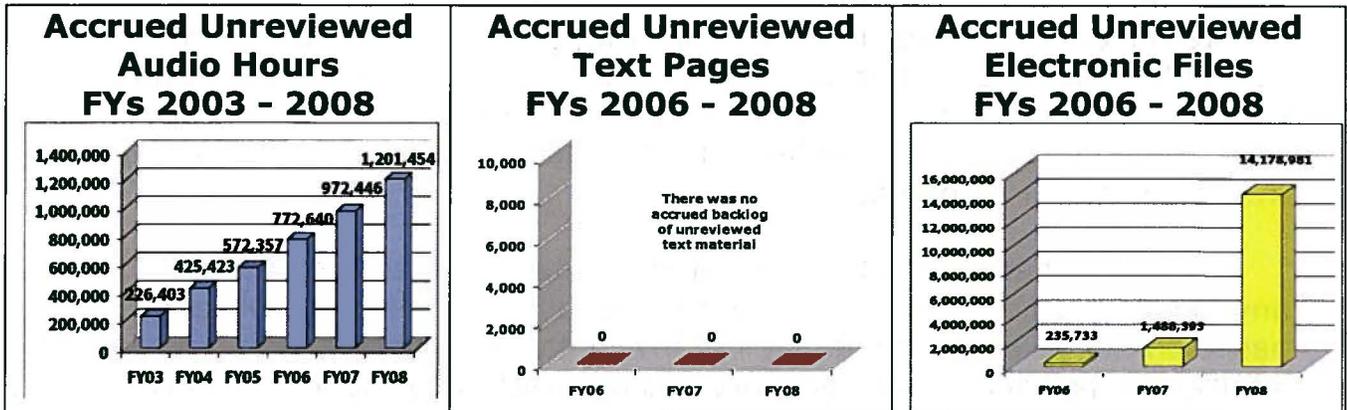
Exhibit 8 illustrates the FBI's accrued amount of unreviewed material – material collected but not reviewed – over the last several fiscal years. As shown, the amount of unreviewed audio material accrued between FYs 2003 and 2008 has steadily increased each fiscal year. As stated previously, the FBI began separately tracking text and electronic files in FY 2006. As of the end of FY 2008, the FBI had no unreviewed text files. However, the amount of the FBI's unreviewed electronic files increased by over 12 million files between FYs 2007 and 2008. We discuss specifics of the unreviewed material in more detail throughout this finding.

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<sup>28</sup> Due to FBI collection system limitations, the data on collected, reviewed, and unreviewed material may contain materials that were reloaded onto a collection system for further review, transferred collection files that may have resulted in duplicated copies and collection totals, and other factors related to system limitations.

<sup>29</sup> This exhibit includes data on counterterrorism and counterintelligence audio material collected and reviewed in FYs 2003 through 2008. We did not review material collected for criminal investigations in our previous audits; therefore, this exhibit includes audio material collected and reviewed for FBI criminal investigations during FYs 2005 through 2008.

**Exhibit 8**  
**Accrued Unreviewed Material**  
**Audio Hours, Text Pages, and Electronic Files**



Source: OIG analysis of Language Services Section data

*Workload Prioritization*

According to the FBI, while accounting for local threats the FBI FLP should use the FBI's national priorities when making decisions on the utilization of its linguist workforce. Therefore, counterterrorism and counterintelligence investigations should generally receive priority access to FBI linguistic services before criminal investigative operations. To further prioritize use of its translation resources, the FBI developed a priority rating system for its counterterrorism and counterintelligence investigations that dictates where the FBI should emphasize its translation efforts. The FBI assigns counterterrorism and counterintelligence cases to a tier (1 through 5) and a priority level (High, Medium, and Low), such as Tier 1 High, Tier 2 Low, or Tier 3 Medium. The following are the criteria the FBI uses to assign cases to a tier level.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

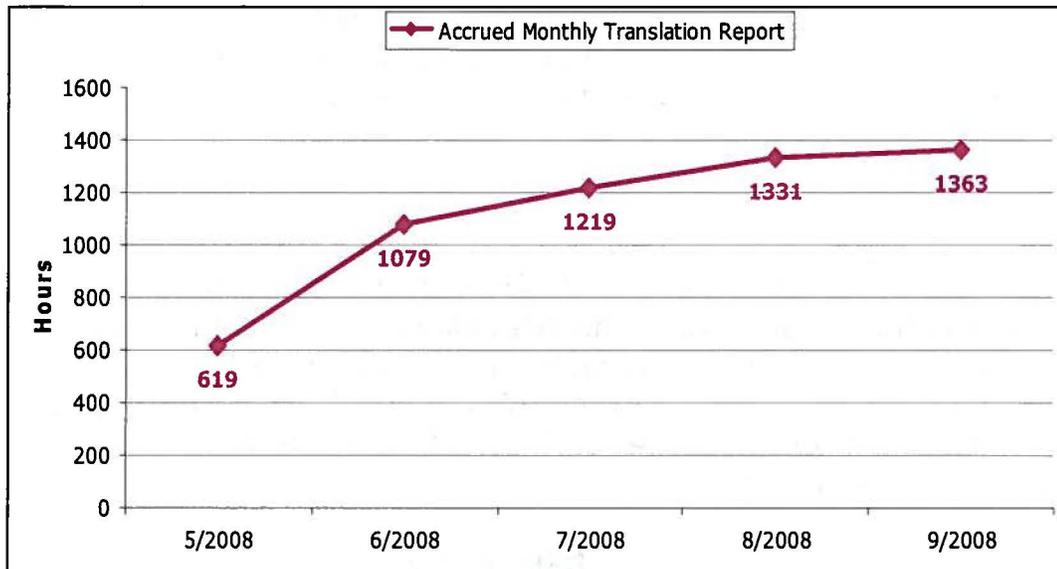
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During the period examined in our two previous audits, the FBI expected material for its highest priority counterterrorism cases to be translated within a 24-hour timeframe. The current policy – dated November 29, 2005 – states that the goal of the FLP is to translate Tier 1 counterterrorism material in a 24-hour timeframe, but if the translation cannot be performed within 24 hours, it should be completed when a linguist is available to translate the collected material. We believe the FBI should continue to ensure that its highest priority counterterrorism cases are being translated within 24 hours.

For all other counterterrorism and counterintelligence operations in any tier, the FBI's goal is to review material as soon as reasonably possible based on tier level and guided by FBI investigative priorities, U.S. intelligence priorities, and case priorities as directed by the investigative program managers.

During our 2004 and 2005 audits, we found that the FBI was not translating all of its highest priority material within 24 hours. In this review, we found that the FBI was still unable to translate all of its Tier 1 counterterrorism audio material within 24 hours. As shown in Exhibit 9, the Tier 1 High backlog of unreviewed audio material increased each month from May through September 2008, evidencing that the FBI was not reviewing all of its highest priority counterterrorism audio material within its goal of 24 hours.

**Exhibit 9  
Counterterrorism Tier 1 High  
Accrued Unreviewed Audio Material  
May through September 2008**



Source: OIG analysis of LSS data

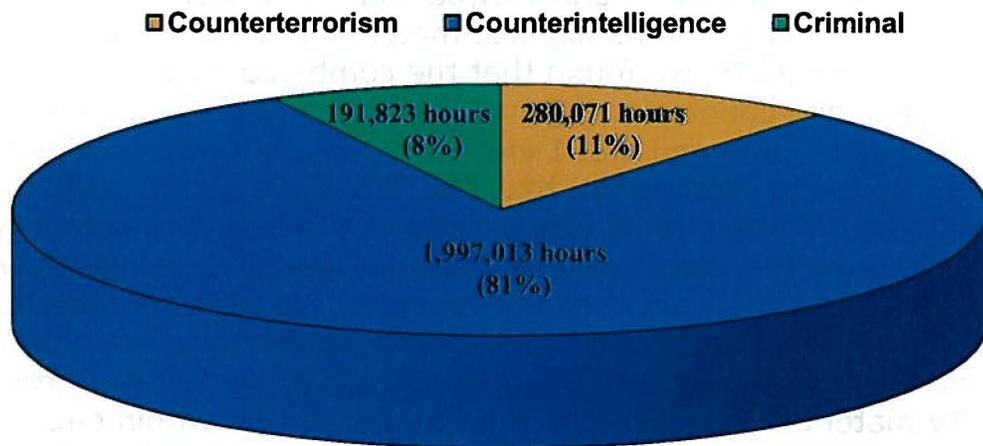
Our analysis of FBI monthly workload reporting data showed that the FBI had a significant backlog of unreviewed Tier 1 and Tier 2 counterterrorism and counterintelligence material in both foreign languages and English. For FY 2008, we found that the combined total of counterterrorism and counterintelligence material in the Tier 1 category included 737 audio hours and 6,801 electronic files, but no unreviewed text pages. We also found that the FBI had 152,563 audio hours, 19,526 text pages, and 6,526,240 electronic files unreviewed in its Tier 2 category. Moreover, we found that lower-priority material was often reviewed when Tier 1 and Tier 2 material remained unreviewed. We were told by the FBI that it reviews material according to the priority of the case and that its limited linguist resources in certain languages can prevent it from reviewing high-priority material. For example, the FBI stated that within each language it reviewed material for its higher priority cases before its lower priority cases. The FBI also provided workload data for two languages in which it has limited resources showing that higher priority material in these languages was reviewed while lower priority material was not. As discussed in Finding IV, the FBI's failure in meeting hiring goals in critical languages contributes to its inability to review collected material, including material collected for its second highest priority cases.

The remainder of this Finding discusses in greater detail the results of our review for each of the collection formats – audio, text, and electronic files – and according to the type of operation for which the FBI collected the material – counterterrorism, counterintelligence, and criminal investigative matters. In our discussion, we highlight areas where significant amounts of unreviewed, high-priority material exists. We also discuss the FBI’s unreviewed English-only material and two cases where the FBI collected material beyond court-authorized collection periods.

**Audio Material**

The FBI collects audio material in the course of its investigations through telephonic wiretaps and other electronic surveillance techniques. From FYs 2006 through 2008, the FBI collected over 2.4 million hours of audio material. As shown in Exhibit 10, counterintelligence collection constituted over 80 percent of the total audio collections during this period, counterterrorism comprised 11 percent, and criminal investigations the remaining 8 percent.

**Exhibit 10**  
**Foreign Language Audio Collection**  
**Fiscal Years 2006 through 2008**

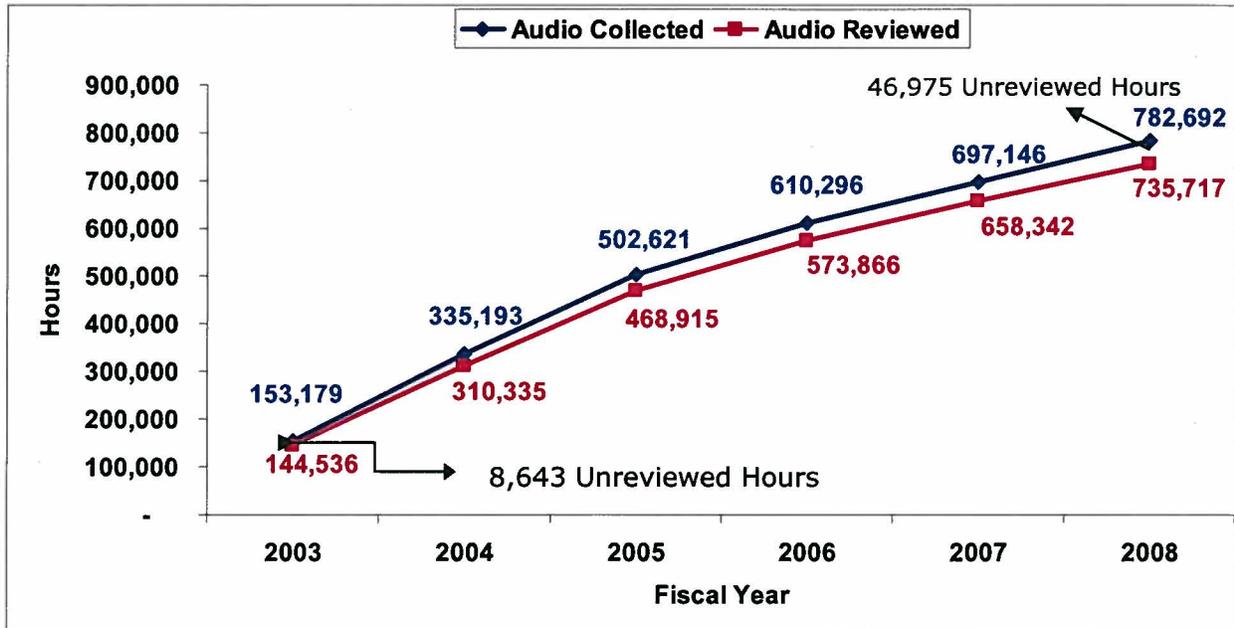


Source: OIG analysis of FBI Language Services Section data

*Counterterrorism Audio Material*

Exhibit 11 illustrates the accrued amount of counterterrorism audio hours collected and reviewed using data from the FBI’s monthly translation workload reports for FYs 2003 through 2008. The FBI collected almost 783,000 hours of counterterrorism audio material during this period and reviewed about 736,000 hours, or 94 percent. While the accrued amount of unreviewed audio material increased from 8,643 hours at the end of FY 2003 to 46,975 hours by the end of FY 2008, the percentage of unreviewed counterterrorism audio material remained steady at around 6 percent during the last 6 fiscal years. This is consistent with the ratio we reported in our 2005 audit when we determined that the FBI was unable to review 7 percent of the counterterrorism audio material it collected from FY 2002 through the 2<sup>nd</sup> quarter of FY 2005.

**Exhibit 11  
Accrued Counterterrorism Audio Hours  
Collected and Reviewed  
Fiscal Years 2003 through 2008**



Source: OIG analysis of FBI Language Services Section data

We analyzed the collected and reviewed data specifically for FY 2008 to determine the amount of FY 2008 unreviewed material by FBI case priority. While the monthly totals are snapshots of each month’s collection and review, the yearly total provides a more comprehensive picture of where the FBI focused its linguistic workforce to translate counterterrorism audio material.

Our analysis of the FBI's monthly translation workload reports show that the FBI accrued over 8,100 hours of unreviewed counterterrorism audio hours in FY 2008. We determined that over 2,000 of the 8,100 hours were English-only material. As shown in Exhibit 12, 740 (9 percent) of these unreviewed hours were for Tier 1 High cases – the FBI's highest priority designation. However, all the unreviewed hours for the Tier 1 High cases involved English-only material. Additionally, the FBI had more than 2,800 hours of unreviewed audio for its Tier 2 counterterrorism cases, of which fewer than 300 (11 percent) involved English-only material. The unreviewed hours for Tier 1 and Tier 2 cases amounted to 45 percent of the FBI's FY 2008 unreviewed counterterrorism audio material. Again, the FBI stated and provided examples showing that it reviews material according to the priority of the case and that limited linguist resources in certain languages can prevent it from reviewing high-priority material. The FBI's failure in meeting hiring goals in critical languages contributes to its inability to review and translate collected foreign language material, including material collected for its second highest priority cases.

These findings indicate a need for the FBI to improve its monitoring of audio backlogs to ensure material for its highest-priority cases is reviewed in a timely fashion.

**Exhibit 12  
Unreviewed Counterterrorism Audio Hours  
Foreign Language Program Monthly Reports  
Fiscal Year 2008**

Tier Levels	Priority	Audio Hours		
		Collected	Reviewed	Unreviewed
Tier 1	High	3,295	2,555	740
	Medium	0	3	-3
	Low	0	0	0
Tier 2	High	40,620	38,483	2,137
	Medium	9,756	8,962	794
	Low	0	0	0
Tier 3	High	12,596	11,106	1,490
	Medium	11,327	9,269	2,058
	Low	736	659	77
Tier 4	High	681	594	87
	Medium	6,216	5,410	806
	Low	0	0	0
Tier 5	High	296	311	-15
	Medium	23	23	0
	Low	0	0	0
<b>Totals</b>		<b>85,546</b>	<b>77,375</b>	<b>8,171</b>

Source: OIG analysis of FBI Language Services Section data

FBI Refined Workload Statistics

In our previous audits, we discussed the FBI’s efforts to more accurately calculate or “refine” the amount of unreviewed audio material reported by the field. The FBI attempts to refine the numbers by subtracting out the audio hours for unreviewed material that it believes was incorrectly included in backlog totals, such as when more than one office counts the same material or when unreviewed material for inactive cases is resident on the collection systems. Using refined backlog totals, the FBI reported its amount of unreviewed counterterrorism audio material in April 2004 was 4,086 hours, and had risen to 8,354 hours as of March 2005. In January 2008, the LSS reported to senior FBI management that the backlog of unreviewed counterterrorism audio material stood at 3,812 hours.

We found during this review that the FBI’s refined amount of its translation backlog is derived using information from only one of its audio collection systems, Collection System A. The FBI estimates that Collection System A contains 70 to 80 percent of the FBI’s total collected audio material. According to the FBI, most of the 20 to 30 percent of audio material not captured on Collection System A can be attributed to its criminal investigations. However, the FBI also collects audio on other

systems discussed in more detail in Finding II. This material is reported by the field to the LSS on the monthly translation workload reports and is not included in Collection System A's collected and reviewed data.

For this review, Collection System A showed that the backlog of unreviewed audio material as of September 2008 was 13,814 hours. This is 33,000 fewer hours than the 46,975 hours of accrued unreviewed audio material reported on the monthly reports between FYs 2003 and 2008. Again, however, the FBI's Collection System A figures do not include collected audio contained on collection systems outside of Collection System A, [REDACTED] 30

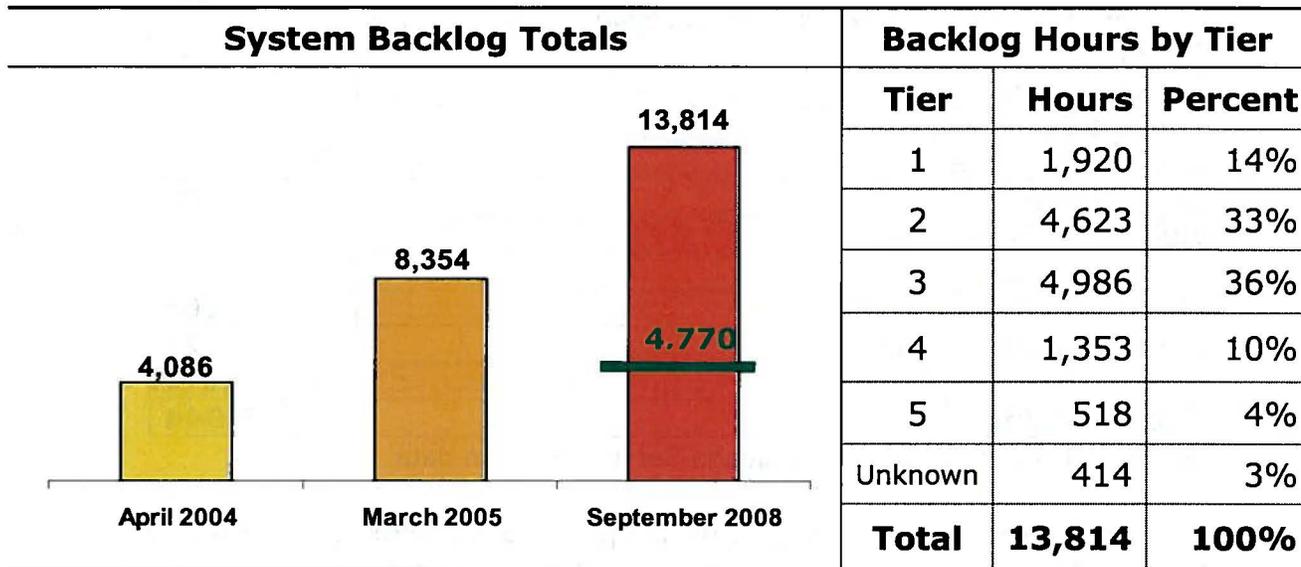
The FBI considers Collection System A to be its most accurate means of assessing the backlog of unreviewed audio material, and has only used data from this system when reporting the backlog of unreviewed audio material to FBI managers and Congress. The LSS uses data from the monthly reports in managing its linguistic resources and providing a comprehensive view of all the material the FBI collects and reviews.

LSS management stated that Collection System A provides the most accurate figures for the backlog of audio classified as "unreviewed" or "needs further review." However, in only reporting unreviewed totals from Collection System A, the FBI does not include material contained on other collections systems, as is further discussed in Finding II.

#### Collection System A Counterterrorism Material Backlog

Exhibit 13 illustrates the amount of counterterrorism audio material backlog on Collection System A during each of our audits. Again, these FBI-refined numbers only use data from Collection System A.

**Exhibit 13  
Collection System A  
Counterterrorism Audio Backlog  
On September 30, 2008**



Source: OIG analysis of Languages Services Section data and data from our 2004 and 2005 audit reports

The LSS attempts to further refine the amount of counterterrorism audio categorized on Collection System A as “unreviewed” or “needs further review.” LSS officials told us they identified what they believe are several “anomalies” in the Collection System A data and therefore subtracted 9,044 hours from the Collection System A backlog figure, as detailed in the Exhibit 14. The LSS maintains documentation in electronic files supporting its refinement that can be accessed by members of the LSS management team. In removing the hours from the Collection System A backlog total, the FBI reported its counterterrorism audio backlog as 4,770 hours on September 30, 2008. However, the 9,000 hours the FBI removes are only 19 percent of the 47,000 accrued hours of unreviewed counterterrorism audio material as indicated by the FBI’s monthly reporting.

**Exhibit 14**  
**FBI Language Services Section**  
**Backlog Anomaly Categories and Associated Audio Hours**

<b>Backlog Anomaly Category</b> (Reason for subtracting figures from backlog total)	<b>Hours</b>
Imported Audio	660
Expired Order	1,118
Forward Flow Failure	659
Back Flow Failure	1,711
Brady Review	1,009
Multiple Copies	7
Unidentified Language	7
Miscellaneous	608
Case Closed/No Interest	222
English Only	3,043
<b>Total Backlog</b>	<b>9,044</b>

Source: OIG analysis of FBI Language Services Section data

An LSS Unit Chief told us that he prepares a spreadsheet detailing the Collection System A backlog numbers, analyzes the spreadsheet, and identifies collections that he believes fall within one of the anomaly categories identified above. This Unit Chief sends e-mails to the case agents and their management for feedback and clarification on these anomalies, stating in the e-mails that he will consider no response to his inquiry to mean that the field agrees with his determination. This Unit Chief said that most of the time the field personnel do not respond to his inquiries. We do not agree with the LSS subtracting these backlog hours without the concurrence of field personnel in charge of the specific cases. In addition, if field personnel agree these hours should be subtracted, these hours should be permanently removed from Collection System A, not merely subtracted from the backlog report.

We agree with some of the FBI's reasons for subtracting audio hours from the Collection System A backlog total of unreviewed foreign language material for reasons such as "expired FISA order," "multiple copies," and "Case Closed/No Interest" collections.<sup>31</sup> Additionally, we believe that Imported Audio and Brady Review are examples of work that needs to be reviewed and will require the linguist to be taken from their current case assignments. However, when we questioned the Unit Chief of the Counterterrorism Division about this issue we were told that the Division

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<sup>31</sup> Appendix V contains our assessment of the FBI's methodology for removing from backlog totals the hours associated with collections that the FBI places in its anomaly categories.

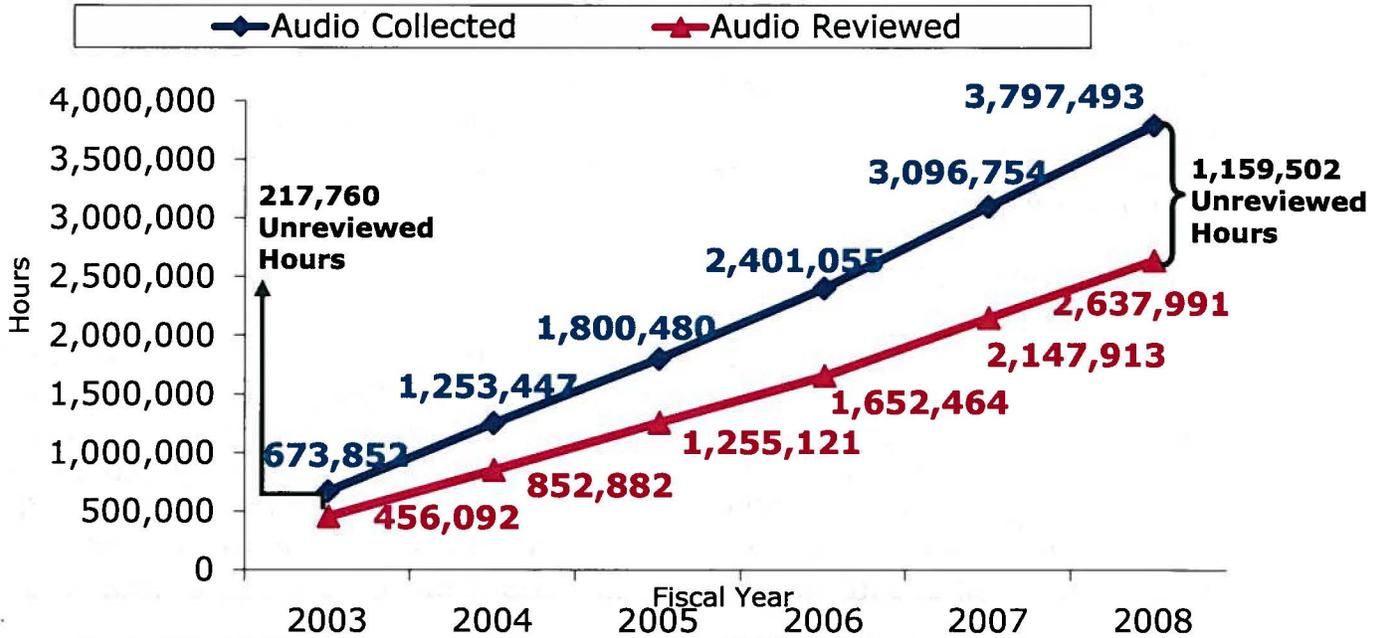
wants all material collected on a FISA tape reviewed 100 percent of the time. While we assessed the LSS's methodology for removing certain categories of hours from the backlog totals, we did not assess whether this methodology was correctly applied in all of the hours the FBI subtracted from the Collection System A backlog report. The LSS should work with the Operational Technology Division (OTD) to develop solutions for resolving what it terms anomalies in Collection System A. For instance, the LSS and OTD should implement procedures for communicating and correcting system errors and develop annotation fields within Collection System A to identify certain collections as previously reviewed, such as "Brady Review" and "Imported Audio."

*Counterintelligence Audio Material*

In our 2004 and 2005 audits, we reported that according to the field's workload reporting, the FBI's collection of counterintelligence audio material increased from approximately 1.3 to 2 million hours between December 31, 2003, and March 31, 2005. The total unreviewed counterintelligence audio collection reported in our 2004 and 2005 audits was 453,787 and 669,228 hours, respectively. These unreviewed amounts accounted for 34 and 33 percent of all counterintelligence collections in the respective fiscal years.

During this review, we found that the FBI's collection of counterintelligence audio material continued to outpace its ability to review and translate all the collected material. Exhibit 16 depicts the accrued amount of counterintelligence audio hours collected, reviewed, and unreviewed using data from the monthly translation workload reports for FYs 2003 through 2008. As the exhibit shows, the FBI collected more than 3.7 million hours of counterintelligence audio material during this period. It did not review nearly 1.2 million hours (31 percent) of the audio material collected for its counterintelligence operations. As Exhibit 15 illustrates, the FBI experienced continued increases in the amount of unreviewed counterintelligence audio material from FYs 2003 to 2008. Consequently, the total amount of accrued unreviewed counterintelligence audio material continued to grow during the past 6 fiscal years while the proportion of unreviewed material remained constant during this period at 30 to 33 percent of the total amount of collected material. Again, the FBI's viewpoint is that it reviews all higher priority material within a language before lower priority material.

**Exhibit 15**  
**Accrued Counterintelligence Audio Hours**  
**Collected, Reviewed, and Unreviewed**  
**Fiscal Years 2003 and 2008**



Source: OIG analysis of FBI Language Services Section data

For FY 2008, we analyzed by FBI priority level the amount of collected and reviewed counterintelligence audio material reported on the FLP monthly workload reports. Exhibit 16 displays by FBI tiers and priority level the FY 2008 totals of collected, reviewed, and unreviewed counterintelligence audio hours. We found all Tier 1 collections were translated, and, in fact, the FBI appears to have translated about 40 hours of Tier 1 backlog from previous years. For Tier 2, about 150,000 audio hours (21 percent) of the FY 2008 collected amount went unreviewed. Of these 150,000 Tier 2 hours, only about 300 hours consisted of English-only material. In Tier 3, 60,970 audio hours (9 percent) of the FY 2008 collected totals of audio hours were not reviewed, all of which was foreign language material. The significant amount of unreviewed material for these counterintelligence operations indicates a need for the FBI to improve its ability to translate material collected for these high priority national security operations.

**Exhibit 16  
Unreviewed Counterintelligence Audio Hours  
Foreign Language Monthly Reports  
Fiscal Year 2008**

Tier Levels	Priority	Audio Hours		
		Collected	Reviewed	Unreviewed
Tier 1	High	1,079	1,126	-47
	Medium	127	122	5
	Low	0	0	0
Tier 2	High	385,721	307,148	78,573
	Medium	164,264	93,205	71,059
	Low	66	66	0
Tier 3	High	46,702	29,021	17,681
	Medium	101,336	58,047	43,289
	Low	79	79	0
Tier 4	High	226	170	56
	Medium	53	23	30
	Low	0	0	0
Tier 5	High	0	6	-6
	Medium	1,086	1,065	21
	Low	0	0	0
<b>Totals</b>		<b>700,739</b>	<b>490,078</b>	<b>210,661</b>

Source: OIG analysis of Language Services Section data

Collection System A Backlog

In our 2004 audit, we recommended that the FBI establish controls to prevent audio from being deleted from its collection systems. We found in the 2005 audit instances of unreviewed counterintelligence audio material being deleted from the system and archived. In this current review, we found that the FBI continued its practice of archiving unreviewed counterintelligence material for potential future review.

As of September 2008, the amount of unreviewed counterintelligence audio material on Collection System A was 84,355 hours. [REDACTED]

[REDACTED]

[REDACTED]



We acknowledge the need to remove collections from the systems to enable adequate system performance. However, we believe the FBI should archive its material using a risk-based methodology and not simply use the amount of time since collection as its sole criteria for archiving. This policy would assist the FBI in ensuring that material for its higher priority cases is reviewed instead of being placed on optical disks for potential future review.

In determining backlog by identifying the amount of counterintelligence audio material on Collection System A only, the FBI does not include audio material that resides outside Collection System A that the FBI's field offices currently report to LSS through the monthly workload reporting process. Therefore, we do not believe that citing the Collection System A backlog statistics provides an accurate representation of the FBI's total backlog of counterintelligence audio. Rather, it is a snapshot of the counterintelligence "unreviewed" and "needs further review" audio material on Collection System A as of a certain date. For example, Exhibit 17 depicts how much unreviewed material was on Collection System A as of September 30, 2008, according to priority level. Following our audit close-out meeting, the FBI stated that as of June 5, 2009, its unrefined amount of counterintelligence material on Collection System A was 25,258 audio hours.

**Exhibit 17**  
**Collection System A Counterintelligence Backlog**  
**on September 30, 2008**

<b>Tier</b>	<b>Hours</b>	<b>Percentage of Backlog</b>
<b>1</b>	143	0.2%
<b>2</b>	59,980	71.1%
<b>3</b>	22,377	26.5%
<b>4</b>	7	0.0%
<b>5</b>	11	0.0%
<b>Unknown<sup>32</sup></b>	1,837	2.2%
<b>Total</b>	<b>84,355</b>	<b>100.0%</b>

Source: OIG analysis of the FBI Office of Technology Division's Collection System A backlog report

In response to findings in our 2005 audit about its counterintelligence audio backlog, the FBI stated that much of the unreviewed counterintelligence audio material was "white noise" (acoustical or electrical noise). However, we found that only 19 percent of the material was collected by means potentially attributable to "white noise."



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<sup>32</sup> The OIG could not determine the Tier levels associated with these "unreviewed" or "needs further review" hours.

EXHIBIT 18

[REDACTED]

[REDACTED]

*Criminal Investigation Audio Material*

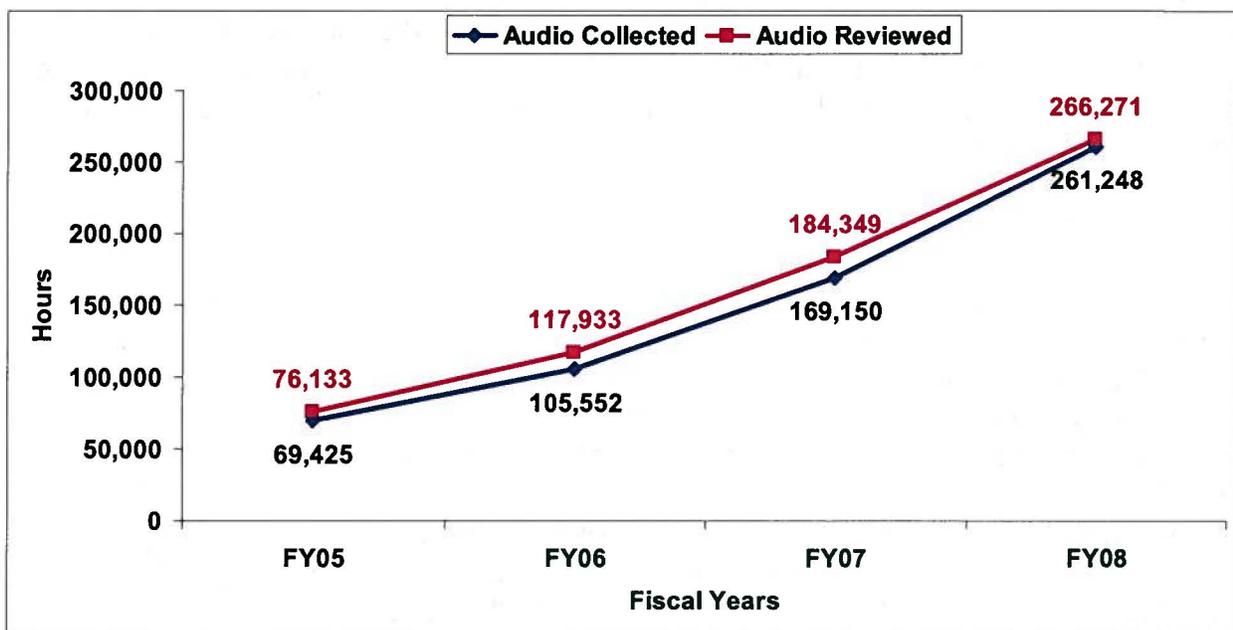
In our 2004 and 2005 audits, we did not examine the FBI's ability to review audio collected for its criminal investigations. In this audit, we analyzed audio material collected and reviewed from FYs 2006 through 2008 as reported on the FBI's monthly workload reports. For most criminal investigations' audio collections, federal law requires the FBI to obtain a court order authorizing the use of electronic surveillance, commonly referred to as Title III wiretaps.<sup>33</sup> The FBI noted that the law requires the FBI to monitor the audio collections for criminal investigations in real time (or "live") and within the geographic jurisdiction of the court issuing the order. According to the FBI, these requirements are cumbersome for the FLP because the FBI must ensure that linguists are available 24 hours a day to monitor subjects communicating in a foreign language. Additionally, if a field office does not have a linguist who can translate in the required language, it must request another office to temporarily provide a linguist with the requisite ability.

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<sup>33</sup> Omnibus Crime Control and Safe Streets Act of 1968, Title III, Pub. L No. 90-351, 82 Stat. 197 (1968), codified at 18 U.S.C. § 2510 *et seq.*

As shown in Exhibit 19, our analysis of FBI monthly foreign language workload reports from FYs 2005 through 2008 indicate that the FBI reviewed about 5,000 more criminal investigation audio hours than the 261,248 hours it collected. FBI personnel stated that the reason the total reviewed hours exceeded the accrued collected hours was likely due to assignments crossing over fiscal years, where material was not reviewed in the same fiscal year in which it was collected.

**Exhibit 19  
Accrued Criminal Investigation Audio Hours  
Collected and Reviewed  
Fiscal Years 2005 through 2008**



Source: OIG analysis of FBI Language Services Section data

*Counterespionage Audio Material*



## **Text and Electronic Files**

In addition to audio material, we also assessed the FBI's ability to review its text and electronic file collections. Before the end of FY 2005, the FBI tracked its text and electronic file collections as a single statistic. We did not review the FBI's ability to review this material in our 2004 and 2005 audits. However, we did find that between FYs 2003 and 2004 the FBI's collection of counterterrorism text and electronic file material increased by 52 percent and its counterintelligence collections decreased by 24 percent. In the 4th quarter of FY 2005, the FBI began tracking its collection of electronic files separately from its text collection figures. We found in this audit that the FBI was unable to keep pace translating its collection of electronic files. Between FYs 2006 and 2008, the FBI had no accrued backlog of unreviewed text pages. However, the FBI's increased collection of electronic file material during FY 2008 resulted in an inability to keep pace and review all this material. Consequently, at the end of FY 2008, the FBI had a total backlog of 14.2 million unreviewed electronic files.

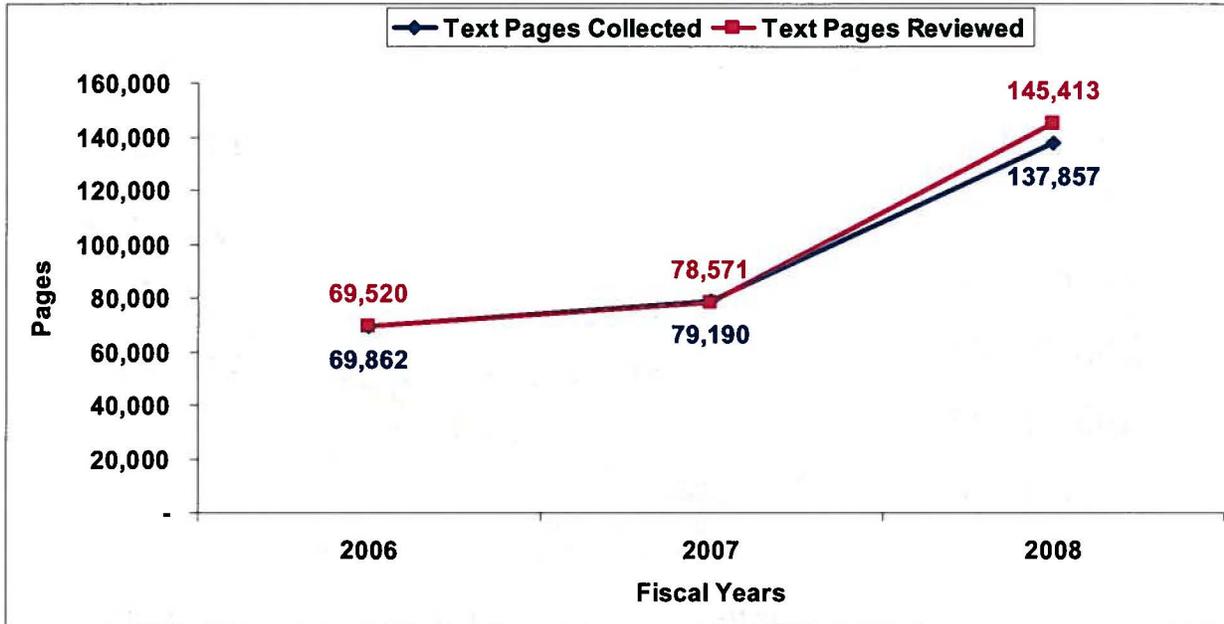
### *Counterterrorism Text and Electronic Files Material*

Field offices provide the LSS with monthly reports on collected and reviewed text pages and electronic files. We analyzed monthly reports for FYs 2006 through 2008 to determine the quantity of counterterrorism material collected and reviewed. During this period, the monthly reports indicate that the FBI reviewed approximately 8,000 more text pages than the 137,000 pages it collected in the past 3 fiscal years.<sup>34</sup> Exhibit 20 shows the accrual amount of collected and reviewed text pages for FYs 2006 through 2008. The FBI collected over 65,000 text pages in FY 2006 and 60,000 text pages in 2008, but it only collected about 9,000 pages in FY 2007. The bulk of text pages collected in FYs 2006 and 2008 were attributed to a few cases in each fiscal year that had significant text collections.

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<sup>34</sup> In 2005, the FBI began tracking text pages and electronic files as separate collection categories. Therefore, we could not determine the accrued text pages backlog before FY 2006.

**Exhibit 20  
Accrued Counterterrorism Text Pages  
Collected and Reviewed  
Fiscal Years 2006 through 2008**

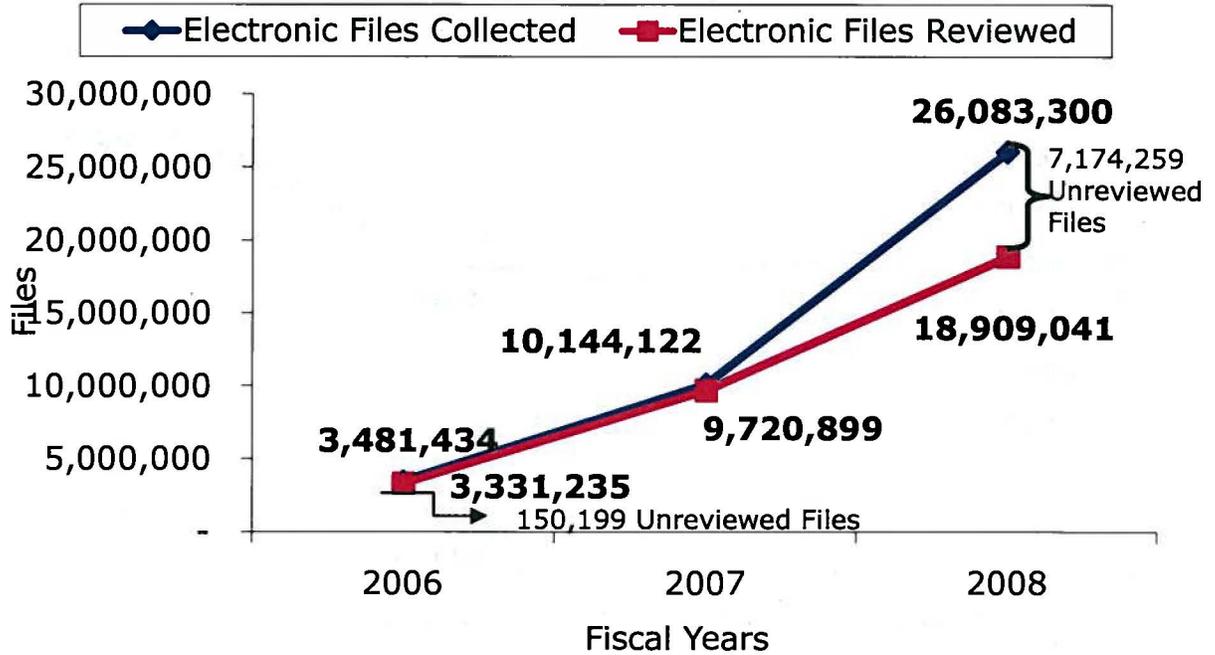


Source: OIG analysis of Language Services Section data

LSS monthly workload reports show that between FYs 2006 and 2008 the collection for electronic files increased each year, as shown in Exhibit 21. During this period, the FBI was not able to keep pace with its electronic file collections, and reviewed 72 percent of its collected material. In FY 2006, the FBI had over 150,000 electronic files that were unreviewed. However, we found that the number of unreviewed electronic files has grown to over 7.1 million over the course of 3 fiscal years. The FBI is not able to keep pace with the current collection trend for counterterrorism electronic files. FBI personnel told us that electronic files could be whole pages of text

[REDACTED]. Using the LSS Metrics Unit formula that requires 1 hour of linguist work to translate 50 pages of electronic files, it would take 143,485 hours, or 69 full-time equivalent personnel 1 year, to review the unreviewed electronic files material.

**Exhibit 21**  
**Accrued Counterterrorism Electronic Files**  
**Collected and Reviewed**  
**Fiscal Years 2006 through 2008**



Source: OIG analysis of FBI Language Services Section data

Exhibit 22 shows the amounts of counterterrorism text and electronic files collected and reviewed during FY 2008 by tier level. According to monthly translation workload statistics, the FBI was able to review all text material for cases in its two highest tiers. For electronic file collections, the FBI reviewed all of its Tier 1 electronic files, but only reviewed 60 percent of its Tier 2 files. Of the 1,167,703 unreviewed Tier 2 electronic files, 92 percent involved foreign language material; about 98,000 files (8 percent) entailed English-only material. Again, this significant amount of unreviewed material for high priority cases illustrates the FBI's need to improve its ability to translate unreviewed high-priority material.

**Exhibit 22  
Counterterrorism Text Pages and Electronic Files  
Collected and Reviewed by Tier Levels  
Fiscal Year 2008**

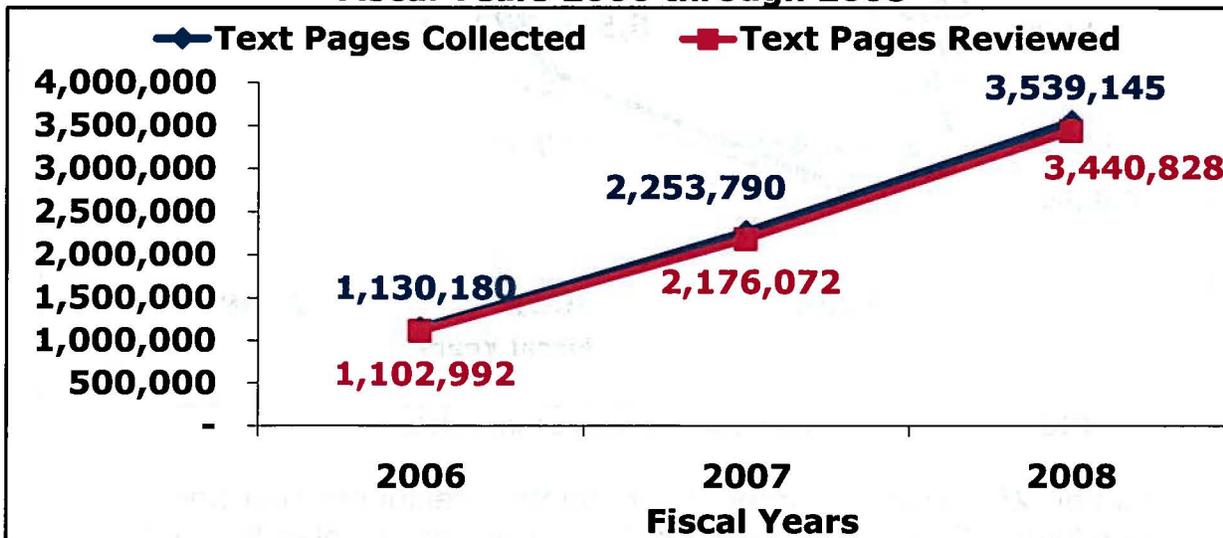
		Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
<b>Text Pages</b>	<b>Collected</b>	151	54,423	4,059	34	0
	<b>Reviewed</b>	151	63,801	3,856	34	0
<b>Electronic Files</b>	<b>Collected</b>	114,899	3,020,211	12,742,377	27,550	34,141
	<b>Reviewed</b>	115,254	1,852,508	7,167,359	33,172	19,849

Source: OIG analysis of FBI Language Services Section data

*Counterintelligence Text Pages and Electronic Files*

According to LSS monthly workload reporting data, the FBI collected 3,539,145 counterintelligence text pages from FYs 2006 through 2008 and reviewed 3,440,828 text pages, leaving 98,317 pages unreviewed. Using the LSS method to convert text pages to hours, we found that it would take the FBI approximately 1,966 hours to translate the unreviewed counterintelligence text pages, or 1 full-time equivalent personnel about 1 year. Exhibit 23 shows the amount of counterintelligence text pages collected and reviewed during FYs 2006 through 2008, as reported on the FBI’s monthly foreign language workload reports.

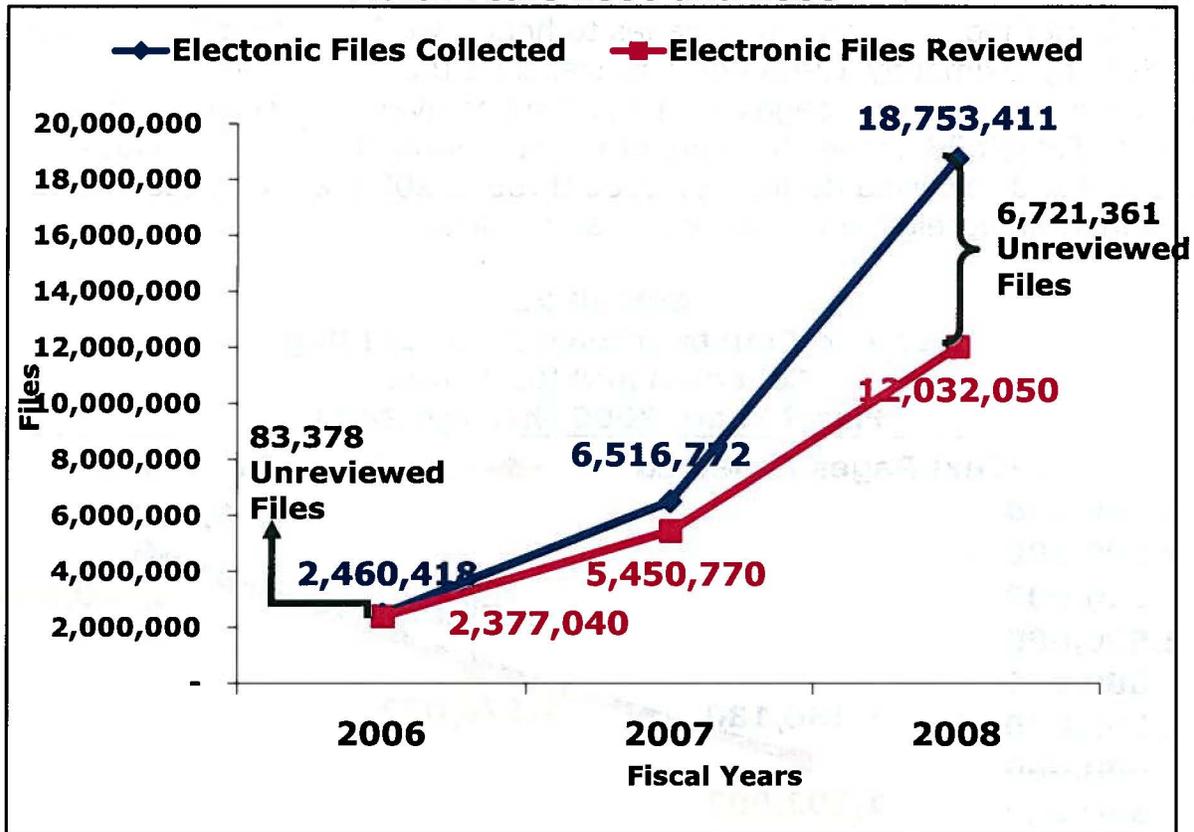
**Exhibit 23  
Accrued Counterintelligence Text Pages  
Collected and Reviewed  
Fiscal Years 2006 through 2008**



Source: OIG analysis of FBI Language Services Section data

Exhibit 24 illustrates that between FYs 2006 and 2008 the FBI did not review 6,721,361 (36 percent) of the 18,753,411 electronic files it collected. Nearly 85 percent of the total unreviewed amount was collected in FY 2008. We found that the FBI did not have a strategy for guiding the FLP in keeping pace with its growing collection of electronic files. The FBI told us that it bases its hiring requests on the current collection totals and then asks for additional linguists if needed. However, this strategy is not enabling the FBI to keep pace with its growing collection of electronic files. If we use the LSS' Metrics Unit formula, it would take linguists approximately 134,427 hours to review these unreviewed electronic files, or the equivalent of 65 full-time personnel working 1 year to review the backlogged material.

**Exhibit 24**  
**Accrued Counterintelligence Electronic Files**  
**Collected, Reviewed, and Unreviewed**  
**Fiscal Years 2006 and 2008**



Source: OIG analysis of FBI Language Services Section data

Exhibit 25 shows the amounts of counterintelligence text and electronic files collected and reviewed by FBI priority level in FY 2008. According to monthly translation workload reporting data, the FBI was able to review most text page material for its highest priority cases and almost 90 percent of its Tier 1 electronic files. Of the 5.4 million unreviewed Tier 2

electronic files, 3.5 million were English-only material. We also determined that the FBI collected more than 10.5 million electronic files in its second highest priority cases, but was able to review only half of this material.

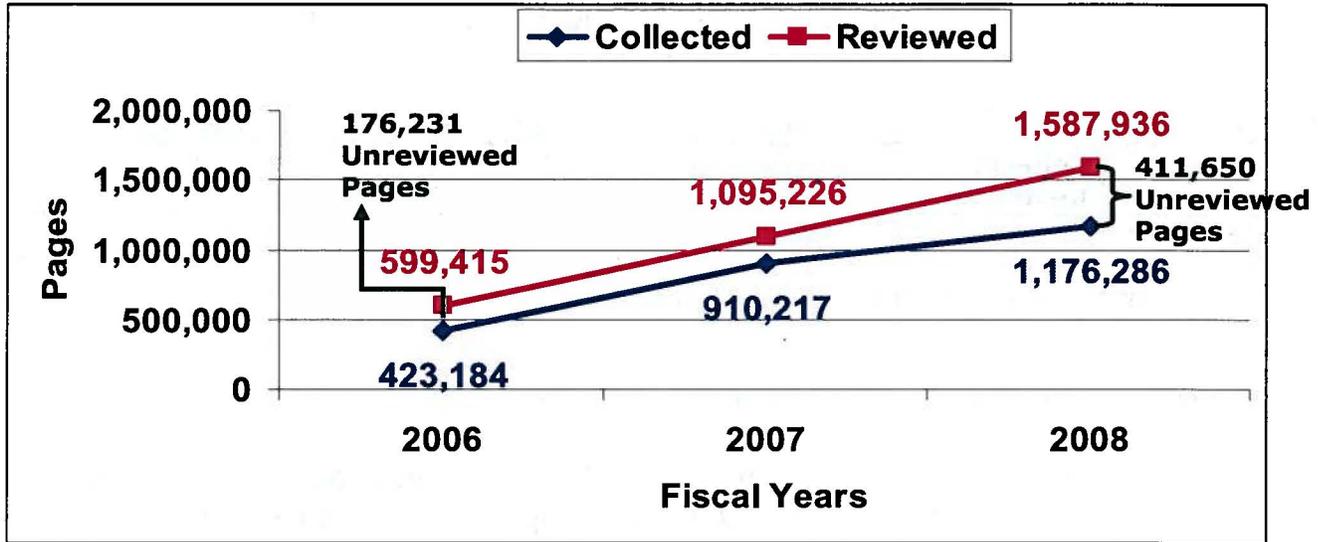
<b>Exhibit 25 Counterintelligence Text Pages and Electronic Files Collected and Reviewed by Tier Levels Fiscal Year 2008</b>						
		<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>	<b>Tier 4</b>	<b>Tier 5</b>
<b>Text Pages</b>	<b>Collected</b>	900	993,688	290,712	0	55
	<b>Reviewed</b>	900	974,162	289,639	0	55
<b>Electronic Files</b>	<b>Collected</b>	63,954	10,790,598	1,368,410	13,677	0
	<b>Reviewed</b>	57,153	5,432,061	1,078,389	13,677	0

Source: OIG analysis of FBI Language Services Section data

*Criminal Investigation Text Pages and Electronic Files*

The FBI reported collecting 1,176,286 text pages during FYs 2006 through 2008 for its criminal investigative operations. As Exhibit 26 illustrates, the FBI reviewed 1,587,936 text pages during this timeframe. FBI personnel cited two reasons that the criminal collections on the monthly translation workload report would show more material reviewed than collected. First, material collected in one fiscal year may be reviewed in the subsequent fiscal year. Second, the LSS believed that the field offices were double counting collected and reviewed material and the FBI said that it revised its reporting procedures to correct these types of reporting errors in 2008.

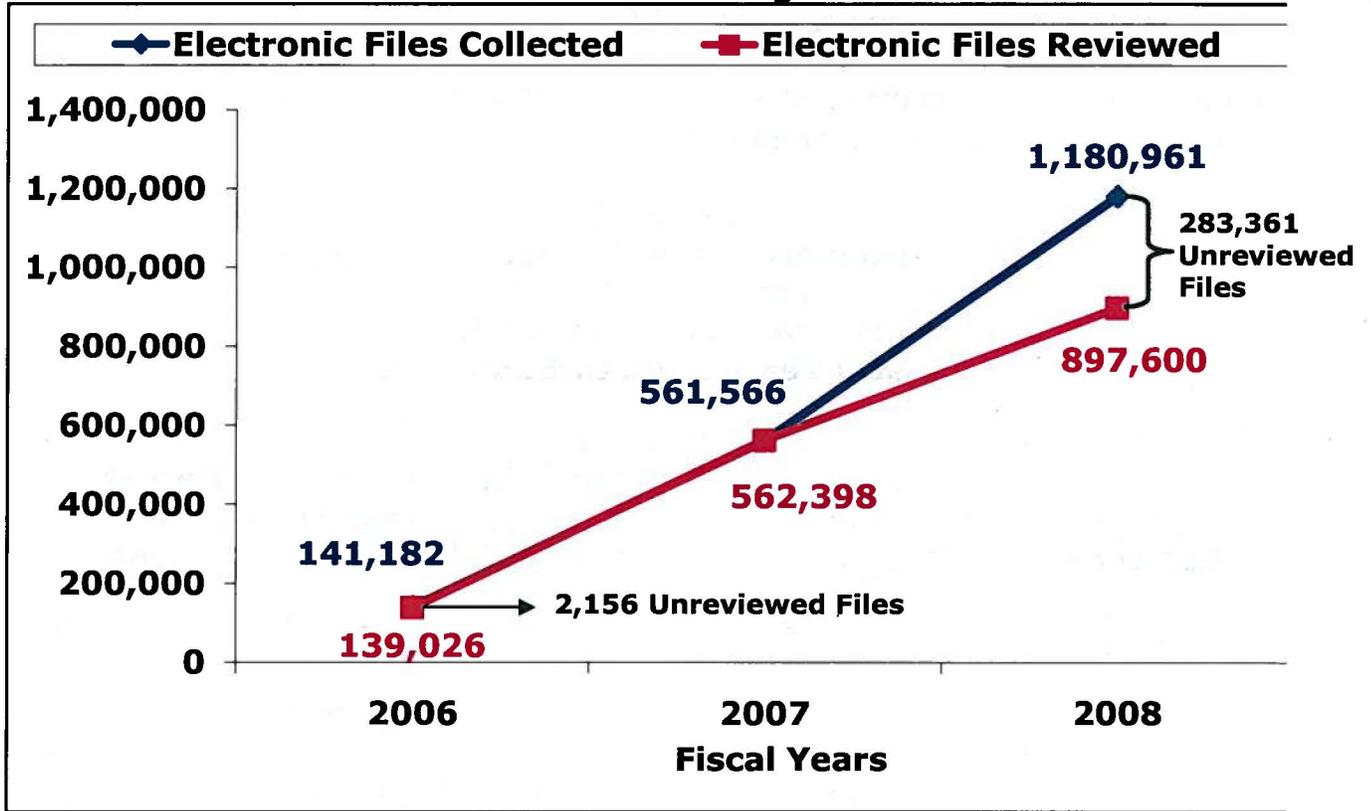
**Exhibit 26**  
**Accrued Criminal Investigation Text Pages**  
**Collected and Reviewed**  
**Fiscal Years 2006 through 2008**



Source: OIG analysis of FBI Language Services Section data

For FYs 2006 through 2008, the FBI reported an accrued collected amount of 1,180,961 electronic files for criminal investigations. While the FBI kept pace in reviewing electronic file collections in FYs 2006 and 2007, Exhibit 27 demonstrates that at the end of FY 2008 the FBI had over 280,000 unreviewed electronic files for its criminal investigations. All the unreviewed collections were foreign language material requiring translation. Using the LSS formula, this backlog of unreviewed material would require linguists to spend 5,667 hours to translate the unreviewed electronic files or the equivalent of about 3 full-time personnel working 1 year to review the backlogged material.

**Exhibit 27**  
**Accrued Criminal Investigation Electronic Files**  
**Collected and Reviewed**  
**Fiscal Years 2006 through 2008**



Source: OIG analysis of FBI Language Services Section data

**Unreviewed English-only Material**

As stated at the beginning of the finding, field offices also collect audio, text, and electronic file material that are entirely in English. While the LSS reports to FBI executive management on material that is entirely in English, it is not the LSS’s responsibility to review this material. Rather, the collecting field offices are responsible for reviewing their English-only material for information that is useful to the investigation or to FBI intelligence collection efforts.

In our discussions on specific collection formats, we identified instances where the FBI did not review FY 2008 English-only material collected for the FBI’s highest priority counterterrorism and counterintelligence operations. We further analyzed FBI monthly reporting data for FYs 2006 through 2008 to determine the total amount of English-only material included in the backlog of unreviewed material. We did not

find any unreviewed English-only material for the FBI’s criminal investigative operations. As shown in Exhibit 28, we determined that the FBI’s unreviewed English-only material included an accrued backlog of almost 5,000 audio hours, about 500 text pages, and nearly 10 million electronic files. While the audio and text material constituted only 1 percent of the FBI’s total unreviewed material in these formats, the unreviewed English-only electronic files comprised 72 percent of the FBI’s total unreviewed electronic files accrued between FYs 2006 and 2008.

**Exhibit 28  
Counterterrorism and Counterintelligence  
Unreviewed Material  
in Foreign Languages and English  
Fiscal Years 2006 through 2008**

Type of Collection	Total Unreviewed Material	Unreviewed Foreign Language Material	Unreviewed English-only Material	Percent English-only Material
Audio Hours	627,412	622,423	4,989	1%
Text Pages	98,936	98,434	502	1%
Electronic Files	13,895,620	3,958,155	9,937,465	72%

Source: OIG analysis of FBI Language Services Section data

In October 2008, the FBI detailed 25 recently hired Intelligence Analysts to the LSS to review the English-only audio backlog. The LSS anticipated it would take 1 to 3 months for these analysts to complete their review of the English-only material on Collection System A. However, an LSS Unit Chief told us that there is concern that this is a one-time “fix” because the FBI will continue to accrue a backlog of English-only audio material on an ongoing basis. Additionally, the Assistant Director of the Counterintelligence Division told us that there is a need for transcription of English language material. We believe the FBI needs to develop a proactive solution for reviewing, on an ongoing and timely basis, its collection of English-only material. Further, the FBI must implement procedures for monitoring and ensuring the review of English-only material collected for high-priority national security investigations.

## **Foreign Intelligence Surveillance Act Overruns**

The FBI can obtain court orders from the Foreign Intelligence Surveillance Act (FISA) court to conduct surveillance of subjects who are the target of FBI counterterrorism and counterintelligence investigations. The FISA court orders contain specific dates during which the FBI can monitor subjects. In our review of one FBI field office's FLP files, we found audio material on the FBI's collection system that was collected past the FISA court order's expiration date and associated with a counterterrorism case: a potential overrun.<sup>35</sup> Given this finding, we tested FLP files and data for any potential overruns at the other two field offices we visited for this review and found another potential overrun at one of these offices. We did not find any potential overruns at the third field office. Exhibit 29 provides more detail on our testing of 110 FLP files for expired FISA court orders.

### **Exhibit 29**



At one field office we found an internal memorandum that stated a FISA court judge ordered the FBI to cease, for a certain counterterrorism case, its collection of audio material on over a dozen lines in late summer 2007, instead of the original expiration date (almost 1 month later), because of a lack of intelligence collected on these lines. However, we found that the number of lines associated with this case in the FBI's collection system did not decrease after late summer 2007. We discussed this matter with LSS, OTD, and field office personnel, and we reviewed records pertaining to the potential overruns. We determined that the field office had audio material on its system associated with lines on which it should no longer have been collecting. FBI policy requires any instance of an overrun to be reported to the FBI's Office of the General Counsel.

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<sup>35</sup> In our report we make a distinction between "overrun" and "over-collection." An "overrun" refers to investigative activity conducted outside the time period of the FISA court order or outside the authorized period of investigative activity, which may involve the collection of unauthorized information. An "over-collection" refers to information gathered within the authorized time period of the FISA court order but outside the scope or intent of the order.

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In September 2008, the field office told us that it agreed with our assessment and told us it would segregate the potential overrun audio material as well as inform the FBI Office of the General Counsel of the potential overrun.

However, in June 2009 following our audit close-out meeting, the FBI stated that it did not consider this an overrun and that this matter did not need to be reported to the Office of the General Counsel. The FBI stated that it believed the calls that were collected were initiated by telemarketers who waived their privacy rights by making the call. However, the FBI field office believed it collected and then did not report to the FBI Office of the General Counsel several minutes of calls on lines on which a FISA court judge ordered it to cease collecting material. We believe that the field office should have reported this potential overrun to the FBI Office of the General Counsel for appropriate adjudication.<sup>36</sup>

We also identified an overrun at another field office. This overrun occurred because technical personnel entered the wrong FISA court order expiration date into Collection System A when setting up the collection parameters. The order expired in late fall 2006 but the expiration date entered into Collection System A was 5 days later. However, the field office only collected information for 1 extra day because the investigative target cancelled the phone line the day after the order expired. The only collection on Collection System A was an electronic tone; no conversations were collected that day. In June 2009, the FBI Office of the General Counsel determined that this matter was reportable to the Intelligence Oversight Board.

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<sup>36</sup> Executive Order 12863 designates the Intelligence Oversight Board (IOB) as a standing committee of the President's Foreign Intelligence Advisory Board and directs the IOB to inform the President of any activities that may be unlawful or contrary to Executive Order or Presidential Directive.

## **Conclusion**

The FBI collects an immense amount of material in the course of conducting counterterrorism, counterintelligence, and criminal investigations. The FBI's ability to review and translate the collected audio material, text pages, and electronic files is critical to the FBI's operations. Without timely translation and review, the FBI could have valuable information in its possession that it does not use in its counterterrorism, counterintelligence, or criminal investigations.

We determined that during the last 3 years the FBI was able to review all the text pages that it collected for its counterterrorism, counterintelligence, and criminal investigative operations. However, the FBI collected a significant amount of audio and electronic file material that it did not review. For all its operations, the FBI reviewed 75 percent of the audio material and 69 percent of the electronic files it collected during our review period.

FBI data also showed that the FBI reviewed all audio material collected for its criminal investigations. However, as found in our previous audits, the FBI continued to have accrued unreviewed audio material for its counterterrorism and counterintelligence operations. In FYs 2003 through 2008, the ratio of unreviewed material to total collections remained relatively consistent at around 6 percent for counterterrorism collections and 31 percent of counterintelligence collections. Yet, because the amount of collections increased, the total amount of unreviewed audio material significantly increased during this period from 8,600 hours in FY 2003 to almost 47,000 hours by the end of FY 2008 for counterterrorism operations and from about 218,000 hours to nearly 1.2 million hours for counterintelligence operations.

Additionally, our analysis of FBI data found that while the FBI generally had kept pace in translating the collected electronic files in FY 2006, by FY 2008 the FBI had over 14 million unreviewed electronic files. Moreover, we found that the FBI did not have a strategy for guiding its FLP to keep pace with its growing collection of electronic files.

In addition, we found that significant amounts of unreviewed audio and electronic file material were collected for the FBI's highest-priority counterterrorism and counterintelligence investigations, increasing the risk that important information in the FBI's possession will not be timely reviewed. Specifically, we found that 45 percent of the FBI's FY 2008 unreviewed counterterrorism audio material was for Tier 1 and Tier 2 FBI cases, including 740 hours pertaining to Tier 1 High cases. The FBI stated

that resource limitations often prevent it from reviewing material collected for its highest priority cases. We also determined that portions of the FBI's unreviewed material were entirely in English, including material collected for high-priority cases. Additionally, 72 percent of the FBI's unreviewed electronic files were English-only material. By contrast, we determined that 99 percent of the unreviewed audio and text material was in a foreign language.

In our previous reports, we noted that the FBI reported "refined" backlog totals different from the monthly data reported by its field offices. However, the FBI's refined figures only account for information on Collection System A. We do not believe using only Collection System A data provides a comprehensive assessment of the FBI's total backlog of unreviewed material because it does not include material collected outside of Collection System A.

### **Recommendations**

We recommend that the FBI:

1. Ensure the LSS is reporting accurate, comprehensive, and supported data on the backlog of unreviewed foreign language audio material from all audio collections, not solely Collection System A.
2. Develop a proactive long-term strategy for the FBI to keep pace with translating and reviewing its increasing collection of electronic files.
3. Develop protocols for monitoring and ensuring that unreviewed foreign language material collected for high-priority counterterrorism and counterintelligence cases is reviewed and translated in a timely manner.
4. Develop a strategy and implement protocols for reviewing English-only material in a timely manner, particularly material collected for high-priority counterterrorism and counterintelligence operations.
5. Develop and implement a risk-based policy beyond Tier 1 counterintelligence cases for removing audio material from the collection system.

**REDACTED – FOR PUBLIC RELEASE**

6. Develop protocols to support the FBI policy requiring FBI operational components to work with the LSS and FLP personnel in determining linguistic resource availability before commencing counterterrorism, counterintelligence, and criminal collection techniques that will require foreign language translation.
7. Comply with its internal policy by reporting the potential field office FISA overrun to its Office of the General Counsel for appropriate adjudication.

## II. WORKLOAD MONITORING

Similar to our findings in our previous audits, we determined that the FBI still does not have a reliable means of assessing the amount of foreign language audio, text, and electronic material it collects and reviews for its counterterrorism, counterintelligence, and criminal operations. While the FBI had made progress in consolidating its separate collection systems and plans to complete its consolidation when funding is made available, the lack of a consolidated system prevents the FBI from accurately determining its backlog of unreviewed material. Additionally, we found that the translation workload data the field offices report on monthly reports, which the FBI uses to assess its translation workload in the absence of a consolidated workload management system, are inconsistent with data finalized by the LSS.

### Collection Systems

Our 2004 audit report noted that the FBI's ability to monitor translation workload was hampered because the FBI did not have a method to consistently accumulate and assess workload statistics. As a result, we recommended that the FBI expedite the implementation of an automated statistical reporting system.

The FBI still uses several systems to collate and track the review of collected foreign language material, including:

- Collection System A – [REDACTED]. The LSS Metrics Unit uses the collection system to report audio backlog for counterterrorism and counterintelligence cases.
- Work Flow Manager – Deployed in FY 2003, this is the FBI's interim automated statistical reporting system for all collection formats.
- Collection System B – This system integrates and consolidates ELSUR products from FBI field offices.<sup>37</sup> Collection System B affords agents, linguists, and analysts the ability to view and analyze collected data through a single system.

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<sup>37</sup> ELSUR is an abbreviation for "electronic surveillance."

## REDACTED – FOR PUBLIC RELEASE

- Collection System C – This system, a smaller version of Collection System B, supports the collection and analysis of electronic files.
- Collection System D – The FBI uses this system to extract electronic media.

During our 2004 and 2005 audits, we reviewed the Work Flow Manager, and Collection Systems A and B and found that the FBI's ability to monitor translation workload was hampered because the FBI had no method to consistently develop accurate workload statistics. At the time, FBI officials said that Collection System B would replace Work Flow Manager by integrating the functions of these two systems. However, we found during this audit that the plan is to combine Collection Systems B, C and D into one consolidated system because the three systems have similar functions. Additionally, the Foreign Intelligence Surveillance Act (FISA) court requires, as part of its minimization procedures, that the FBI reduce the number of collection systems on which it stored information collected through FISA court orders.<sup>38</sup>

The FBI consolidated Collection Systems B and D in early 2009 and plans to consolidate Collection System C, the third system, as soon as funds are available. The consolidated system will include data from Collection System A, which the FBI estimates to contain 70 to 80 percent of its collected foreign language audio material. Collection System A currently uploads to Collection System B.

Without a consolidated system, the FBI does not have a reliable method for tracking and reporting its backlog of unreviewed foreign language material. As the FBI works on consolidating Collection Systems B, C, and D, the LSS now relies on Work Flow Manager and Collection System A to report on the backlog of unreviewed foreign language material. However, the LSS does not consider the data from Work Flow Manager to be reliable. Additionally, as we reported in Finding I, using only Collection System A data to report the backlog of unreviewed counterterrorism and counterintelligence audio material can potentially underreport the total because Collection System A does not include audio material from all other collection systems. Consequently, the FBI does not have a comprehensive and consolidated system for tracking audio, text pages, and electronic files collected and

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<sup>38</sup> Minimization procedures apply to the acquisition, retention, and dissemination of non-publicly available communication and other information concerning unconsenting U.S. persons that is collected in the course of telephone, microphone, modem, facsimile, and other electronic surveillance. FBI officials said that as of November 1, 2008, Collection Systems B, C, and D are compliant with the FISA Court's mandated Standard Minimization Procedures.

reviewed material, and therefore the FBI does not have an automated means of identifying its workload and backlog, or for assessing its performance in reviewing collected foreign language material.

### **Foreign Language Program Monthly Reporting Process**

Lacking an automated means of generating statistics on the amount of audio, text, and electronic file material collected and reviewed, the LSS developed a manual monthly report used for determining the collection workload and the backlog of unreviewed material. Every month, each FBI field office is required to submit a survey report to the LSS detailing the amount of foreign language material it collected and reviewed that month. This reporting tool is currently the FBI's primary method of assessing its collection workload and, as we reported in Finding I, we believe this is the most comprehensive data on the FBI's foreign language translation workload and performance.

However, this data is not reliable due to the inconsistencies between what the field reports and what LSS finalizes as the official totals. We reviewed the FBI's monthly reporting process to determine the accuracy of finalized monthly reports generated by the LSS. For the FBI field offices in Miami, New York, and Washington D.C., we compared monthly report totals submitted to the LSS by these three field offices to the final LSS monthly totals. The FBI's monthly translation workload report involved two major reporting categories - a counterterrorism/counterintelligence category and a criminal investigation category. The final LSS monthly reports contain fields for collected and reviewed totals of audio hours (including video), text pages, and electronic files by counterterrorism/counterintelligence and criminal investigative matters.<sup>39</sup> More detail on our testing methodology is contained in Appendix I.

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<sup>39</sup> For FYs 2005 and 2006, criminal workload reports were submitted on a quarterly basis, so the summary fields tested are fewer than for a fiscal year with monthly reporting. For our counterterrorism and counterintelligence monthly reports testing, we tested only the 4<sup>th</sup> quarter for FY 2005.

**Exhibit 30  
Translation Workload Reports  
Comparison of Field Submissions to LSS Final Figures**

Field Offices	Fiscal Year	Counterterrorism and Counterintelligence Monthly Reports			Criminal Investigation Monthly Reports		
		Total Summary Fields Tested	Inconsistent Summary Fields Tested between Field Offices and LSS	Percentage of Inconsistent Totals	Total Summary Fields Tested	Inconsistent Summary Fields Tested between Field Offices and LSS	Percentage of Inconsistent Totals
Miami	2005	18	18	100%	24	24	100%
	2006	72	68	94%	36	23	64%
	2007	72	32	44%	72	13	18%
	2008	36	18	50%	36	0	0%
New York	2005	18	18	100%	24	24	100%
	2006	72	62	86%	36	31	86%
	2007	72	52	72%	72	62	86%
	2008	42	28	67%	42	36	86%
Washington	2005	18	17	94%	24	24	100%
	2006	72	69	96%	36	24	67%
	2007	72	15	21%	72	22	31%
	2008	36	4	11%	36	21	58%

Source: OIG analysis of FBI Language Services Section data

As shown in Exhibit 30, we found that monthly data submitted by the field offices frequently did not match the final LSS figures. Our testing showed some improvement over time in that the field and LSS summary field totals were generally more consistent in each successive fiscal year during our testing period. For instance, the Miami Field Office monthly report submissions related to criminal investigations matched the final LSS figures for the 3 months in FY 2008 that we performed testing.

The LSS Metrics Unit Chief told us that the discrepancies occur between the field and LSS because both groups refine the numbers to what they believe should be reported on the monthly translations report as material that has been collected and reviewed. Additionally, we found that some inconsistencies between the field and LSS totals were caused by data entry errors. We also determined that for 1 month during our test period the LSS had mistakenly reported the Washington Field Office’s totals from the previous month.

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Without a dependable system, the FBI cannot accurately determine the amount of unreviewed material, adversely affecting its ability to most appropriately assign its linguistic resources to address the type and amount of unreviewed material.

Metrics Unit officials told us they are visiting FBI field offices to train personnel on how to appropriately report on material collected and reviewed. Additionally, in 2007 the Metrics Unit developed and provided to the field a manual that contains instructions on what and how to report to the LSS on the monthly workload data reports.

### **Conclusion**

The FBI still does not have an automated means for assessing the amount of audio, text, and electronic file material that it collects and reviews. Consequently, it cannot accurately identify the backlog of material awaiting translation, a key deficiency in reporting on the backlog and in effectively managing the FBI's foreign language translation program. We found during this audit that the FBI abandoned its original plan for consolidating the Work Flow Manager and Collection System B reporting systems. Instead, the FBI is moving to consolidate Collection Systems B, C, and D given their similar functionalities. As of February 2009, the FBI consolidated two of the three systems, and its long-term plan includes consolidating the third system as funds become available. The FBI stated that the new consolidated system will include Collection System A, which contains 70 to 80 percent of the FBI's collected audio material.

Lacking an accurate, automated means of assessing the amount of collected and unreviewed foreign language translation material, the FBI instead relies on a manual monthly reporting system that includes data reported by field offices we found to be significantly inconsistent with the monthly data reported by the LSS.

In short, current FBI practices do not produce comprehensive, accurate, and verifiable data of foreign language collection totals and the backlog of unreviewed material. Consequently, the FBI cannot accurately evaluate the FLP's ability to review the foreign language material collected, which in turn hinders its efforts to effectively allocate resources to address the backlog. The FBI must develop a reliable, automated means of evaluating the amount of material collected and reviewed. Until then, however, the FBI's flawed monthly reporting is the most comprehensive data it maintains on translation collections and backlogs of audio, text, and electronic files. Therefore, we recommend that the LSS develop procedures to improve its procedures for reporting comprehensive, accurate, and

verifiable data on the amount of material collected and the backlog of unreviewed material.

**Recommendations**

We recommend that the FBI:

8. Consolidate collection systems and develop an automated means of reliably reporting the amount of material collected and the backlog of unreviewed material.
9. Develop procedures for comprehensively monitoring the amount of unreviewed foreign language material and for accurately evaluating its ability to review audio, text, and electronic file material.

### **III. QUALITY CONTROL**

During our 2004 audit, we found that the FBI's FLP lacked a tracking system capable of monitoring the results of quality control reviews of its linguists. We recommended that the FBI develop a system that would monitor compliance on a national level and in April 2005 the FBI implemented such a system. Since then, the FBI has made significant improvements in its quality control program. Specifically, the program increased compliance concerning its reviews of experienced linguists and established specific guidelines to ensure that all reviewers successfully complete certification workshops. In addition, the program's record keeping procedures have improved. However, we found during the current audit that the FBI did not comply with several requirements of its quality control policy, including: (1) reporting to the LSS all quality control reviews performed in the field, (2) assigning Certified Quality Control Reviewers to review translations within approved certifications, (3) assigning translations to linguists for which they are qualified to perform, and (4) following up on quality control reviews that resulted in ratings of "Not Satisfactory" for linguists' translation. These deficiencies can hinder the FBI's ability to ensure accurate translations, reduce the intelligence value of FLP translations, and prevent the LSS from effectively managing and monitoring nationwide compliance with quality control standards.

The FLP's quality control program is essential to ensuring the accuracy of translated material. To be effective, quality control reviews must be performed in a timely fashion and by linguists who are certified to assess the quality of specific translations.

#### **Quality Control Categories for Translations**

The FBI divides its quality control review requirements into five categories, which are displayed in Exhibit 31.

**Exhibit 31  
Quality Control Categories for Translations**

<b>Category</b>	<b>Description</b>
I	English into the Foreign Language
II	Foreign Language into English for Public Dissemination
III	Translations Going to Court
IV	Translations by linguists who have 1 year or more of experience with the FBI
V	Translations by linguists who have less than 1 year of experience with the FBI

Source: FBI Language Services Section

Categories I, II, and III focus entirely on assessing the quality of a translation. These first three categories require that translations must be both quality-control reviewed and editorially reviewed to eliminate errors and ensure accuracy prior to dissemination outside the FBI.

Categories IV and V evaluate the ability of both contract and FBI linguists to perform accurate translations. These two categories are also designed to give supervisors a means of evaluating linguists' abilities and weaknesses. Under a Category IV review for individuals with more than 1 year experience with the FBI, linguists have samples of their work submitted for quality control review once every 4 quarters.<sup>40</sup> Furthermore, if a linguist's tasks include working in multiple genres or types of translations, then samples of each of those genres must be submitted.<sup>41</sup> Category V pertains to quality control reviews for individuals who have been employed less than 1 year. After an initial training period not to exceed 80 hours, a linguist's first 40 hours of independent translations are quality-control reviewed, and the next 80 hours are subjected to random reviews.

According to Quality Control Standards Unit (QCSU) officials, more than half of all FBI quality control reviews (57 percent or 4,652 reviews) conducted between July 2005 and June 2008 examined the accuracy of translations completed by FBI linguists with more than 1 year of experience (Category IV reviews). An additional 13 percent (1,071) of the reviews

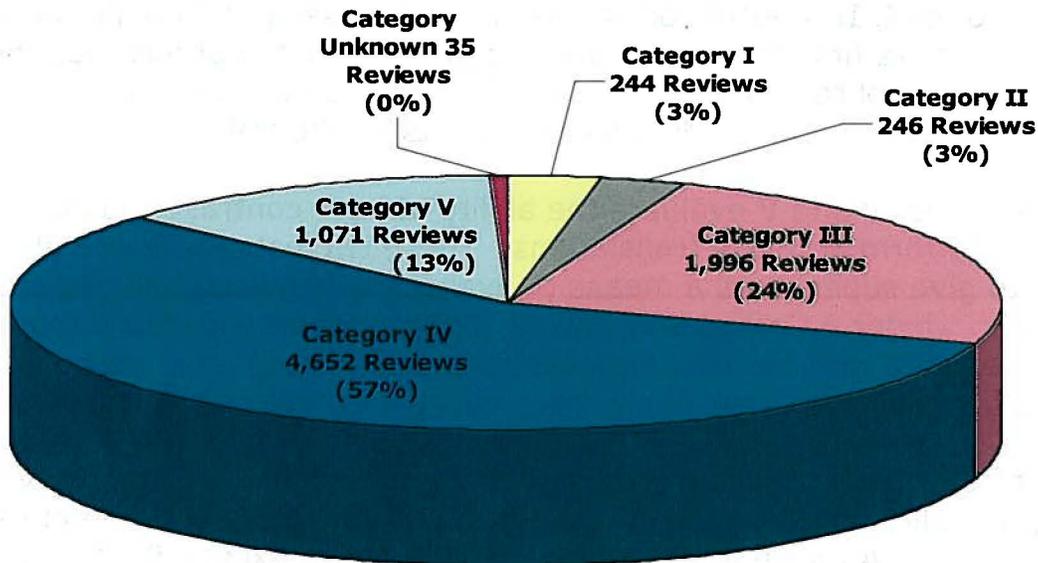
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<sup>40</sup> Previous FBI policy required Category IV linguists to be reviewed annually. The LSS told us that this resulted in some linguists not being reviewed for 6 quarters (1.5 years). For instance, some linguists were reviewed in the first quarter of the first year and then not reviewed again until the fourth quarter of the following year. The policy was revised to make it clear that linguists should be reviewed within 1 year from their previous review.

<sup>41</sup> Genres will be discussed in detail later in this Finding.

examined FBI linguists who had less than 1 year of experience (Category V). In addition, reviewing translations used in court proceedings (Category III) comprised 24 percent (1,996) of the total quality control reviews during this time period. Exhibit 32 depicts the breakdown of quality control reviews performed in each category during this 3-year period.<sup>42</sup> From July 2005 to June 2008, 70 percent of quality control reviews evaluated linguists' abilities to translate foreign language material. These evaluations provided insight into linguists' strengths and weaknesses and helped the LSS identify areas in which linguists needed additional training.

**Exhibit 32**  
**Quality Control Reviews Performed by Category**  
**July 2005 through June 2008**



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Source: FBI Language Services Section

### **Translation Genres**

Linguists perform several types of translations that the FBI refers to as translation genres. Linguists' authority to translate a specific genre depends on their proficiency scores. FLP Monitor Analysts and Contract Language Monitors are only eligible to perform summary translations, while Language Analysts and Contract Linguists may perform summary and verbatim translations. Field supervisors are responsible for conducting quality control reviews in both the languages and genres in which linguists regularly

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<sup>42</sup> Category unknown represents the 35 reviews we found that failed to identify a defined category upon submission to QCSU.

perform translations. For example, if a supervisor has a Category IV linguist regularly translating in four genres, that linguist would need to be quality-control reviewed once every four quarters in each of those four genres. Exhibit 33 displays the FBI's five principal translation genres.<sup>43</sup>

**Exhibit 33  
Translation Genres**

<b>Genre</b>	<b>Definition</b>
Audio Summary	A translation of key facts of audio collections, not a full translation
Document Summary	A translation of key facts of text and electronic file collections, not a full translation
Audio Verbatim	A full translation of facts within audio collections
Document Verbatim	A full translation of facts within text and electronic file collections
No Reportable Intelligence	Excerpts from an audio summary translation designated as not reportable intelligence to be assessed for accuracy

Source: FBI Language Services Section

**Linguist Assignments**

Due to the sensitive nature of the material being translated and the skill level required to accurately and efficiently perform translation work, linguists are required to translate only in the languages in which they have been formally tested and deemed proficient by the FBI's Language Testing and Assessment Unit.<sup>44</sup> In addition, according to the Supervisor's Manual, the FBI must ensure that linguists qualifying as monitors are only performing summary translations. Monitors cannot perform verbatim translations, testify in court, or act as subject matter experts.

We analyzed FBI records to assess whether the FBI ensured that linguists were proficient in the languages and genres they were translating. Assigning linguists to translate material in a language and at a level they are certified to perform is the FBI's first step to ensuring the quality of its translations.

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<sup>43</sup> A sixth genre for "interpreting" comprised a nominal percentage of the FLP quality control reviews.

<sup>44</sup> This unit develops and administers language testing for the FBI; assesses language testing on behalf of the intelligence community; and trains and certifies language test administrators, language testers, and translation test raters.

*Language Eligibility*

We examined proficiency exam records from the LSS Language Testing and Assessment Unit for all current linguists within the four field offices we visited to test whether linguists were translating languages other than those in which they had tested proficient. Specifically, we compared the proficiency exam results to Quality Control Quarterly Compliance Reports maintained by the QCSU between July 1, 2005, and June 30, 2008. Of the 414 linguists within the 4 field offices we visited, we identified 4 linguists that performed 7 translations in languages they were not authorized to translate. All seven of these translations were quality control reviewed and received Satisfactory ratings. Although the 7 translations amount to less than 1 percent of the 2,449 translations performed by these 414 linguists, the FBI should consider implementing an internal control to prevent linguists from translating material in languages in which they are not certified. Exhibit 34 displays the results of this testing according to the fiscal year in which the translation occurred.

**Exhibit 34  
Translations Performed by Linguists in  
Languages in which They Were Not Certified**

<b>Fiscal Year</b>	<b>Number of Translations Quality Control Reviewed in Field Offices Visited (July 2005 – June 2008)</b>	<b>Number of Translations by Ineligible Linguists Quality Control Reviewed in the Field Offices Visited</b>
2005 <sup>45</sup>	150	1
2006	604	1
2007	906	2
2008 <sup>46</sup>	789	3
<b>TOTAL</b>	<b>2,449</b>	<b>7<sup>47</sup></b>

Source: OIG analysis of FBI Language Services Section data

According to the FBI’s Supervisor’s Manual, barring an immediate threat situation, linguists should only work in languages for which they have achieved minimum proficiency levels. When asked about linguists translating outside of their certified languages, the Unit Chief for the QCSU

<sup>45</sup> Figures for 2005 only include 4th quarter fiscal year data.

<sup>46</sup> Data for 2008 only includes statistics for the first three quarters of 2008.

<sup>47</sup> We also found 35 instances where 11 linguists were listed as eligible to translate in languages they were not authorized to translate.

said this was not a quality control issue and therefore not her responsibility. She stated that FLP field supervisors are responsible for ensuring that linguists only translate in languages for which they have been tested proficient. Additionally, this Unit Chief stated that the LSS Section Chief was notified. The LSS Section Chief said she believes oversight of the translation assignment process will improve upon implementation of a new database designed to ensure that linguists translation assignments are limited to the languages for which they have tested proficient.

### *Genre Eligibility*

As previously stated, proficiency scores dictate what type of genres in which a linguist can translate. Barring an operational exigency demand requiring an immediate translation, monitors are not permitted to perform audio or document verbatim translations, testify in court, or to act as subject matter experts. To assess the FBI's adherence to these FLP policies, we tested the Quality Control Quarterly Compliance Reports from July 2005 to June 2008 to determine whether monitors were translating verbatim material. Of the 467 linguists classified as monitors on these compliance reports, we found 69 occurrences where 43 monitors improperly performed verbatim translations during our review period from July 2005 through June 2008. Although only five of these translations resulted in quality control ratings of "Not Satisfactory," monitors are assigned to perform summary translations because these linguists were found to have insufficient language skills necessary to perform accurate verbatim translations. We believe that permitting monitors to perform verbatim translations increases the potential for inaccurate translations and further highlights a weakness in the FBI's translation assignment process. To ensure the quality of its translations, the FBI should improve its controls and oversight of translation assignments.

### *Automated Linguist Assignments*

According to the LSS Section Chief, the FBI is developing a new database that will assist supervisors in assigning translation work to linguists. She told us that upon implementation, the database will limit the type of task linguists can be assigned based on their proficiency qualifications. As of February 2009, the linguist tasking phase of the database remained under development and FBI officials said the entire system should be operational by the beginning of fiscal year 2010. Until this database is implemented, however, supervisors must continue to manually ensure that linguists are only assigned tasks in which they are qualified.

## **Certified Quality Control Reviewers**

Certified Quality Control Reviewers are linguists who evaluate the translation work of their peers. Since our 2005 audit, the number of Certified Quality Control Reviewers increased from 100 reviewers to 342 as of September 2008. In FY 2008, 26 percent of all linguists were Certified Quality Control Reviewers, compared to 7 percent in FY 2005. To become a Certified Quality Control Reviewer, a linguist must attend a certification workshop, pass the workshop exam, and be satisfactorily reviewed in the genres they will be reviewing. We reviewed FBI records to verify that Certified Quality Control Reviewers met these requirements. While the QCSU records showed that all reviewers attended the workshop and passed the exam, we found 173 instances, including 55 instances (32 percent) in FY 2007 and 26 instances (15 percent) in the first three quarters of FY 2008, where reviewers performed quality control reviews in languages in which they were not certified and 71 linguists achieving reviewer status in genres in which they had not received Satisfactory ratings. Additionally, we identified 14 instances where linguists who were not certified reviewers performed quality control reviews.

### *Language Eligibility*

We assessed whether Certified Quality Control Reviewers were performing reviews outside of their certified languages. Of the 8,244 quality control reviews submitted to QCSU between July 2005 to June 2008, incomplete records made it impossible for us to associate a specific reviewer to 590 of the reviews. Of the remaining 7,654 reviews, we found 173 instances where Certified Quality Control Reviewers performed quality control reviews in languages they were not certified to review. While this equates to approximately 2 percent of reviews completed, the assignment of quality control reviewers to evaluate translations for which they are not certified to review demonstrates a need for the FBI to improve controls over its quality control review assignment process.

### *Genre Eligibility*

To determine whether Certified Quality Control Reviewers were qualified to conduct reviews in particular genres, for the four field offices we visited we analyzed QCSU Quality Control Quarterly Compliance Reports from July 2005 through June 2008. Of the 414 linguists tested, we found that 71 linguists designated as Certified Quality Control Reviewers did not receive Satisfactory reviews in genres in which they were certified to review. For example, we identified a linguist who has been a Certified Quality

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Control Reviewer in four genres since the third quarter of 2006 but who lacks a quality control review in any genre within that language.

In addition, we found instances of individuals other than linguists listed as Certified Quality Control Reviewers. For example, the Unit Chief of the QCSU is currently listed as a certified reviewer although she has not undergone a formal quality control review since July 2005.

We assessed whether Certified Quality Control Reviewers assigned to review translations were certified to review in the genres associated with those translations. We found 612 instances where 341 reviewers were ineligible to review the translation work assigned to them because they were not certified in the respective genre of the translation. For example, a reviewer certified to review only audio summaries reviewed an audio verbatim translation. Of the 612 instances, Not Satisfactory ratings were assigned to linguists for 73 of the reviews. Collectively, these occurrences can hinder the QCSU from accurately identifying the need for linguist training and mentoring, and can result in linguists not receiving an accurate evaluation of their work.

In our view, our finding of Certified Quality Control Reviewers not being appropriately certified to review assigned translations can affect the effectiveness and reliability of the quality control program. We recommend that the QCSU improve its monitoring of the quality control program to ensure that supervisors are assigning quality control reviews only to individuals who are appropriately certified to review particular languages and genres.

### **Quality Control Program**

During our last two audits, we found that the LSS, as an adjunct duty, monitored compliance with FLP quality control policies and standards. In April 2005, the FBI implemented a nationwide tracking system to monitor and track its quality control efforts. This tracking system assesses field offices' adherence to required reviews through spreadsheets called Quality Control Quarterly Compliance Reports submitted by supervisors. In 2005, the LSS created the Quality Control Standards Unit, composed of a Unit Chief and four staff to manage the FLP's quality control program.

### *Quality Control Policy*

The FLP's quality control policy, updated in November 2007, sought to establish a systematic method of monitoring translations. The revised policy includes the following elements:

- The policy established anonymity in the quality control process, requiring linguists with more than 1 year of service to have quality control reviews conducted by reviewers located in another field office.
- The revised policy requires linguists with more than 1 year of service to be reviewed once every four quarters, instead of once annually as required by the FBI's previous policy. Under the old policy, FBI personnel interpreted "annually" to allow a linguist to work as many as 6 quarters without a quality control review.<sup>48</sup>
- The FBI established requirements for becoming a Certified Quality Control Reviewer. As discussed previously, these requirements include attending a certification workshop, passing the workshop exam, and being satisfactorily reviewed in the genres they will be reviewing.
- The policy clarified quality control procedures and designated specific forms for Certified Quality Control Reviewers to use when performing reviews. Supervisors must use the Quality Control Review Form to request a quality control review and Certified Quality Control Reviewers must provide feedback on the Quality Control Feedback Form.

### *Quality Control Review Process*

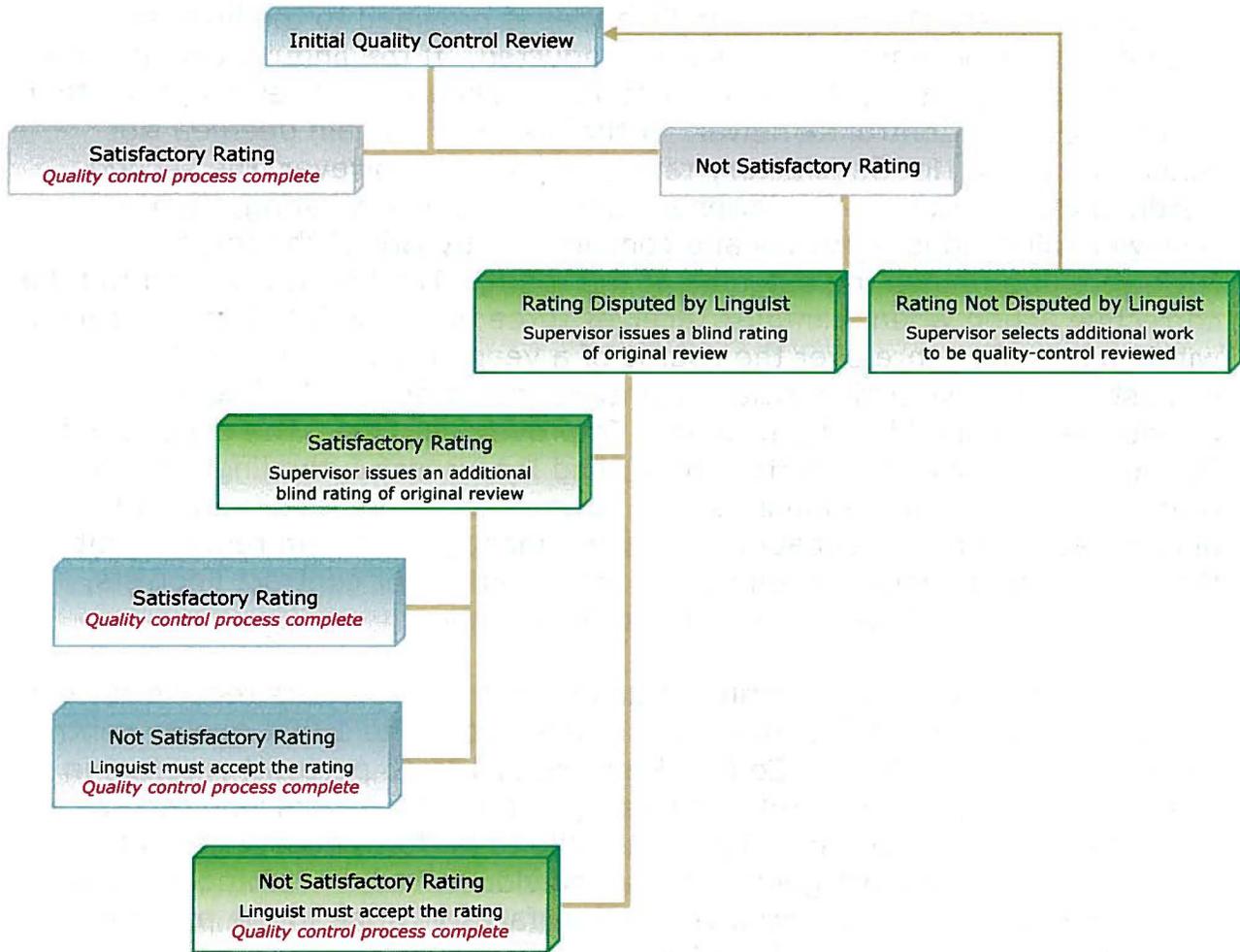
The quality control review process requires supervisors at field offices nationwide to coordinate with each other to ensure quality control reviews are performed by certified personnel and in accordance with FLP quality control review requirements. The objective of the review process is to identify errors, to take corrective action to remedy the errors, and to

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<sup>48</sup> For example, the previous policy required that a linguist reviewed in the first quarter of a year have another review performed by the fourth quarter of the following year. The 2007 policy revision requires a linguist reviewed in the first quarter of a year to be reviewed again by the first quarter of the following year.

ultimately improve the ability of linguists to perform accurate translations. Exhibit 35 presents an overview of the quality control process.<sup>49</sup>

### Exhibit 35 Quality Control Review Process



Source: FBI Language Services Section

During the review process, a supervisor randomly selects material translated by a linguist and has a Certified Quality Control Reviewer assess the translation for accuracy and expression errors.<sup>50</sup> In addition to providing feedback concerning the translation, reviewers issue a Satisfactory or Not

<sup>49</sup> Appendices VI and VII include flow charts illustrating Category IV and Category V quality control review processes.

<sup>50</sup> Expression errors pertain to grammar, punctuation, capitalization, and spelling errors.

Satisfactory rating. If the review receives a Satisfactory rating, the supervisor discusses the review feedback with the linguist and no additional action is required. If a Not Satisfactory rating occurs, supervisors must immediately report the rating to the QCSU and address the Not Satisfactory rating with the linguist by discussing the feedback and deficiencies noted by the reviewer. If the linguist accepts the Not Satisfactory rating, training that directly addresses the identified deficiencies is provided to the linguist and additional quality control reviews are conducted. If the linguist disputes the Not Satisfactory rating, the same material is submitted for review to another Certified Quality Control Reviewer. If the material is again deemed Not Satisfactory, the Not Satisfactory rating stands. If, however, the second Certified Quality Control Reviewer assigns a Satisfactory rating, then a third reviewer will conduct a review and concurrence by two of the three reviewers determines the outcome of the rating. The LSS is required to take corrective action when a linguist receives three final Not Satisfactory ratings within a specific genre over the course of a year. For permanent FBI linguists, corrective action includes written notification of the linguist's deficiencies outlined in a Performance Improvement Plan. The linguist has 90 days to improve their performance, and if successful, the linguist will then be placed on probationary status for 1 year. If the quality of work diminishes during the probationary period, management can request that the linguist be demoted or removed from the FBI. For contract linguists, corrective action includes suspension or termination.

Like other linguists, Certified Quality Control Reviewers receive reviews of their translation-specific work. We found that of the 1,994 quality control reviews of Certified Quality Control Reviewers, 126 (6 percent) resulted in Not Satisfactory ratings. Certified Quality Control Reviewers who receive a Not Satisfactory rating are no longer eligible to perform quality control reviews in that particular genre. These individuals may recommence quality control review duties after achieving a Satisfactory rating in the particular genre in which they received the Not Satisfactory rating.

#### Quality Control Error Notation Key

FBI policy requires Certified Quality Control Reviewers to ensure translations adhere to the FBI's Manual of Standards for Translation.<sup>51</sup> In performing their reviews, Certified Quality Control Reviewers use the Quality Control Error Notation Key, a standardized review tool. For each translation,

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<sup>51</sup> The Manual of Standards for Translation is a manual used by linguists for guidance when performing verbatim and summary translations.

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reviewers use this key to identify eight types of errors pertaining to translation accuracy and expression:

- Distortions
- Key mistranslations
- Grammar
- Capitalization
- Punctuation
- Spelling
- Mistranslations
- Wrong context

The error notation key attempts to provide balance within the quality control process and eliminate the subjectivity that presents itself when more than 300 different people perform quality control reviews. Using the eight types of errors allows reviewers to identify evidence within a translation that devalues intelligence and also reduces the chances a reviewer will find the translation Not Satisfactory merely for editorial differences. However, at a FLP quality control refresher workshop we attended we observed that linguists provided with the same material inherently translate the material differently. The QCSU Chief directing the refresher workshop used this example to stress the importance of accepting equivalencies during quality control reviews. While the Error Notation Key attempts to provide balance within the quality control process by limiting and categorizing key types of translation errors, an individual reviewer's life experiences, cultural background, and personal preferences will continue to affect the translation process. Therefore, the FBI should ensure that its Certified Quality Control Reviewers are well trained in using the Error Notation Key to ensure objectivity and standardization during the quality control review process.

### *Not Satisfactory Ratings*

The FLP performed 8,244 quality control reviews from July 2005 through June 2008. Of those, QCSU reported that 9.8 percent of the reviews resulted in Not Satisfactory ratings. During our fieldwork, we reviewed all of the Not Satisfactory quality control reviews identified at the four field offices we visited. We tested the quality control reviews to determine: (1) the primary causes for the Not Satisfactory ratings, (2) whether Not Satisfactory ratings were reported by the field offices to the QCSU in a timely manner, and (3) whether Not Satisfactory ratings were followed up with additional reviews in accordance with the QCSU policy.

In our review of quality control files for Not Satisfactory ratings, we found that reviewers frequently cited accuracy errors including incorrect dates and places, distortions, omissions, and additions as reasons for issuing Not Satisfactory ratings. Additionally, reviewer feedback repeatedly indicated that these types of translation errors caused a devaluation of intelligence and altered the overall meaning of the translations.

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FBI policy requires field supervisors to submit to the QCSU quarterly reports on quality control reviews performed within 15 days after the end of each quarter. To assess the timeliness of supervisors reporting Not Satisfactory ratings to the QCSU, we analyzed whether the Not Satisfactory ratings were reported within the same quarter in which the rating was issued. For the period July 1, 2005, to June 30, 2008, 34 (or 38 percent) of the 89 Not Satisfactory reviews we identified at the 4 field offices we visited were not reported to the QCSU within the quarter that the review occurred.

Additionally, we tested to determine if the Not Satisfactory quality control reviews identified in the field were reported to the QCSU. Current FLP quality control policy only requires supervisors to maintain records of reviews for 1 year or until a linguist's next annual performance appraisal, so we confined our testing to the first three quarters of FY 2008. During this period, we found 40 Not Satisfactory quality control reviews in the 4 field offices we visited. Of these, 10 reviews (or 25 percent) were not reported to the QCSU. In our view, the failure of supervisors to consistently report Not Satisfactory ratings hinders the QCSU from monitoring field compliance and providing appropriate oversight and training to the FBI linguist workforce. In addition, we found that the FBI's quality control program lacks an internal control system to ensure that supervisors comply with quality control reporting requirements. We recommend that the QCSU implement an internal control system that will ensure field supervisors comply with the reporting policy. Exhibit 36 shows, for the field offices we visited, our testing results concerning the reporting of Not Satisfactory reviews to the QCSU.

**Exhibit 36**  
**Not Satisfactory Field Office Reporting Results**  
**July 1, 2005, through June 30, 2008**

<b>Field Office</b>	<b>Reported to the QCSU within the Quarter of Review</b>	<b>Not Reported to the QCSU within the Quarter of Review</b>	<b>Number of Not Satisfactory Reviews</b>
Language Services Translation Center	4	2	6
Miami	3	11	14
New York	34	13	47
Washington, D.C.	14	8	22
<b>Total</b>	<b>55</b>	<b>34</b>	<b>89</b>

Source: OIG analysis of FBI Language Services Section data

We also examined whether linguists who received Not Satisfactory ratings for their translations had a follow-up assessment. We found that 53 percent of the Not Satisfactory reviews we examined at the four field offices we visited were not followed up with subsequent reviews. Therefore, linguists whose translation work was determined to be deficient were allowed to continue translating material without additional reviews, thereby raising questions about the quality of their translations. In addition, the FBI missed an important opportunity to provide additional training through the analysis of the errors identified during the quality control review. Exhibit 37 provides a breakdown of Not Satisfactory follow-up results for the field offices we visited.

**Exhibit 37  
Not Satisfactory Review Follow-Up Results  
July 1, 2005, through June 30, 2008**

<b>Field Office</b>	<b>Follow-Up Review Performed</b>	<b>Follow-up Review Pending<sup>52</sup></b>	<b>Follow-up Not Tracked<sup>53</sup></b>	<b>No Evidence of a Follow-up Review</b>	<b>Total Number of Not Satisfactory Reviews</b>
Language Services Translation Center	1		1	4	6
Miami	1	2		11	14
New York	16	11	1	19	47
Washington, D.C.	9			13	22

Source: OIG analysis of Not Satisfactory follow-up results

*Monitoring Nationwide Compliance*

Compliance with the quality control process is monitored through the Quality Control Quarterly Compliance Reports and the quality control inspections process.<sup>54</sup> To assess how effectively the QCSU monitors nationwide compliance with FLP quality control policy, we tested how often Category IV linguists, those with 1 year or more of experience with the FBI, received quality control reviews. We combined the results for all quality control reviews for current linguists within the four field offices we visited and identified linguists who had not been reviewed in accordance with FBI policy. Our testing included verifying whether linguists received Category IV reviews in FYs 2006 and 2007, and any reviews that were due by the end of

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<sup>52</sup> We identified 13 Not Satisfactory ratings that occurred during the end of our testing period and for which the FBI had not yet performed follow up reviews. We note these as pending follow-up reviews, as it was reasonable for the FBI to not have followed up with subsequent reviews by the end of our testing period.

<sup>53</sup> These reviews fell within the Categories I and III and follow-up could not be tracked. The 2007 policy revision allows more than one linguist to work on translations within these categories.

<sup>54</sup> As of November 2007, Certified Quality Control Reviewers are also required to submit samples of completed reviews every four quarters for a quality control review inspection. The inspection process seeks to ensure standardization and compliance with the QCSU procedures by having designated inspectors check reviews for adherence to quality control policies and procedures. This program was in its infancy during our audit, and therefore we did not review these quality control inspections.

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the third quarter of FY 2008. Prior to the November 2007 policy revision, linguists were only required to receive annual reviews which, as we explained in footnote 40, could result in a linguist translating for an 18-month period without a formal quality control review. The requirement for linguists to receive quality control reviews once every four quarters, therefore, only applied to reviews due in FY 2008.

As shown in Exhibit 38, we found that 167 of the FBI's current 414 linguists at the 4 field offices we visited had not received Category IV quality control reviews in FYs 2006 and 2007. While the FBI has improved its compliance with quality control requirements since October 2005, we identified 33 linguists who were due to have quality control reviews during the first three quarters of FY 2008 who had not been reviewed. Moreover, we identified 19 linguists who never received a quality control review between October 2005 and June 2008. Further, during our examination of records at the Miami field office, we found evidence of 12 quality control reviews that were not reported to the QCSU. These and other findings in the four offices highlight a need for the QCSU to further improve its management and monitoring of the quality control program.

**Exhibit 38  
Nationwide Compliance by Office  
FY 2006 through June 2008**

<b>Field Office</b>	<b>Linguists Missing Category IV Quality Control Reviews (FY 2006)</b>	<b>Linguists Missing Category IV Quality Control Reviews (FY 2007)</b>	<b>Linguists Missing Category IV Quality Control Reviews (FY 2008 – through June)</b>
Language Services Translation Center	32	17	13
Miami	24	5	2
New York	31	20	15
Washington, D.C.	30	8	3
<b>Totals</b>	<b>117</b>	<b>50</b>	<b>33</b>

Source: OIG analysis of FBI Language Services Section records

In October 2008, the QCSU Chief told us the unit had recently been authorized to hire five contract employees to assist with assigning quality control reviews to Certified Quality Control Reviewers. The Unit Chief said this would reduce the burden on FLP field supervisors to find reviewers to perform quality control reviews of their linguists. As of February 2009, two of the five contractors had been hired. However, until the remaining

contractors are hired we believe the LSS Regional Program Managers should take a more active role in assisting field office supervisors in the tracking, coordinating, and reporting of quality control reviews.

## **Conclusion**

We found that the FBI has made improvements to its quality control program since our 2005 audit. In mid-2005, the LSS began monitoring nationwide compliance with the FLP quality control requirements through its quality control program and a nationwide tracking system. During the current audit, we found that the FBI has improved its oversight of the FLP quality control process through the use of its tracking system and by improved record keeping. Additionally, the program increased compliance concerning reviews of experienced linguists and has established specific guidelines to ensure that all reviewers successfully complete certification workshops.

However, we identified several deficiencies in FLP management and quality control oversight that can adversely affect the accuracy of FLP translated material. The FBI's first line of quality control is ensuring that translation work is only assigned to linguists certified to translate the specific language and genre required. We found that the FBI did not consistently ensure that its linguists were performing translations of languages and in genres in which they were certified. Specifically, we found 4 of 414 linguists within the 4 field offices visited translating material in languages in which they were not authorized. In addition, we found 43 out of 467 linguists classified as monitors performing verbatim translations, which is not permitted under FBI rules.

In our review of the FBI's compliance with its quality control program requirements, we identified several deficiencies related to oversight by Certified Quality Control Reviewers reviewing translations in languages and genres for which they were not certified. Specifically, we found 173 instances where Certified Quality Control Reviewers performed quality control reviews in languages they were not certified to review. Further, we found that the FBI granted certification to 71 reviewers who had not been satisfactorily quality-control reviewed in genres in which they were certified. Translation and review of foreign language material by personnel not certified to perform the work increases the potential for inaccurate translations of important intelligence material.

In addition to linguists and reviewers performing work outside of their certifications, we also found that the FBI was not following its procedures for quality control reviews. We determined that the FBI failed to appropriately

respond to 53 percent of the Not Satisfactory quality control reviews that we identified in the four field offices we visited with subsequent quality control reviews. In addition, we found that while the FBI improved its record for performing quality control reviews of its linguists between FYs 2006 and 2008, the FBI did not conduct quality control reviews for 117 experienced linguists in FY 2006, 50 linguists in FY 2007, and 33 linguists in FY 2008. Moreover, 19 experienced linguists did not receive quality control reviews between FYs 2006 and 2008. By not performing timely quality control reviews and by not following up on Not Satisfactory reviews, the FBI reduces the effectiveness of its quality control program to ensure the accuracy of translated material.

### **Recommendations**

We recommend that the FBI:

10. Ensure that the LSS enforces the FBI's quality control policy that requires all linguists with more than 1 year of experience with the FBI to have their regularly assigned tasks quality-control reviewed once every 4 quarters.
11. Develop and enforce procedures to ensure that linguists are only translating in languages in which the Language Testing and Assessment Unit has tested them for proficiency.
12. Develop procedures to ensure that linguist quality control review ratings in the field offices are accurately and timely reported to the QCSU.
13. Improve procedures and controls to ensure that Certified Quality Control Reviewers are only reviewing translations in languages and genres they are qualified to review.
14. Develop and enforce procedures to ensure that Not Satisfactory ratings are followed up in a timely manner with quality control reviews as required by FBI quality control policy.
15. Improve oversight of the quality control program by developing an internal control system that monitors whether field supervisors comply with LSS quality control review reporting policy.

#### **IV. LINGUIST WORKFORCE**

The total number of linguists at the FBI decreased from 1,338 in FY 2005 to 1,298 in FY 2008. Additionally, as we found in our 2005 audit, the FBI did not meet its goals for hiring linguists and did not reduce the length of time it takes to hire contract linguists and to convert contract linguists to FBI employees. From FYs 2005 through 2008 it took the FBI about 19 months to hire a contract linguist, an increase from the 16 months we found in our 2005 audit. On average, we found that the security clearance vetting process took an average of 14 months to complete, while the language proficiency testing process took 5 months. Additionally, we found that it took the FBI 9 months, on average, to convert a contract linguist to a permanent FBI employee. The FBI's failure to meet its hiring goals and its delays in hiring and converting contract linguists to FBI employees contributes to the FBI's inability to translate all its collected material and to reduce the backlog of accrued unreviewed material. We also found that the 109,000 hours FBI linguists spent on non-translation duties in FY 2008 was nearly double the 66,000 hours they spent in FYs 2006 and 2007. The significant increase in time spent on non-translation duties prevents linguists from performing their primary duty of translating material collected for FBI counterterrorism, counterintelligence, and criminal investigative operations.

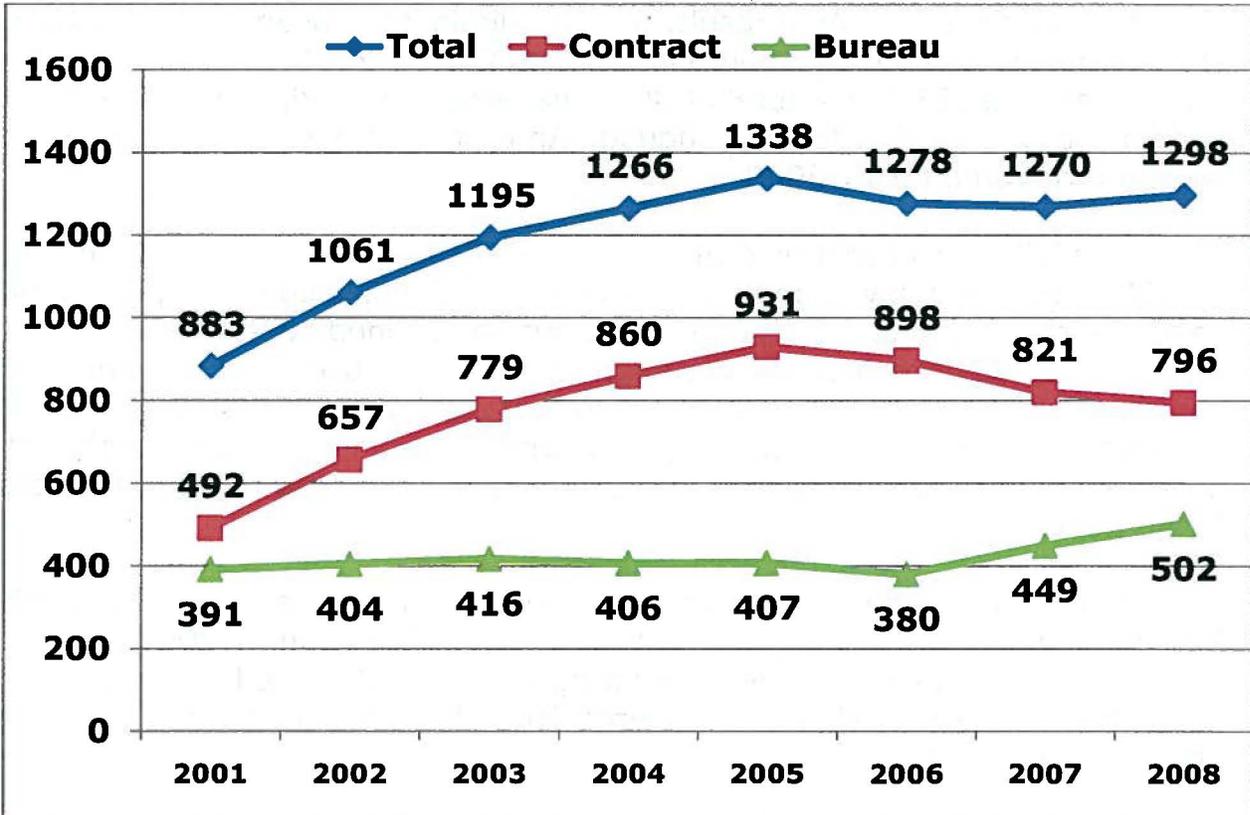
The ability of the FLP to provide effective linguistic support to FBI operations is dependent on its ability to recruit and hire qualified linguists. The FBI typically hires linguists first as contractors and then converts selected contract linguists to permanent FBI employees after assessing the linguist's performance in translating collected material.

##### **Linguist Workforce**

As reported in our July 2004 audit, the number of full-time FBI linguists and contract linguists increased from 883 in FY 2001 to 1,214 as of April 2004. In our 2005 report, we noted that the number of FBI and contract linguists increased by 124 to 1,338 as of March 30, 2005. In this review, we found that the number of full-time FBI and contract linguists decreased slightly since March 2005 to 1,298 as of September 2008. As noted in Exhibit 39, since March 2005 the number of contract linguists decreased by 135 positions while the number of FBI linguists increased by

95, resulting in a net decrease of 40 total linguists. The proportion of contract linguists to FBI linguists has decreased since our previous audit. In March 2005, the FBI’s linguist pool consisted of 931 contract linguists and 407 FBI linguists, a ratio of 2.3 to 1. As of September 2008, the linguist pool included 796 contract linguists and 502 FBI linguists, a ratio of 1.6 to 1.

**Exhibit 39  
FBI And Contract Linguists On Board  
September 2001 through September 2008**



Source: FBI Language Services Section

*Hiring Goals*

For each fiscal year, the FBI establishes hiring goals for contract linguists based on present and projected supply and demand factors, as well as funding available for contract linguists. In our prior audits, we reported that the FBI, regardless of available funding, established overall linguist hiring objectives – target staffing levels - based on workload volumes, operational priorities and needs, and the number and type of linguists required to meet collection workloads. The FBI does not establish specific hiring goals for every language for which translation work is performed. Rather, linguist hiring goals are established based on available funding and

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according to languages considered the most critical to the FBI's counterterrorism, counterintelligence, and criminal investigative operations.

In our current review, we found that the FBI continued setting hiring objectives and goals through FY 2006. The LSS Language Personnel Resources Unit (LPRU) Chief told us that hiring goals for FY 2007 were not established because the LPRU Chief position was vacant, so hiring was guided using FY 2006 goals. This Unit Chief also told us that in FY 2007 the FBI experienced resource limitations due to funding shortfalls that caused "hollow work years."<sup>55</sup> As a result, the FBI eliminated vacant positions that were originally allotted by Congress to the LSS in FY 2006. The Unit Chief told us that the LSS lost a total of 36 management and administrative support positions and 136 FBI Language Analyst positions. These positions were not restored for FY 2008.

The LPRU Chief told us that as a result of the decrease in positions in FY 2007, the LPRU developed a new method for establishing hiring goals for specific languages. Currently, the goals are determined based on the percent of collections reviewed by linguists for audio, text, and electronic communications. The FBI also factors in the anticipated growth in collections and any anticipated linguist attrition rate. Finally, the number of contract linguist applicants pending activation is subtracted to determine the hiring goal.

In our prior reports we found that the FBI did not meet its hiring goals for all languages for which goals were set. For instance, in FY 2004 we found that the FBI only achieved its hiring goals for 11 of 26 languages for which goals were established. By March 2005, the FBI met its hiring goals in only 14 of 43 languages.

In our current review, we analyzed hiring data for FYs 2005 through 2008. Exhibit 40 shows the FBI's overall progress in meeting its established hiring goals.

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<sup>55</sup> Hollow work years (also known as unaffordable work years) are positions authorized by Congress that an organization cannot afford to fill due to internal and external funding requirements, such as an increasingly expensive workforce or an unfunded portion of annual cost of living adjustments.

**Exhibit 40**  
**FBI Linguist Hiring Goals Achieved**  
**Fiscal Years 2004 through 2008**

Fiscal Year	Languages with Hiring Goal	Hiring Goal Achieved	Percentage Hiring Goal Achieved
2004	26	11	42%
2005	43	23	53%
2006	42	17	40%
2007	42	16	38%
2008	14	2	14%

Source: FBI Language Services Section

We found that for FY 2005 the FBI met its hiring goals in 23 of 43 (53 percent) languages for which goals were established: 9 of the 14 (64 percent) languages designated "higher density," and 14 of the 29 (48 percent) languages designated "lower density."<sup>56</sup> For FY 2006, the FBI met its hiring goals in 17 of 42 (40 percent) languages for which goals were established: 5 of the 14 (36 percent) languages designated "higher density," and 12 of the 28 (43 percent) languages designated "lower density." Because the LSS did not establish hiring goals for FY 2007 but continued processing applicants based on FY 2006 goals, we used the FY 2006 hiring goals and found that the FBI met its hiring goals in 16 of 42 (38 percent) languages for which goals were established: 7 of the 14 (50 percent) languages designated "higher density," and 9 of the 28 (32 percent) languages identified as "lower density." For FY 2008, the FBI did not distinguish between higher and lower density languages. We found that the FBI met its hiring goals in only 2 of 14 (14 percent) languages for which goals were established.

LSS officials told us that its difficulties in meeting hiring goals in recent years were the same as during our previous reviews. These reasons included:

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<sup>56</sup> "Higher density" languages are those in which there is either a high demand for translation services, a high supply of available linguists, or both. "Lower density" languages are those in which there is either a low demand for translation services, a low supply of available linguists, or both.

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- a rigorous foreign language proficiency testing and security vetting process,
- limited staffing resources to process applicants, and
- competition with other intelligence community agencies for linguist resources.

Although the FBI responded to our 2004 recommendations and hired a business process engineering firm to assess their processes and make suggestions for improvement, the LSS continues to struggle in meeting its hiring goals. LSS officials told us that funding limitations resulted in an inability to implement the engineering firm's recommendations for improving its hiring process, such as enhancing technology and using third-party language proficiency testing centers. We believe the LSS's continued inability to meet its hiring goals hinders the FBI's ability to effectively manage the expanding translation workload and reduce the current backlog of unreviewed material.

### **Ongoing Hiring Challenges**

We found that the FBI has continued to experience significant challenges in hiring contract linguists. We determined that since 2005 the length of time required for an applicant to complete the hiring phase increased 6 months and now exceeds 19 months. Additionally, we found that it takes the FBI an inordinate amount of time to convert contract linguists to permanent FBI linguists. These long processing times affect the FBI's ability to fulfill its linguist staffing targets and to meet its needs for additional foreign language translation assistance.

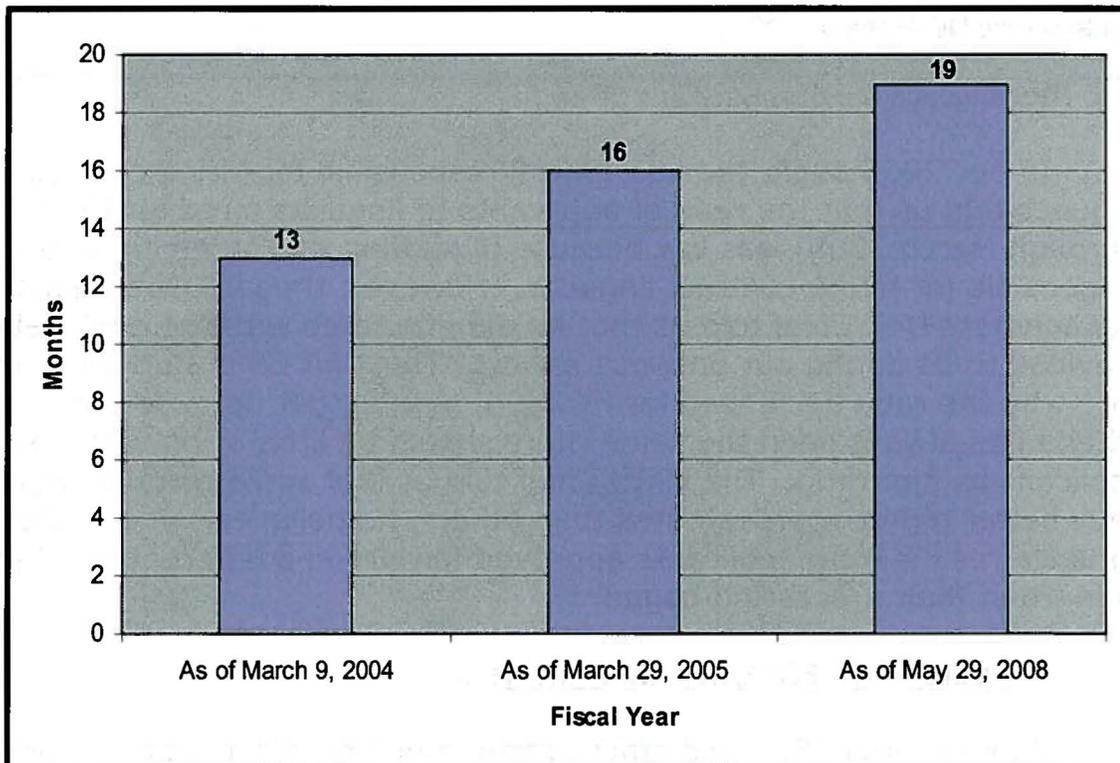
#### Contract Linguist Applicant Processing Time

The LPRU centrally manages the recruitment and applicant processing of contract linguist applicants, and the FBI Security Division performs initial security clearance background investigations of FBI and contract linguists.

During our 2005 audit, we reported that it took the FBI, on average, about 16 months from the time an application was received until a contract linguist was hired. This was an increase of 3 months over the results of our testing during our 2004 audit. For this audit, we found in our testing of FBI hiring data for October 1, 2004, through May 29, 2008, that the FBI's average duration to hire a contract linguist has increased to 19 months. As in our 2005 audit, we found that the background security clearance adjudication process took the greatest amount of time when hiring a

contract linguist. From FY 2005 through June 10, 2008, it took the FBI an average of 14 months to complete the background adjudication process for linguist applicants. The LSS LPRU Chief told us that most contract linguists are foreign-born and have family or other personal associates still living abroad, which increases the time required to adjudicate an applicant's background. In addition, the language proficiency testing process took the FBI an average of an additional 5 months to complete, about the same length of time we found in our 2005 audit. Exhibit 41 shows the amount of time it took to hire a contract linguist from application to approval for this review and during our two previous audits of the FBI's FLP.

**Exhibit 41**  
**Contract Linguist Applicant-Processing Time**  
**in Months**



Source: FBI Language Services Section

Ratio of Selected Applicants to Hired Contract Linguist

The FBI continues to process a significant number of applicants for each contract linguist hired. In FY 2005, the FBI processed an average of eight applicants for each contract linguist it hired. For October 2007 through June 2008, this ratio increased to 18 applicants for each contract linguist

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hired. Exhibit 42 shows FBI applicant processing statistics for the previous 4 fiscal years.

**Exhibit 42  
Contract Linguist Applicant-Processing Statistics**

<b>Process Stage</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008 (through June 10, 2008)</b>
Applications Screened	7,272	10,027	6,618	9,258	8,359	10,171	3,054
Applications Selected for Processing	4,333	2,615	2,930	2,166	1,582	2,849	1,629
Failed Proficiency Testing	1,496	510	1,299	1,280	1,010	1,052	844
Failed Polygraph Examination	238	62	98	15	69	103	82
Discontinued for Suitability Issues	142	32	23	211	337	329	189
Denied Access by Security Division	26	32	21	9	11	11	10
Approved for Hire <sup>57</sup>	319	203	226	280	171	203	89
Ratio - Applicants Selected for Processing: Hires	14:1	13:1	13:1	8:1	9:1	14:1	18:1

Source: FBI Language Services Section

In our 2005 audit, the LSS official responsible for hiring contract linguists told us that the ratio of applicants to linguists hired for FY 2005 (through March 2005) was low because of staffing shortages in the unit responsible for hiring contract linguists. However, the LSS Operations Management Unit Chief told us that he did not agree with the explanation provided to us during our previous review. This Unit Chief said he is not sure why the ratio decreased for FY 2005, stating that because the screening criteria has always been the same there should be little or no variation in the applicant-to-hire ratio. The LPRU Chief told us that while certain languages have better hiring-approval rates than others, he believes some of the variance results from applicants approved for hire in a different fiscal year than when their processing began.

Conversion to FBI Language Analysts

Supervisors in FBI field offices recommend contract linguists for permanent FBI employment based on the linguist's performance. A list of the recommended contract linguists is compiled and submitted to the Language Allocation Board. The board is chaired by the LSS Assistant Section Chief and six LSS Unit Chiefs. LSS told us that this board tries to meet quarterly to assess the FBI's linguistic needs based on languages being collected, local linguist resource needs to address any backlog of unreviewed

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<sup>57</sup> Applicants were approved for hire in the fiscal year, but were not necessarily initiated into the application process within the same fiscal year.

material, and FBI investigative priorities. The Language Allocation Board then determines what positions will be filled and which field offices will receive additional linguist resources.

The LPRU requests authorization from the Resource Planning Office (RPO) to fill vacant permanent FBI Language Analyst positions approved by the Language Allocation Board. The RPO has approval authority for all support personnel hiring, including linguists. The RPO verifies that a linguist vacancy exists and grants approval to fill the position. The Chief of the RPO Resource Analysis Unit told us that approval is immediate once a vacancy is verified. If the LSS requests to realign positions, such as moving positions from one field office to another, approval must be obtained from the Corporate Resource Planning Board, which meets on an as-needed basis depending on the availability of the members.<sup>58</sup>

During this audit we analyzed FBI data for contract linguists selected for conversion since October 2004. We determined that it took the FBI 9 months, on average, to convert contract linguists to FBI Language Analysts. Though the LPRU Chief noted that there are no timeliness criteria for converting contract linguists to FBI employees, she did not believe the process should take 9 months. Our analysis found that the background security investigation took an average of 7 months to complete, and the LSS took 2 months administratively processing the conversion.

On April 15, 2008, a new FBI policy took effect requiring that all contract linguist conversions be handled under the FBI's Fast Track hiring initiative. The Fast Track program allows a candidate to be hired conditionally for permanent employment pending the positive result of a security clearance investigation. The LPRU Chief told us that using this fast track approach should significantly reduce the amount of time it takes to convert contract linguists to permanent FBI linguist personnel, estimating that under this new program it should not take more than 90 days to complete the conversion process.

## **Conclusion**

The number of FBI full-time equivalent linguists decreased from 1,338 to 1,298 between FYs 2005 and 2008, even though the backlog of untranslated foreign language material increased during the same period. We found, as we did in previous audits, that the FBI continues to fall short of

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<sup>58</sup> The Corporate Resource Planning Board is chaired by the Associate Deputy Director, Executive Associate Directors, other executive staff, and field office personnel. The board is responsible for making corporate level resource decisions that have FBI-wide impacts or substantial financial implications.

its linguist hiring goals for critical languages. In addition, we found that since March 2005 it took the FBI, on average, over 19 months to hire a contract linguist and 9 months to convert a contract linguist to a permanent FBI employee. These long processing times contribute to the FBI's inability to achieve its linguist hiring goals and reduce its translation backlog.

We believe that the FBI's failure to meet its linguist hiring goals and the lengthy period required to hire linguists reduces the FBI's ability to address its backlog of unreviewed foreign language material.

### **Recommendations**

We recommend that the FBI:

16. Improve the efficiency of its contract linguist hiring process, particularly alternatives for reducing the duration of adjudicating a contract linguist's security clearance and in decreasing the time it takes to perform language proficiency testing.
17. Make full use of the FBI's Fast Track hiring initiative for converting contract linguists to permanent FBI employees.

## V. LINGUIST REQUIREMENTS

We found that 70 percent of FBI linguists in the field offices we visited did not attend the initial linguist training course in the first year of employment as required by FBI policy. Additionally, we found that the routine 5-year security clearance reinvestigations were overdue. We also determined that the FBI Health Care Programs Unit (HCPU) does not inform the LSS when an FBI linguist fails a hearing test, and the LSS does not have personnel qualified to evaluate audiogram results for contract linguists.

Among other requirements, the FBI requires linguists to attend training within the first year of their FBI employment, maintain security clearances through background investigations and reinvestigations every 5 years, and certify that they have sufficient hearing ability to conduct their translation work.

### Training

Since our 2005 audit, the FBI replaced its 4-day Training for New Linguist course with a 2-week Language Analyst Specialized Training (LAST) course.<sup>59</sup> According to the FBI Intelligence Directorate Linguist Training and Professional Development Program policy, all new FBI linguists are required to take LAST training within 1 year of the date they entered on duty. While not required for contract linguists, supervisors use this policy guidance to train contract linguists on the minimum job requirements of an FBI linguist. The Language Training and Certification Unit (LTCU) Chief stated that all contract linguists attended the Training for New Linguist course, or either have attended or will be attending LAST training.

The LSS Operations Management Unit Chief also told us that the FBI is under no obligation to provide training to contract linguists. He said that the FBI chooses to provide such training because it is in the FBI's interest that contract linguists be trained in FBI processes, procedures, and workflow. He stated that in doing so the FBI tries to train as many contract linguists as possible, but in the end there will be some who do not receive training.

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<sup>59</sup> LAST is a 2-week introductory training course for all Contract Linguists, Contract Linguist Monitors, Language Analysts, and Foreign-language Monitor Analysts. The training includes sessions on standards and principles of translation, professionalism, quality control, and recording translations. The inaugural LAST course was offered in June 2006.

We examined training records for FBI and contract linguists assigned to the four field offices we visited to determine if they attended Training for New Linguist or LAST training. As shown in Exhibit 43, we were unable to verify whether 240 of 416 (58 percent) FBI and contract linguists ever attended Training for New Linguist or LAST training.

**Exhibit 43  
Linguists Attending Initial Training  
for the Four Field Offices Tested**

<b>Linguist Type</b>	<b>Number of Linguists in Sample</b>	<b>No Record of Attendance in Initial Training Course</b>	<b>Percentage with No Record of Attending Initial Training Course</b>
FBI Language Analysts	178	125	70%
Contract Linguists	238	115	48%
<b>Total</b>	<b>416</b>	<b>240</b>	<b>58%</b>

Source: FBI Languages Services Section

The LTCU Chief told us that there could be several reasons why both FBI and contract linguists had not taken the initial training courses, including the fact that some FBI and contract linguists:

- cannot leave their local office because of operational responsibilities;
- cannot travel because of childcare or other responsibilities;
- were already experienced linguists by the time the Training for New Linguist course was first offered in January 2004;
- have retired from the FBI as experienced linguists, were hired as contract linguists, and therefore did not need initial training;
- no longer have current Basic Ordering Agreements;<sup>60</sup> or
- only work part-time and have not been available to attend the training.

We believe the FBI's LAST course is beneficial for new linguists, as it includes instruction on FBI translation standards, quality control policies, principles of translation and interpretation, and the FBI's collection and data

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<sup>60</sup> The Basic Ordering Agreement is a written contract negotiated between an agency and a contractor.

systems. In those cases where a contract linguist has previous experience with the FBI, the LAST training may not be needed. However, we do not agree that because a linguist is part-time or has responsibilities that make it difficult to travel is sufficient justification for not participating in LAST training. Lack of familiarity with general translation standards and FBI processes and policies can affect the overall quality of translations and hinder the FBI's efforts to reduce the backlog of unreviewed foreign language material.

### **Security Clearances**

All linguists who have access to classified material are required to maintain a Top Secret security clearance.<sup>61</sup> The FBI also designates certain personnel who hold Top Secret clearances for participation in its Post Adjudication Risk Management (PARM) program that monitors personnel whose background, activities, or relationships may pose a security risk.<sup>62</sup>

#### *Background Reinvestigations*

Most FBI and contract linguists obtain their initial security clearance during the contract linguist hiring process, as discussed in Finding IV. Executive Order 12968, DOJ Order 2610.2A, and the FBI Security Policy Manual require that reinvestigations for Top Secret clearances be initiated 5 years after the previous investigation.<sup>63</sup> The FBI's Security Division's Reinvestigations Unit performs security clearance reinvestigations for FBI linguist personnel and the Clearance Passage and Sub-Programs Unit (CPSU) performs these reinvestigations for contract linguist personnel.

The FBI temporarily suspended all FBI employee background reinvestigations from March to October 2008 because of the FBI's intensive efforts to hire new FBI employees during this period. Instead,

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<sup>61</sup> Not all contract linguists used by the FBI are vetted for security clearances. Contract linguists who provide periodic translations for criminal matters only are provided "escorted access" security clearances. These linguists do not have or require access to classified information.

<sup>62</sup> We discuss the Post Adjudication Risk Management Program in detail later in this Finding.

<sup>63</sup> Executive Order 12968 on Access to Classified Information; DOJ Order 2610.2A Employment Security Regulations; and Intelligence Community Policy Guidance, Number 704.1, Personnel Security Investigative Standards And Procedures Governing Eligibility For Access To Sensitive Compartmented Information And Other Controlled Access Program Information, October 2, 2008.

Reinvestigations Unit personnel were reassigned to process applicant background reinvestigations, and as a result many linguists' 5-year reinvestigations were delayed.

We analyzed FBI security clearance records to test the FBI's compliance with its background investigation requirements for its linguists. We selected a sample of 193 FBI linguists whose previous 5-year background investigations were adjudicated prior to January 2004. The Reinvestigations Unit provided us with security data from its Bureau Personnel Management System (BPMS) identifying the most recent adjudicated background investigation.<sup>64</sup> We compared this data against information contained in the Security Division's files. We found that as of November 2008, 52 (27 percent) of the 193 linguists we tested had not had a background investigation initiated in over 5 years. Our testing revealed that 34 FBI linguists' reinvestigations were at least 6 months and as much as 23 months overdue.

We determined that the temporary suspension of FBI employee background reinvestigations potentially delayed the initiation of background reinvestigations for 17 of the 52 linguists we identified as overdue. However, the suspension did not affect the initiation of background investigations for the remaining 35 linguists.

Additionally, we selected a sample of 73 contract linguists from the list provided by the LSS and compared CPSU data on contract linguist background investigations to information contained in the Security Division's files. As of November 2008, 9 (12 percent) of the 73 contract linguists we tested did not have a reinvestigation initiated 5 years after their prior investigation. Moreover, we found that these background reinvestigations were up to 23 months overdue. In not initiating background investigations within 5 years of a linguist's previous security clearance adjudication, the FBI was not in compliance with Executive and DOJ Orders regarding employee security regulations.

Exhibit 44 provides a breakdown of FBI and contract linguists found to be overdue for security clearance reinvestigations.

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<sup>64</sup> The BPMS is an electronic database that contains all personnel related information, including a history of personnel actions, performance appraisal information, milestone dates, training received, specialized skill sets, security clearance data, and other information.

**Exhibit 44**  
**Linguists Overdue For 5-Year Security Clearance Reinvestigation**

<b>Months Overdue</b>	<b>FBI Linguists</b>	<b>Contract Linguists</b>	<b>Total</b>
1-6	13	4	17
7-12	10	1	11
13-18	9	2	11
19-24	15	1	16
Unable To Determine	5	1	6
<b>Total Reinvestigations Overdue</b>	<b>52</b>	<b>9</b>	<b>61</b>
<b>Reinvestigations Conducted When Required</b>	<b>141</b>	<b>64</b>	<b>205</b>
<b>Linguists Sampled</b>	<b>193</b>	<b>73</b>	<b>266</b>

Source: FBI Security Division

FBI personnel stated that based on Intelligence Community Policy Guidance, as long as background reinvestigations were initiated within 7 years of the last adjudication they believed that linguists who hold Top Secret clearances were still in compliance with current federal guidance. Intelligence Community Policy Guidance, Number 704.4, Reciprocity of Personnel Security Clearance and Access Determinations, October 2, 2008, temporarily modified the 5-year reinvestigation policy, requiring heads of intelligence community elements to accept investigations less than 7 years old. For the 61 linguists who did not have a reinvestigation initiated after 5 years, we found that all were reinvestigated within the last 7 years.

However, we asked the Assistant Director of the Personnel Security Group for the DOJ's Security and Emergency Planning Staff (SEPS) about the FBI's position that a reinvestigation that takes place within 7 years of the previous investigation is valid. The Assistant Director stated that DOJ policy and Executive Order 12968 state that individuals holding Top Secret Clearances must be reinvestigated every 5 years. Therefore, she said that FBI personnel who did not meet this criterion were overdue on their security clearance reinvestigations.

Security Clearance Database

During our testing of linguist background investigation data and files, we found that the FBI Reinvestigations Unit's security clearance database did

not contain accurate and current data. We identified 50 FBI linguists who received a background reinvestigation during FYs 2004 through 2007 for whom the Reinvestigations Unit BPMS database was not updated to reflect this information. The inaccuracies in this FBI security clearance database hamper the FBI's ability to ensure that FBI personnel receive background investigations in accordance with federal requirements. Further, the unreliability of the information in the database can place the FBI at risk of compromise by employees who have not had their recent activities and relationships scrutinized through the security clearance adjudication process. Reinvestigations Unit personnel acknowledged that their database had not been updated consistently and stated that they were taking immediate corrective action to ensure that the database was accurate, current, and complete.

*Post Adjudication Risk Management Program (PARM)*

The PARM program was developed in October 2002 to monitor contract linguists who pose an inherent risk to national security by requiring additional security interviews and polygraph examinations after the contract linguists were granted a security clearance. Contract linguists are identified for inclusion in the PARM program by the FBI Security Division on a case-by-case basis. Many contract linguists were born abroad and maintain relationships with relatives, friends, and other acquaintances living abroad. These relationships heighten the potential for linguists to be in contact with persons in foreign intelligence services or terrorist organizations that may attempt to infiltrate the FBI. In May 2003, the PARM program was expanded to include contract linguists with language skills in 19 specific languages. The PARM program was again expanded in November 2005 to include any personnel who are granted access to sensitive FBI information, personnel, or facilities.

The FBI Security Division's Analytical Investigations Unit manages the PARM program and initiates the additional security procedures. The PARM background investigation includes a personnel security interview of the employee and a polygraph examination 1 year after the employees receive their security clearances. Thereafter, the linguist must participate in personnel security interviews at 1-year intervals and can be subjected to random polygraph examinations at anytime.

As of April 2008, 314 contract linguists were in the PARM program. We reviewed PARM records for these linguists and found that all 314 received the requisite personnel security interviews and polygraph examinations. However, we found during our testing that some PARM database records did not reflect the most current information. Our

comparison of database information to PARM records revealed that dates in the database did not agree with dates on PARM documents for initial clearances, personnel security interviews, polygraph examinations, and adjudications. In addition, we found that 15 inactive linguists were listed as active in the PARM database, and we identified 2 linguists actively working for the FBI who were listed as inactive in the database. Based on our findings, the Analytical Investigations Unit took immediate corrective action to update the PARM database.

For FYs 2005 through 2008, the FBI reported that six contract linguists were either suspended or had their Top Secret clearances revoked as a result of a PARM review. Exhibit 45 provides more detail on these instances.

**Exhibit 45  
Post Adjudication Risk Management Program Suspensions Or  
Revocations Of Security Clearances  
For Contract Linguists**

<b>Date of Action</b>	<b>Suspension of Security Clearance</b>	<b>Revocation of Security Clearance</b>	<b>Details</b>
Pending	X		Further security review pending
1/22/07		X	Top Secret security clearance revoked following an arrest
3/1/05	X		Top Secret security clearance suspended following arrest
6/13/08		X	Top Secret security clearance revoked following a polygraph examination and a post-polygraph interview
12/1/05	X		Top Secret security clearance suspended following a failed polygraph examination and a post-polygraph interview
3/17/05		X	Top Secret security clearance revoked following a polygraph examination and a post-polygraph interview

Source: FBI Security Division

## **Audiometric Program**

Adequate hearing ability is an essential requirement of all linguist positions, and all FBI and contract linguists are required to have an audiometric examination upon being hired and every 2 years thereafter. The FBI Health Care Programs Unit (HCPU) oversees the audiometric program for all FBI linguists while the LSS is responsible for overseeing audiometric requirements for contract linguists. In the event a linguist is unable to perform the core requirements of his or her position due to a hearing loss, the employee can:

- explore the use of hearing aids;
- be reassigned to duties that do not require the higher-level of hearing, such as translating documents;
- be reassigned to a non-linguist position; or
- explore eligibility for medical disability retirement.

### *FBI Linguists*

The FBI notifies linguists when an audiometric examination is required and provides the linguist with the name of a doctor from whom they should obtain the examination. HCPU retains all audiometric test data for FBI employees and is responsible for interpreting and monitoring audiometric examinations for FBI employees; it does not interpret or monitor examination results for contract linguists.

In October 2008, we reviewed the audiometric files for 179 FBI linguists assigned to the field offices we visited to determine if linguists received an audiometric examination every 2 years as required. We found that 173 of the 179 (97 percent) FBI linguists that were due to receive an audiometric examination in 2008 had received an exam. The HCPU Supervisory Nurse Specialist who tracks and ensures that FBI linguists receive an audiometric examination stated that two of the six linguists who had not received an exam were temporarily assigned to overseas locations that did not have audiometric vendors and would receive the required examination upon their return to the United States. She stated that the remaining four linguists would be scheduled for audiometric examinations immediately.

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If the results of an audiogram do not fall within an acceptable range, an FBI employee may be retested within 30 days.<sup>65</sup> The HCPU must notify the employee and the employee's division or office and immediate supervisor of any audiogram failures. The HCPU does not notify the LSS of any linguists that fail an audiometer examination. The LSS Employee Linguist Administration and Management Program Manager, who oversees the LSS audiometric program for FBI linguists, relies on field supervisors for notification when a linguist fails the hearing test. However, this Program Manager told us such notification is not always provided.

We requested from the FBI a report showing all linguists who did not fall within acceptable audiogram ranges from FY 2005 through September 12, 2008. The HCPU informed us that it was unable to provide us with this information because it could not retrieve the information from its database.

In June 2008, the FBI implemented an information system application designed specifically for occupational medical support that allows HCPU to better manage its audiometric program. In addition, following our inquiry on audiogram results the HCPU started ensuring pertinent data on audiogram results were entered into its audiometric database, and it began coordinating with the FBI Records Management Division to have all paper copies of audiograms scanned and electronically available to HCPU through the new medical support system.

On January 9, 2009, HCPU provided us with a report of FBI linguists who did not fall within acceptable audiogram ranges. The report showed nine linguists who failed an audiometric examination between October 2004 and September 2008. However, we determined that the LSS Employee Linguist Administration and Management Program Manager was not informed that these FBI linguists had failed to meet acceptable audiogram ranges. Without being informed of instances when an FBI linguist fails an audiometric examination, the LSS cannot effectively ensure that FBI linguists have sufficient hearing to accurately translate audio material. We recommend that the FBI implement a policy requiring the HCPU to immediately notify LSS of any FBI linguist that fails an audiometric examination.

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<sup>65</sup> Acceptable ranges vary by person. A baseline audiometric examination is recorded for each linguist and subsequent audiometric examinations are analyzed for standard threshold shifts from the baseline examination.

### *Contract Linguists*

All contract linguists are required to have an audiometric examination upon being hired and every 2 years thereafter. The LSS Language Planning, Automation and Procurement Unit manages the audiometric program for all contract linguists. Unlike FBI linguists, contract linguists are responsible for arranging and paying for their audiometric examinations. Once the contract linguist completes the examination and submits the proper documentation, the contract linguist is reimbursed by the FBI. We found that the FBI spends approximately \$35,750 annually on contract linguist audiometric examination reimbursements, depending on the number of active contract linguists.

In October 2008, we reviewed the audiometric files for contract linguists assigned to the field offices we visited to determine whether these linguists received an audiometric examination in the past 2 years as required by FBI policy. Similar to our finding on FBI linguists, we found that 215 of 221 (97 percent) contract linguists obtained an audiometric examination in the last 2 years. Upon learning of our findings, the LSS notified the six linguists who were not in compliance to get an audiometric examination and forward the results to the LSS. The Chief of the Language Planning, Automation and Procurement Unit told us that contract linguists would not be eligible for a Basic Ordering Agreement renewal until a successful audiogram was completed.

Though all contract linguists are required to have audiometric examinations, we found that the FBI does not interpret or monitor the audiometric test results for these personnel. Therefore, a contract linguist could test below an acceptable audiogram range and still be allowed to translate foreign language material for FBI counterterrorism, counterintelligence, and criminal investigative operations. We believe that the LSS needs a means of interpreting contract linguist audiometer examination results, whether the interpretations are performed by contracted or certified FBI medical professionals or by other reliable means. We were informed during our audit that the LSS is considering hiring a contract audiologist to interpret and monitor the audiometer examination results for contract linguists.

### **Conclusion**

The FBI did not ensure that all FBI linguists attend LAST training within 1 year of the date they entered on duty, as required by FBI policy. The FBI does not require contract linguists to attend LAST training, and therefore many contract linguists also did not participate in this 2-week training for

new FBI linguists. We believe this course provides beneficial instruction on translation standards, FBI operations, and other important activities of FBI linguists. We recommend that the FBI institute a policy requiring contract linguists without significant translation experience to either attend LAST training or participate in a separate training curriculum specifically for new contract linguists who cannot travel or where it is not financially feasible or responsible for them to attend the LAST course.

We found that the FBI complied with its policy for monitoring and more regularly evaluating the backgrounds of contract linguists reviewed under the FBI's PARM program. However, in our examination of linguists' security clearances, we found that 61 of 266 linguists (52 FBI and 9 contract) were not in compliance with applicable security reinvestigation policies. While FBI officials said current Intelligence Community Policy Guidance allows the FBI 7 years to complete security reinvestigations for its personnel, DOJ policy requires security clearance reinvestigations to be initiated every 5 years. Additionally, in the course of our review of security clearance data we found that FBI databases used to track security clearance information were often incomplete.

We determined that FBI and contract linguist personnel generally receive audiometer examinations every 2 years in accordance with FBI policy. However, the oversight of the audiometer test results needs to be improved. While the HCPU notifies the employee and the employee's division or office of any audiogram failures, the HCPU does not provide this notification to the LSS – the component responsible for ensuring linguists are qualified to perform their duties. We also found that while the LSS requires its contract linguists to provide the results of audiometer examinations, the LSS does not have personnel qualified to evaluate the test results. Therefore, a contract linguist could test below an acceptable audiogram range and still be allowed to translate foreign language material for FBI counterterrorism, counterintelligence, and criminal investigative operations. Without being informed of instances where FBI linguists fail an audiometer examination and without a means to evaluate contract linguists' audiometer results, the LSS cannot effectively ensure that all its linguists have sufficient hearing ability to accurately translate audio material.

## **Recommendations**

We recommend that the FBI:

18. Ensure that all new FBI linguists attend LAST training unless the linguists can demonstrate sufficient and relevant translation experience such as previous experience as a contract FBI linguist.

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19. Implement policy requiring contract linguists without significant translation experience to attend LAST training and develop a separate training curriculum specifically for new contract linguists who cannot travel to attend the LAST course.
20. Ensure that security clearance reinvestigations for FBI and contract linguists are initiated according to the 5-year timeframe outlined in DOJ policy.
21. Continue its efforts to ensure that the Security Division's Bureau Personnel Management System contains complete and accurate security clearance information on FBI linguists.
22. Develop procedures to ensure that the Security Division's Post Adjudication Risk Management Program database is updated regularly.
23. Establish policy requiring the Health Care Programs Unit to immediately notify the LSS when an FBI linguist's audiometric examination falls outside an acceptable hearing range.
24. Ensure that the LSS develops the capacity to interpret audiometric results for contract linguists.

## **STATEMENT ON INTERNAL CONTROLS**

As required by the *Government Auditing Standards*, we tested, as appropriate, internal controls significant within the context of our audit objectives. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. Our evaluation of the FBI's internal controls was *not* made for the purpose of providing assurance on its internal control structure as a whole. FBI management is responsible for the establishment and maintenance of internal controls.

As noted in the Findings and Recommendations section of this report, we found significant internal controls deficiencies that we believe adversely affect the FBI's ability to adequately manage the quality control process. Specifically, the FBI's quality control program lacked sufficient controls to ensure all quality control review assessments were reported to the quality control unit. As a result, the FBI is unable to sufficiently oversee its quality control program and to ensure that all "Not Satisfactory" reviews are followed up as required.

We also found internal controls deficiencies that we believe adversely affect the FBI's ability to adequately manage its Audiometric Program. The FBI's processes do not include controls to ensure that the LSS is immediately informed when an FBI or contract linguist does not meet audiometer standards. Without being informed, the LSS is not able to take necessary corrective action.

Because we are not expressing an opinion of the FBI's internal control structure as a whole, this statement is intended solely for the information and use of the FBI. This restriction is not intended to limit the distribution of this report which is a matter of public record except for classified information that has been redacted from public versions of the report.

**STATEMENT ON COMPLIANCE  
WITH LAWS AND REGULATIONS**

As required by the Government Auditing Standards we tested, as appropriate, given our audit scope and objectives, selected transactions, records, procedures, and practices, to obtain reasonable assurance that the FBI management complied with federal laws and regulations, for which noncompliance, in our judgment, could have a material effect on the results of our audit. The FBI management is responsible for ensuring compliance with federal laws and regulations, applicable to the FBI. In planning our audit, we identified the following laws and regulations that concerned the operations of the auditee and that particularly pertained to our audit objectives:

- Foreign Intelligence Surveillance Act (FISA).<sup>66</sup>

Our audit included examining, on a test basis, the FBI's compliance with the aforementioned federal laws and regulations that pertained to our audit objectives and scope and that could have a material effect on the FBI operations. Our examination included reviewing documents and records pertaining to the FLP since May 2005. As we discussed in the Findings and Recommendations section of this report, we found two instances where the FBI collected audio material beyond FISA court authorized expiration dates. One of these potential overruns was not internally reported to the FBI Office of the General Counsel, which adjudicates such matters and decides whether overruns should be reported to the Intelligence Oversight Board.

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<sup>66</sup> Foreign Intelligence Surveillance Act of 1978, Pub. L No. 95-511, 92 Stat. 1783 (1978), codified at 50 U.S.C. § 1801 *et seq.*

## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

### Audit Objectives

The objectives of this audit were to follow up on recommendations made in our July 2004 and May 2005 audit reports on the FBI's FLP, including:

- determining the extent of the FBI's foreign language translation backlog and evaluating the FBI's prioritization of work;
- assessing the FBI's compliance with its requirements for FLP quality control, training, and other linguist standards.
- assessing the FBI's applicant hiring process and its ability to meet hiring goals.

### Scope and Methodology

We performed this follow-up audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. The audit focused on FBI FLP operations since April 2005. We conducted work at FBI headquarters, the FBI's Language Services Section, and Miami, New York, and Washington Field Offices.

In our follow-up audit, we interviewed FBI officials regarding the FBI's review of collected material and its administration of the FLP, including the Director and Assistant Director of Intelligence; Assistant Directors for Counterterrorism and Counterintelligence; Deputy General Counsel; Section Chief and other officials in the LSS; Assistant Directors-in-Charge and Special Agents-in-Charge of the Miami, New York, and Washington Field Offices. In addition to discussions with FBI personnel, we also reviewed documents and records pertaining to the FLP. These documents and records included information on workload statistics, budget information, FLP quality control policies and procedures, workforce planning, and personnel.

To achieve the audit objectives, we used computer-processed data contained in the FBI's collection systems. We reviewed the data for the

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timeframe of May 2005 through September 2008. The systems contain data regarding audio sessions collected and reviewed by the FBI. We also analyzed data from FLP monthly workload reports reported by the field and compiled by the LSS. These reports contained statistics on monthly collection and review totals for counterterrorism, counterintelligence, and criminal investigative operations. We analyzed this data to determine the amount of reviewed and unreviewed audio (including video), text, and electronic file material that the FBI collected. Additionally, we analyzed data from the FBI's Collection System A to determine the FBI's review of collected audio material contained on this system.

With regard to the monthly workload reporting data, we concluded that the data was not fully reliable because we found several inconsistencies between the numbers reported by the field and finalized figures compiled by the LSS. However, when these data are viewed in context with other available evidence, we believe the opinions, conclusions, and recommendations within this report are valid.

We tested data and records at the LSS and in the four field offices visited to assess the FBI's compliance with FLP quality control policies. Specifically, we examined proficiency exam records at the Language Testing and Assessment Unit for all current linguists within the four field offices we visited to test whether linguists were translating in languages other than those in which they had tested proficient. We also tested LSS Quality Control Quarterly Compliance Reports from July 2005 through June 2008 to determine whether monitors were translating in appropriate genres. Additionally, we reviewed FBI records to verify that Certified Quality Control Reviewers attended a certification workshop, passed the workshop exam, and were satisfactorily reviewed in the genres they will be reviewing.

We also tested FLP quality control reviews between the 4<sup>th</sup> quarter of FY 2005 through the 3<sup>rd</sup> quarter of FY 2008 to determine: (1) whether Not Satisfactory ratings were reported by the field offices to the QCSU in a timely manner, (2) whether Not Satisfactory ratings were followed up with additional reviews in accordance with the QCSU policy, and (3) the primary causes for the Not Satisfactory ratings. To assess how effectively the QCSU monitors nationwide compliance with FLP quality control policy, we tested whether linguists within the four field sites we visited received Category IV quality control reviews in FYs 2006 and 2007, and any reviews that were due by the 3<sup>rd</sup> quarter of FY 2008.

In addition, we analyzed LSS records and personnel data to determine whether the FBI met its established linguist hiring goals and to evaluate the FBI's processing times for hiring contract linguists and for converting

contract linguist personnel to permanent FBI employees for FYs 2005 through 2008. We also reviewed LSS, Security Division, and Health Care Programs Unit records to assess whether the FBI (1) ensured linguist personnel maintained requisite security clearances, (2) provided linguists with basic linguist training, and (3) verified the hearing ability of its linguists.

ACRONYMS

BPMS	Bureau Personnel Management System
CPSU	Clearance Passage and Sub-Programs Unit
█	█
DOJ	Department of Justice
█	█
█	█
FBI	Federal Bureau of Investigation
FISA	Foreign Intelligence Surveillance Act of 1978
FLP	Foreign Language Program
FY	Fiscal Year
HCPU	Health Care Programs Unit
LAST	Language Analyst Specialized Training
LPRU	Language Personnel Resources Unit
LSS	Language Services Section
LTCU	Language Training and Certification Unit
NVTC	National Virtual Translation Center
OIG	Office of the Inspector General
PARM	Post Adjudication Risk Management
QCSU	Quality Control and Standards Unit
RPO	Resource Planning Office
SEPS	Security and Emergency Planning Staff



**INTERAGENCY LANGUAGE ROUNDTABLE SUMMARY  
OF LANGUAGE PROFICIENCY-LEVEL DESCRIPTIONS**

Level	Speaking	Listening	Reading	Writing
0	Unable to function in the spoken language.	No practical understanding of the spoken language.	No practical ability to read the language.	No functional writing ability.
0+	Able to satisfy immediate needs using rehearsed utterances.	Sufficient comprehension to understand a number of memorized utterances in areas of immediate need.	Can recognize all the letters in the printed version of an alphabetic system and high-frequency elements of a syllabary or a character system.	Writes using memorized material and set expressions.
1	Able to satisfy minimum courtesy requirements and maintain very simple face-to-face conversations on familiar topics.	Sufficient comprehension to understand utterances about basic survival needs and minimum courtesy and travel requirements.	Sufficient comprehension to read very simple connected written material in a form equivalent to usual printing or typescript.	Has sufficient control of the writing system to meet limited practical needs.
1+	Can initiate and maintain predictable face-to-face conversations and satisfy limited social demands.	Sufficient comprehension to understand short conversations about all survival needs and limited social demands.	Sufficient comprehension to understand simple discourse in printed form for informative social purposes.	Sufficient control of writing system to meet most survival needs and limited social demands.
2	Able to satisfy routine social demands and limited work requirements.	Sufficient comprehension to understand conversations on routine social demands and limited job requirements.	Sufficient comprehension to read simple, authentic written material in a form equivalent to usual printing or typescript on subjects within a familiar context.	Able to write routine social correspondence and prepare documentary materials required for most limited work requirements.
2+	Able to satisfy most work requirements with language usage that is often, but not always, acceptable and effective.	Sufficient comprehension to understand most routine social demands and most conversations on work requirements as well as some discussions on concrete topics related to particular interests and special fields of competence.	Sufficient comprehension to understand most factual material in non-technical prose as well as some discussions on concrete topics related to special professional interests.	Shows ability to write with some precision and in some detail about most common topics.
3	Able to speak the language with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on practical, social, and professional topics.	Able to understand the essentials of all speech in a standard dialect including technical discussions within a special field.	Able to read within a normal range of speed and with almost complete comprehension of a variety of authentic prose material on unfamiliar subjects.	Able to use the language effectively in most formal and informal written exchanges on practical social and professional topics.
3+	Is often able to use the language to satisfy professional needs in a wide range of sophisticated and demanding tasks.	Comprehends most of the content and intent of a variety of forms and styles of speech pertinent to professional needs, as well as general topics and social conversation.	Can comprehend a variety of styles and forms pertinent to professional needs.	Able to write the language in a few prose styles pertinent to professional/ educational needs.

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<b>Level</b>	<b>Speaking</b>	<b>Listening</b>	<b>Reading</b>	<b>Writing</b>
4	Able to use the language fluently and accurately on all levels normally pertinent to professional needs.	Able to understand all forms and styles of speech pertinent to professional needs.	Able to read fluently and accurately all styles and forms of the language pertinent to professional needs.	Able to write the language precisely and accurately in a variety of prose styles pertinent to professional/ educational needs.
4+	Speaking proficiency is regularly superior in all respects, usually equivalent to that of a well-educated, highly articulate native speaker.	Increased ability to understand extremely difficult and abstract speech as well as ability to understand all forms and styles of speech pertinent to professional needs, including social conversations.	Nearly native ability to read and understand extremely difficult or abstract prose, a very wide variety of vocabulary, idioms, colloquialisms, and slang.	Able to write the language precisely and accurately in a wide variety of prose styles pertinent to professional/ educational needs.
5	Speaking proficiency is functionally equivalent to that of a highly articulate well-educated native speaker and reflects the cultural standards of the country where the language is natively spoken.	Comprehension equivalent to that of the well-educated native listener.	Reading proficiency is functionally equivalent to that of the well-educated native reader.	Has writing proficiency equal to that of a well-educated native.

Source: FBI Languages Services Section

## FBI ANOMALY CATEGORIES FOR AUDIO COLLECTIONS

The FBI places in anomaly categories certain audio collections identified as “unreviewed” or “needs further review” on Collection System A. As we discussed in Finding I, the LSS eliminates audio hours associated with collections in these anomaly categories from its reported totals of the backlog of unreviewed audio hours. The following describes the FBI’s methodology for each anomaly category and our assessment of the methodologies.

Imported Audio – This is audio material that was reviewed by a linguist, and a case agent adds the audio back on Collection System A because the agent wants the material reviewed again. The LSS does not believe this material should be counted as backlog because the material has been reviewed by a linguist. We agree that this material is not technically “unreviewed” foreign language material. However, this material is workload requiring a linguist’s review, and the FBI defines its audio backlog as material that is ‘unreviewed’ or ‘needs further review’. While the material has been reviewed by a linguist, imported audio requires a linguist to spend time in further reviewing this material, thereby constituting it as backlog according to the FBI’s definition.

Expired Court Order – The LSS classifies certain collections in this category when audio is erroneously collected after a court order authorizing the collection expired, referred to as an overrun. The FBI retains this information on Collection System A and prohibits any review of the material until the FBI Office of the General Counsel and DOJ adjudicates the matter. As overrun totals cannot be a part of the FBI’s translation workload by law, the LSS removes associated workload hours from the Collection System A backlog total.

Forward Flow and Back Flow Failure – The LSS classifies certain audio collections on Collection System A as ‘forward flow’ or ‘back flow’ failures. The FBI stated that these hours are usually associated with technical problems, such as when audio collections are sent to another office for translation and the sessions were not identified in a reviewed status due to an upload or download issue. The LSS removes from its Collection System A backlog total workload hours it believes are duplicated audio sessions arising from uploading and downloading collection files. The LSS provided an example of audio sessions at two field offices with the same identification numbers reflecting two different statuses – one marked “reviewed” and the other marked “needs further review.” This example included about 194

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hours of duplicate audio material. We agree that this scenario would cause Collection System A to count reviewed material as backlog.

However, the LSS does not have a mechanism for correcting Collection System A "forward flow" and "back flow" matters. Additionally, the Operational Technology Division (OTD), which maintains Collection System A, was not aware of any system issues as described by the LSS. OTD personnel believed human error could contribute to incorrect session markings. Though, the Section Chief of the OTD's Data Acquisition/Intercept Section told us that it received very few requests to correct such errors.

In order to address this matter, the LSS must coordinate a procedure with the OTD for making corrections to Collection System A. At the time of our audit, the LSS did not coordinate with the OTD and instead, without maintaining support, subtracted from the audio backlog workload hours it believed were associated with "forward flow" and "back flow" matters.

Brady Review – These audio hours have been reviewed. However, because the material will be used in court, the FBI must re-review the material to ensure that the translation is fair and accurate. We agree that this material is not "unreviewed" foreign language material. However, this material is workload requiring a further review and therefore, by the FBI's definition, should be identified as backlog material.

Multiple Copies – Throughout the field, offices occasionally have difficulty confirming whether a receiving office actually received audio sessions from another office. As a result, audio collections may be sent repeatedly to the same site, creating multiple copies of the same audio session. These repeated sessions cause a material to be counted twice when determining the backlog of unreviewed material. If this occurs, the LSS must coordinate with the OTD to correct duplicated audio sessions. The LSS identifies duplicated sessions and subtracts hours from the Collection System A backlog total.

Unidentified Language – The FBI occasionally collects audio material in a language it cannot identify or in a language that the FBI does not have a linguist who can translate it. The LSS believes associated audio hours should not be included in its Collection System A backlog numbers. These hours are legitimate backlog hours. When the FBI determines what language is being spoken or when the FBI finds a linguist who can translate the language, this material should be translated.

Miscellaneous – The FBI describes these anomalies as technical "glitches," network connectivity, and severe system outages. We found an instance

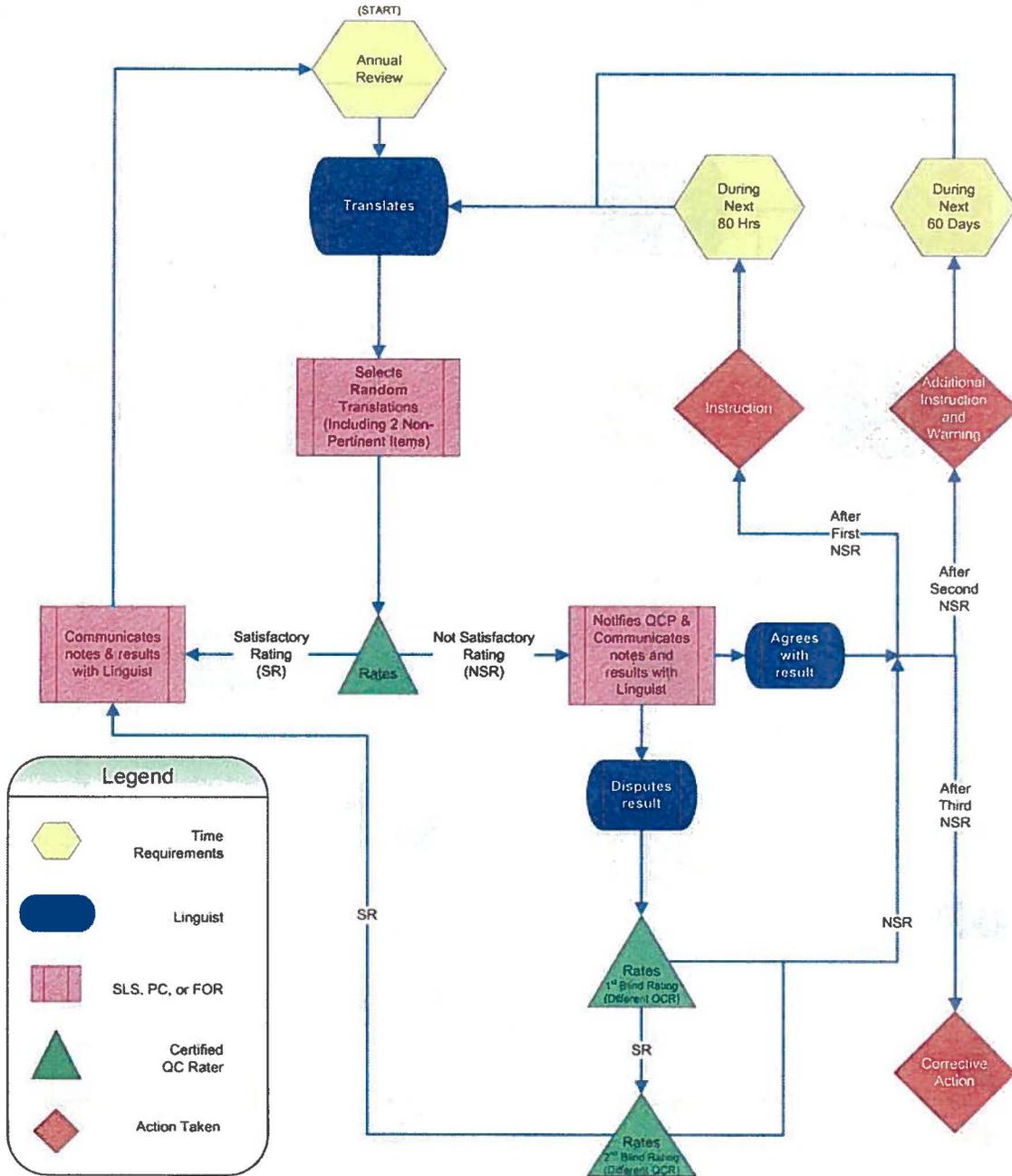
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where the LSS identified, in a comment field within Collection System A, an audio collection as miscellaneous when it was actually an overrun of material beyond a court-ordered suspension date. Overruns are not a technical glitch and must be immediately reported to the FBI Office of the General Counsel.

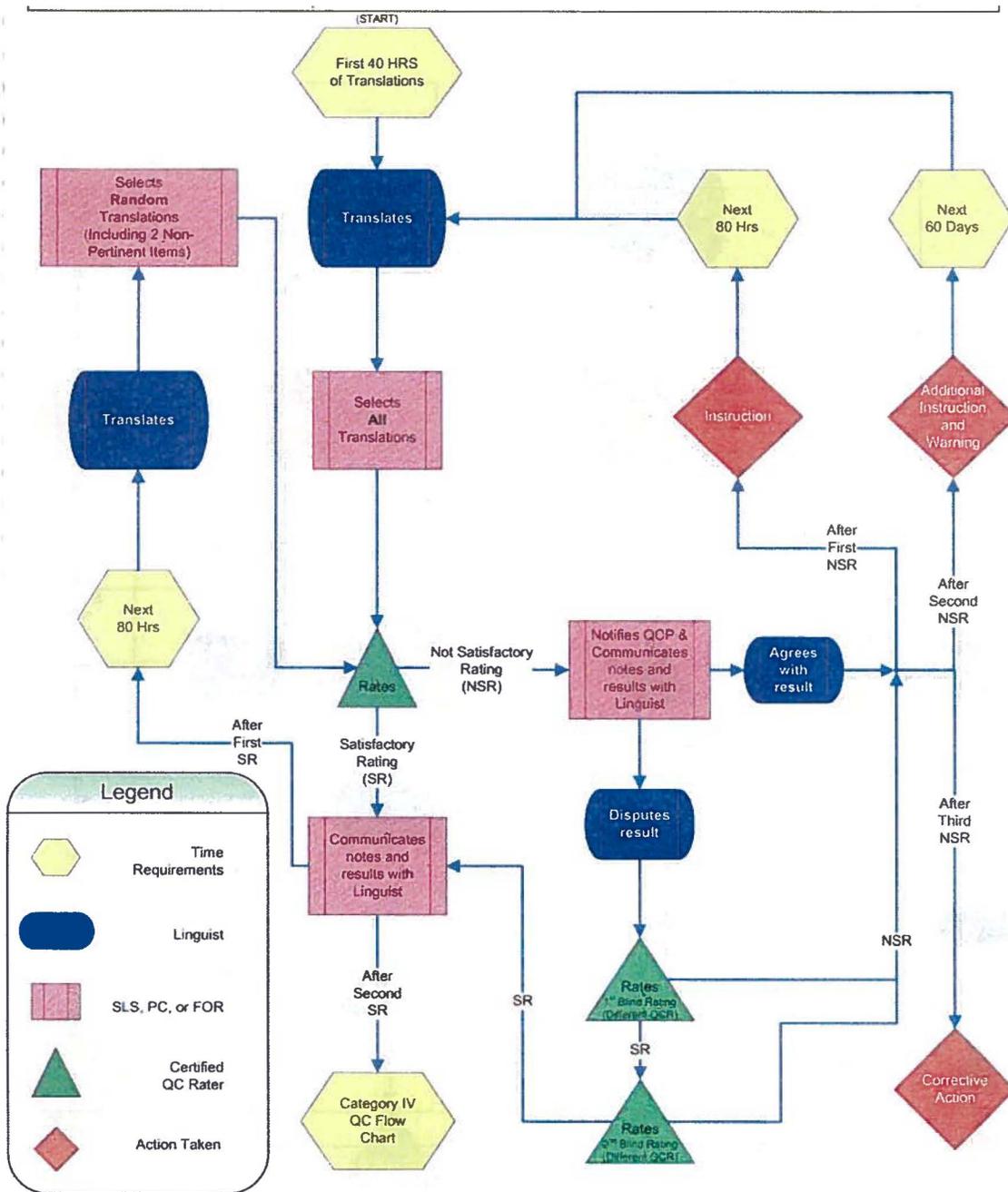
Case Closed/No Interest – Audio hours can be left on Collection System A that are for closed cases or involve material in which the case agent has no interest. The LSS stated that audio hours associated with closed cases no longer require translation. A Supervisory Special Agent in a field office we visited stated that audio sessions for closed cases are occasionally retained as background information for a current case. At the very least, the LSS must work with the field offices to identify and remove unwanted audio collections from the system.

English Only – Through the course of its counterterrorism investigations the FBI collects audio material entirely in English. While it is not foreign language material requiring translation, it is collected audio material that requires review. The LSS does not handle English-only language audio collections and believes these hours should not be reported as foreign language backlog.

### QUALITY CONTROL WORK FLOW CHART FOR CATEGORY IV LINGUISTS



### QUALITY CONTROL WORK FLOW CHART FOR CATEGORY V LINGUISTS



THE FEDERAL BUREAU OF INVESTIGATION'S RESPONSE



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

September 25, 2009

Honorable Glenn A. Fine  
 Office of the Inspector General  
 U.S. Department of Justice  
 950 Pennsylvania Avenue, NW  
 Washington, D.C. 20530

Dear Mr. Fine:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your audit entitled, "The Federal Bureau of Investigation's Foreign Language Translation Program" (hereinafter, "Report").

We are pleased that the Report documents the significant improvements the FBI has made in the past four years in its Foreign Language Translation Program. In particular, the FBI is heartened that this Report reflects an overall reduction by over 40% in the FBI's counterterrorism audio backlog, from 8,354 hours as of March 2005 to approximately 4,770 hours as of September 30, 2008 (see Report at xi). The Language Services Section should take justifiable pride in accomplishing this very substantial reduction in the translation of some of the FBI's most important collected audio.

We are hopeful that readers of the Report will not erroneously conclude that the FBI's audio backlog has increased based on the discussion in the Report of "unreviewed" audio. As you know, the OIG derives the number of "unreviewed" hours by subtracting the number of "reviewed" hours from the number of hours that are shown in FBI systems as having been "collected." However, as the OIG acknowledges (see, e.g., p. vii), the product substantially *overstates* the number of actual unreviewed hours because the first number in the calculation (the number of hours collected) includes hours that are duplicated when audio files are transferred between offices and when audio that was previously reviewed and removed from the online system is re-loaded. Using that unrefined number, the OIG reports that the FBI has accumulated 47,000 hours of "unreviewed" audio in counterterrorism cases when the actual amount, as acknowledged by the OIG, is about one tenth of that, or approximately 4,770 hours. The FBI recognizes that this potential misunderstanding would be obviated if our collection systems were able to provide accurate statistics without manual intervention.

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Honorable Glenn A. Finc

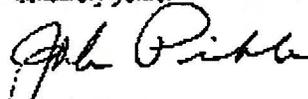
We are similarly hopeful that readers will not misunderstand the discussion in the Report of “unreviewed” electronic files and conclude that the FBI has millions of electronic files that it *should* have translated but has not. It would be a unnecessary waste of funds for the FBI to attempt to systematically review and translate every electronic file it collects. Instead, the FBI handles electronic files analytically. The FBI uses advanced technology to assist in the identification and prioritization of the electronic files that are most relevant to the FBI’s mission.

Finally, the Report states that an FBI field office “collected calls on lines on which a FISA court judge ordered it to cease collecting material.” The FBI has provided the OIG with documentation demonstrating that the calls to which the OIG refers were not “collected” from “lines” the FBI was monitoring. Instead, the calls at issue were placed to the FBI’s telephone lines. Such lines are used to deliver to the FBI calls the FBI has authority to intercept; such lines are, however, assigned telephone numbers by the provider and can actually be called. It is not uncommon for these lines to “receive” calls from telmarketers and others who use auto-dialers and other automated call technology to place calls. In short, this was not a potential “overrun,” nor did the field office at issue ignore the direction of the FISA court not to collect on particular lines.

We are pleased that the OIG Report recognizes many of the other areas in which the FBI’s Foreign Language Translation Program has improved. For example, the Report reflects that the FBI reviewed all of its foreign language collections in its highest priority counterterrorism and counterintelligence cases in 2008, and 100% of the text pages it collected over the past three years. The Report also recognizes significant improvements in the overall management of the Foreign Language Program, including the establishment of the Foreign Language Program’s Quality Control Standards Unit to ensure full compliance with linguist quality control standards and the development of a two-week introductory training course for all linguists.

In conclusion, based upon a review of the Report, the FBI concurs with all 24 recommendations directed to the FBI and has already implemented measures to resolve all of the identified issues. The FBI appreciates the professionalism exhibited by your staff in working jointly with our representatives to complete this Report. Enclosed herein are the FBI’s responses to the recommendations. Please feel free to contact me should you have any questions.

Sincerely yours,



John S. Pistole

Deputy Director

Enclosure

**RE: REVIEW OF THE FEDERAL BUREAU OF INVESTIGATION'S  
FOREIGN LANGUAGE TRANSLATION PROGRAM**

**Recommendation 1:** "Ensure the LSS is reporting accurate, comprehensive, and supported data on the backlog of unreviewed foreign language audio material from all audio collections . . . ."

**FBI Response: RESOLVED** - The Federal Bureau of Investigation (FBI) concurs with this recommendation.

We agree that it is crucial that the Language Services Section (LSS) of the FBI's Directorate of Intelligence (DI) receive and report accurate data on all foreign language audio collection. The vast majority of the FBI's Foreign Intelligence Surveillance Act (FISA) audio is collected on a platform from which LSS can acquire data automatically. The remaining FISA audio is collected through a different platform, for which the LSS is currently dependent on each field office to report active cases and the associated audio collection. LSS will work to acquire a monthly list of these cases directly from the system managers to ensure that all active FISA cases are being reported each month. Currently LSS acquires data on non-FISA audio collection, primarily audio collected pursuant to Title III in criminal cases, from the monthly surveys received from each field office. The criminal collection systems, as the OIG has noted, have not historically generated audio "backlog," and the FBI believes the reporting on this material is accurate, comprehensive, and supported.

**Recommendation 2:** "Develop a proactive long-term strategy for the FBI to keep pace with translating and reviewing its increasing collection of electronic files."

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

As the OIG recognizes, the vast majority of unreviewed electronic files are not "backlog," because they are not waiting to be translated (see, e.g., page vi, "We recognize that not all collected material yields valuable intelligence and that not all collected material may need to be reviewed."). Thus, the FBI does not anticipate that it would ever actually translate and review *every* electronic file it collects. Instead, the FBI handles electronic files analytically. The FBI uses advanced technology to assist in the identification and prioritization of the electronic files that are most relevant to the FBI's mission. Electronic files that are not relevant are, quite appropriately, not manually reviewed (indeed, it would be a waste of time and money to have translators reviewing the myriad of spam emails that are routinely collected).

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In addition to reviewing electronic files analytically, the FBI is also developing new tools that will further reduce the volume of electronic files requiring translation and review.

**Recommendation 3:** “Develop protocols for monitoring and ensuring that unreviewed foreign language material collected for high-priority counterterrorism and counterintelligence cases is reviewed and translated in a timely manner.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

High-priority counterterrorism and counterintelligence materials must be reviewed and translated in a timely manner. LSS managers at headquarters and field offices are responsible for reviewing each FISA monthly to ensure that work is being reviewed consistent with its priority (as established by the operational divisions) and the availability of foreign language resources. When foreign language resources are scarce for a particular language, LSS managers actively coordinate with the substantive divisions to ensure that the entire workload for that language is being handled in prioritized order. LSS will remind its managers of the importance of effectively executing these responsibilities and will provide guidance regarding best practices.

**Recommendation 4:** “Develop a strategy and implement protocols for reviewing English-only material in a timely manner, particularly material collected for high priority counterterrorism and counterintelligence operations.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI has already developed new policy to more effectively manage its English-only collection in counterterrorism investigations; English-only counterintelligence collection has not historically been a problem, and we do not anticipate our policies for handling such collections to change. As to counterterrorism collections, each FBI field office will continue to be responsible for reviewing its all-English FISA collection, but the Directorate of Intelligence (DI) will realign personnel resources to the LSS so that it can provide central oversight of such collection. LSS will regularly validate backlog and unaddressed work statistics and provide guidance and training on FISA processing systems to personnel who are responsible for reviewing the material. Additionally, LSS will keep executive management of the Counterterrorism Division fully informed of the number of hours of collected material that has not been reviewed. We believe this policy should effectively ensure that English-only FISA collection is promptly reviewed.

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**Recommendation 5:** “Develop and implement a risk-based policy . . . for removing audio material from the collection system.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI Counterintelligence Division (CD), in conjunction with the Operational Technology Division (OTD), will determine how best to implement a risk-based policy for removing all audio material (regardless of tier) from the collection system. All such material will continue to be held in archives in the event it is subsequently needed for investigative purposes.

**Recommendation 6:** “Develop protocols to support the FBI policy requiring FBI operational components to work with the LSS and FLP personnel in determining linguistic resource availability before commencing counterterrorism, counterintelligence, and criminal collection techniques that will require foreign language translation.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

In the coming months, the National Security Branch (NSB) will work with LSS personnel and FBI technical personnel to identify, develop, and implement an automated method to notify LSS managers when FISA initiation requests are submitted by FBI field offices. That notice will specify the language that the FBI believes is used by the target of the proposed FISA surveillance. That notification will allow the FLP managers to develop resource allocations plans, and, if necessary, begin the recruitment/hiring process if the FBI has inadequate linguists on board to handle the anticipated workload.

In addition, the FBI will take steps to ensure that notification is made to the LSS when agents seek criminal collection authority that is likely to require linguistic resources.

**Recommendation 7:** “Comply with its internal policy by reporting the . . . potential overrun to its Office of the General Counsel for appropriate adjudication.”

**FBI Response to Recommendation #7: RESOLVED** – The FBI has already carried out the actions required by this recommendation.

On June 30, 2009, the FBI Office of the General Counsel provided the OIG with documentation reflecting that the Field Office in question had provided it with all of the facts and documents relevant to the collection to which the OIG refers in this recommendation. Contrary to the OIG’s

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understanding, FBI policy did *not* require the Field Office in question to report this matter. The collection to which the OIG refers was not “collected” from “lines” the FBI was monitoring. Instead, the collection was of calls that were placed to the FBI’s telephone lines. Such lines are used to deliver intercepted calls to the FBI, but such lines can also be called. It is not uncommon for these lines to “receive” calls from telemarketers and others who use auto-dialers and other automated call technology to place calls. Although this was not, therefore, an “overrun,” at the request of OGC, based on the OIG’s report, the Field Office in question provided the requested information.

**Recommendation 8:** “Consolidate collection systems and develop an automated means of reliably reporting the amount of material collected and the backlog of unreviewed material.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

Although the FBI concurs that the ability to easily and reliably know how many hours of FISA audio has been collected, the number of hours of collected FISA audio pending review, and the number of hours of collected FISA audio that no longer requires review, is important, we do not believe that consolidation of collection systems is necessary to reliable reporting of this information. Our collection systems provide the means to extract reliable statistics. Although those statistics need to be combined to obtain a comprehensive statistical view, consolidating all audio collection systems merely to make statistical compilation easier is not the best approach to resolving this issue, because it ignores the other significant implications of consolidating systems, including cost.

The current platform for FISA audio collection utilizes queries to support Language Services Section (LSS) statistical requirements. As noted in the OIG’s report, LSS must manually “refine” the data it receives to determine the number of hours of audio that is actually pending review. The FBI is currently procuring and testing the next version of this platform, which will provide integrated workflow tools to facilitate the centralized management of system data and users. In addition, this next version will be able to generate reports from which LSS will be able to report the number of hours collected, the number of hours pending review, and the number of hours no longer pending review. This information will be consolidated in the Integration Engineering Services layer to provide comprehensive statistics on all FISA-collected audio, whether it is resident in the current platform or the next version of the platform. This layer will also provide the foundation and standard interfaces for harvesting statistics across collection platforms.

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This capability is scheduled for completion in second quarter of Fiscal Year (FY) 2010.

**Recommendation 9:** “Develop procedures for comprehensively monitoring the amount of unreviewed foreign language material and for accurately evaluating its ability to review audio, text, and electronic file material.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI agrees that it needs to monitor and be able to assess its capability to handle foreign language materials the FBI collects, whether the material is text, audio or electronic files. The FBI is pleased that the OIG’s audit reflects that the FBI reviewed all of the pages of foreign language text material that it collected. As noted in the response to recommendation number 8, the FBI is currently developing technology that will enable it to more comprehensively monitor the FISA audio material it collects. As noted in response to recommendation 2, the FBI is also developing new tools to assist in handling electronic files. The FBI will also review its methodology for comparing the FBI’s foreign language translation needs against LSS’s current “operational capacity” (i.e., the quantity of foreign language audio, text and electronic material that the FBI expects to be able to review in a given time period).

**Recommendation 10:** “Ensure that the LSS enforces the FBI’s quality control policy that requires all linguists with more than 1 year of experience with the FBI to have their regularly assigned tasks quality-control reviewed once every 4 quarters.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The LSS Quality Control Standards Unit (QCSU) began a pilot program in January 2009 to centralize all quality control reviews. Once fully staffed, the QCSU will coordinate and manage all reviews to ensure proper and complete compliance with all quality control policies, including the requirement that all linguists with more than 1 year of experience with the FBI be subject to quality-control reviews once every 4 quarters. In the mean time, QCSU has monitoring and controls in place to detect anomalies and to notify field offices when they are not in compliance with quality control policies. Field office compliance is rated and scored, and low compliance ratings have direct consequences on the performance appraisals of the responsible field managers.

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**Recommendation 11:** “Develop and enforce procedures to ensure that linguists are only translating in languages in which the Language Testing and Assessment Unit has tested them for proficiency.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI concurs that, as a general rule, linguists should only translate languages in which they have passed a proficiency test provided by the Language Testing and Assessment Unit. LSS will ensure that its online Foreign Language Program Supervisor’s Reference Manual is updated to further clarify this policy.

Any such policy must, however, recognize an exception for exigent circumstances. Operational imperatives may require LSS to use a linguist with untested language ability when an imperfect translation is better than no translation. This is most likely to arise with foreign languages rarely encountered for which the FBI does not have an established language test battery or no available fully qualified linguist with Top Secret clearance. If the FBI has a cleared linguist that possesses to some degree a needed, but rare, language, absent other options, the policy will permit use of such linguist. In such cases, LSS will ensure that the requestor of the translation service understands that the linguist providing services is untested.

**Recommendation 12:** “Develop procedures to ensure that linguist quality control review ratings in the field offices are accurately and timely reported to the QCSU.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

As noted in response to recommendation number 10, the QCSU began a pilot program in January 2009 to centralize all quality control reviews. Once fully staffed, the QCSU will coordinate and manage all reviews to ensure proper and complete compliance with all quality control policies. Once this occurs, the field offices will no longer be required to report quality control review ratings to the QCSU because QCSU will generate the ratings.

**Recommendation 13:** “Improve procedures and controls to ensure that Certified Quality Control Reviewers are only reviewing translations in languages and genres they are qualified to review.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

As noted in response to recommendation number 10, the QCSU began a pilot program in January 2009 to centralize all quality control reviews.

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Once fully staffed, the QCSU will coordinate and manage all reviews to ensure proper and complete compliance with all quality control policies, including the policy that quality control reviewers will only review materials in the languages and genres in which they are certified. In the mean time, QCSU has monitoring and controls in place to detect anomalies and to notify field offices when they are not in compliance with quality control policies. Field Offices are required to report to QCSU quarterly as to each of its linguists the quality control reviews that were conducted and the results of those reviews. QCSU examines the reports to determine whether there are any violations of LSS quality control policies or procedures.

**Recommendation 14:** “Develop and enforce procedures to ensure that Not Satisfactory ratings are followed up in a timely manner with quality control reviews as required by FBI quality control policy.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

As noted in response to recommendation number 10, the QCSU began a pilot program in January 2009 to centralize all quality control reviews. Once fully staffed, the QCSU will coordinate and manage all reviews to ensure proper and complete compliance with all quality control policies, including mandatory follow-up on Not Satisfactory ratings. In the mean time, QCSU has monitoring and controls in place to detect anomalies and to notify field offices when they are not in compliance with quality control policies. Field Offices are required to report to QCSU quarterly as to any quality control reviews that were conducted on each of its linguists and the results of those reviews. QCSU examines the reports to determine whether there are any violations of LSS quality control policies or procedures. QCSU examines each field office report closely to determine whether Not Satisfactory ratings received adequate and timely follow-up.

**Recommendation 15:** “Improve oversight of the quality control program by developing an internal control system that monitors whether field supervisors comply with LSS quality control review reporting policy.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

As noted in response to recommendation number 10, the QCSU began a pilot program in January 2009 to centralize all quality control reviews. Once fully staffed, the QCSU will coordinate and manage all reviews to ensure proper and complete compliance with all quality control policies.

**Recommendation 16:** “Improve the efficiency of its contract linguist hiring process, particularly alternatives for reducing the duration of adjudicating a

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contract linguist's security clearance and in decreasing the time it takes to perform language proficiency testing."

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI concurs that the contract linguist hiring process has some inefficiencies that are unnecessary. During FY 2009, the FBI contracted with a vendor to produce the Consolidated Linguist Automated Support System (CLASS). CLASS will enable applicants to schedule their own language testing at third-party testing centers. Eliminating the field office from most foreign language applicant testing should improve turnaround time for the language testing phase of applicant processing.

During fiscal year 2009, it took the Security Division's Contractor Clearance Unit (CCU) an average 4 months to complete the background investigations and 24.3 days to complete its security adjudication (measured from the date it received documentation reflecting that the candidate had completed the preliminary phases of the process (including the polygraph examination)). In order to further reduce these timeframes, the LSS recently allocated funding for three additional Investigative Analyst Consultants (IACs). When the funding becomes available, the additional IACs will be hired.

Although the FBI would like to further shorten the time necessary to clear contract linguists, most prospective contract linguists have a foreign nexus, which requires a thorough, complex evaluation of those foreign connections. While speed is important, the security evaluation of these issues must also be comprehensive to prevent the FBI from being penetrated by a person with ties or allegiance to a foreign government or terrorist group.

**Recommendation 17:** "Make full use of the FBI's Fast Track hiring initiative for converting contract linguists to permanent FBI employees."

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

Although all contract linguists converting to permanent FBI employees are offered the Fast Track option, it is not likely to materially alter the length of time it takes to convert most contractors to employees. A large percentage of the FBI's contract linguists work part-time for the FBI while simultaneously holding other employment. Any contractor who accepts the Fast Track option must resign his or her other employment and immediately assume a full-time schedule with the FBI. Because the Fast Track offer is a conditional offer of employment, which will be rescinded if information is

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found which makes the candidate unsuitable for employment, very few contract linguists accept the Fast Track option. Nevertheless, it will be offered.

**Recommendation 18:** “Ensure that all new FBI linguists attend LAST training unless the linguists can demonstrate sufficient and relevant translation experience such as previous experience as a contract FBI linguist.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

Upon entering on duty, each new Language Analyst is given a Professional Development Plan, which details specific training and activities the linguist is required to complete during his or her first year as an employee. Language Analyst Specialized Training (LAST) training is part of that plan. Failure to meet training requirements is one factor reflected in annual performance appraisals.

**Recommendation 19:** “Implement policy requiring contract linguists without significant translation experience to attend LAST training and develop a separate training curriculum specifically for new contract linguists who cannot travel to attend the LAST course.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI concurs that LAST training should be required for new contract linguists who do not have significant prior translation experience. Indeed, since the LAST program was initiated in 2006, 285 contractors have attended the training. Because some contract linguists are simply unable to dedicate two weeks to LAST training at Quantico, the policy will permit as an alternative to LAST pairing such contract linguists with senior linguists for on-the-job training. Additionally, such contractors will be required to take certain courses in Virtual Academy.

**Recommendation 20:** “Ensure that security clearance reinvestigations for FBI and contract linguists are initiated according to the 5-year timeframe outlined in DOJ policy.”

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The FBI will work to ensure that security clearance reinvestigations for FBI and contract linguists are initiated according to the 5-year timeframe outlined in DOJ policy.

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For FBI employees (including Language Specialists), the periodic reinvestigations are initiated when the Bureau's Personnel Management System (BPMS) generates a list of employees due for reinvestigation. That list is sent to the appropriate Chief Security Officers (CSOs) in the office where the linguist is assigned. The CSOs are responsible for initiating reinvestigations of linguists within their division by instructing the linguist to complete the Office of Personnel Management electronic questionnaire for investigations processing. The CSO is then responsible for forwarding the questionnaire and other required forms to the Reinvestigations Unit. The Reinvestigations Unit verifies, on a monthly or weekly basis, that it has received the required forms for each person whose name appeared on the electronic list generated by BPMS. The CSO is contacted on any delinquent form submittal. Once the reinvestigation unit receives the required forms from the CSO, the tracking of linguist reinvestigations is done through the Case Assignment and Retrieval System (CARS).

With respect to contract linguists, who are not tracked in BPMS, the data on initial background investigations is contained in the Facility Security System (FSS). The Directorate of Intelligence will work with the Security Division to develop a reliable and comprehensive mechanism for ensuring that contract linguist reinvestigations are initiated in a timely fashion and are tracked effectively.

**Recommendation 21:** "Continue its efforts to ensure that the Security Division's Bureau Personnel Management System contains complete and accurate security clearance information on FBI linguists."

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The Security Division does not control BPMS, but it is an FBI system that holds, inter alia, security clearance information regarding employees. The Facility Security System (FSS) holds similar information regarding contractors. The Security Division will continue its efforts to ensure that BPMS and FSS contain complete and accurate security clearance information on FBI linguists. As modifications to security clearances occur due to upgrades, downgrades, suspensions or revocations, those updates will be promptly recorded in BPMS or FSS. To ensure compliance, the Reinvestigation Program is subject to periodic data calls from the Security Division's, Mission Support Section (MSS) and the Inspection Division, Internal Investigative Section (IIS).

**Recommendation 22:** "Develop procedures to ensure that the Security Division's Post Adjudication Risk Management Program database is updated regularly."

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**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

The Security Division Post Adjudication Risk Management (PARM) Program is managed by the Analysis and Investigations Unit (AIU). In an effort to ensure that the database relied upon by AIU (the CARS database) is correctly maintained, AIU will provide training to those personnel responsible for updating the database. In addition, AIU will review current policies and procedures that govern the updating of the CARS database with information relevant to the PARM program, and will update or revise those policies and procedures as appropriate.

**Recommendation 23:** "Establish policy requiring the Health Care Programs Unit to immediately notify the LSS when an FBI linguist's audiometric examination falls outside an acceptable hearing range."

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

Language Specialist applicants must meet minimum hearing requirements for entry on duty. After being hired, such employees' hearing must be tested every other year. The Health Care Programs Unit (HCPU) has recently implemented use of MEDGATE software, which allows audiometric data to be effectively tracked. MEDGATE will be fully operational in June 2010. A searchable electronic medical record (MEDGATE) will enable HCPU to better identify Language Specialists developing significant hearing losses and will help ensure timely and comprehensive notification of LSS.

**Recommendation 24:** "Ensure that the LSS develops the capacity to interpret audiometric results for contract linguists."

**FBI Response: RESOLVED** - The FBI concurs with this recommendation.

Subject to available funding, LSS will seek to enter into a contract with an audiometric professional in FY 2010. The audiometric professional will be responsible for developing validated hearing standards specific to linguists and for evaluating contract linguist audiometric examinations.

**OFFICE OF THE INSPECTOR GENERAL  
ANALYSIS AND SUMMARY OF ACTIONS  
NECESSARY TO CLOSE THE REPORT**

The OIG provided a draft of this audit report to the FBI. The FBI response is incorporated in Appendix VIII of this final report. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

**Analysis of FBI's Response**

The FBI responded to our report, concurred with our recommendations and discussed the actions it will implement in response to our findings. We provide the following analysis of the FBI's comments before discussing the FBI's responses to each of our recommendations and the actions necessary to close those recommendations.

The FBI stated in its response that our audit report reflects a 40 percent reduction in the FBI's counterterrorism audio backlog from March 2005 through September 2008. This statement is accurate only if the consideration of data is limited to the manually refined data from Collection System A – which is only one of several systems used by the FBI to collect counterterrorism audio material – and other critical data is excluded. Considering refined data only from Collection System A, the FBI stated that its backlog of counterterrorism audio material awaiting translation was 4,770 hours as of September 2008. Our audit report explains that when the FBI considers data only from Collection System A to report the backlog of unreviewed counterterrorism audio material, the FBI presents an incomplete picture of the translation backlog by failing to include important data on material collected outside this system. Therefore, the FBI's data is incomplete, as the FBI acknowledged in its response to Recommendation 1, and we disagree that our report reflects a 40 percent reduction in the FBI's counterterrorism backlog.

Rather, in our report we also present data submitted monthly to the LSS by FBI field offices that includes data from collection systems besides Collection System A. Using this FBI data, we computed and reported that the accrued amount of unreviewed audio hours collected for counterterrorism investigations at the end of FY 2008 was about 47,000 audio hours or 5.5 times what it was in FY 2003. While we acknowledge in our report that FBI collection system limitations may cause this FBI data to include duplicative and other data that should not be included in total

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backlog figures, we do not believe the FBI should be discounting entirely counterterrorism audio hours contained on systems that it includes in its more comprehensive monthly reporting process. In its response to Recommendation 1, the FBI stated that it will take corrective action to ensure that data for audio collections outside Collection System A is being reported each month, which will provide a more accurate description of the counterterrorism backlog.

The FBI's response also stated that it would be an unnecessary waste of funds to systematically review and translate every electronic file it collects. However, in order to determine if collected electronic file material could yield valuable intelligence, at minimum a cursory review of the electronic file material is needed. Further, as our report notes, for cases in its second-highest priority national security category the FBI did not review 60 percent of the electronic files collected for counterterrorism cases and 50 percent for its counterintelligence cases. We believe that the corrective actions that the FBI described in its response to Recommendation 2 should help it appropriately address its backlog of electronic file material.

The FBI also stated in its response that it provided the OIG with documentation demonstrating that a field office did not collect material beyond a Foreign Intelligence Surveillance Act Court authorization period and thus did not have an "overrun." However, our report did not determine that the FBI had an overrun. Rather, we faulted the FBI for failing to report a potential overrun as required by FBI policy. Specifically, our report stated we found a *potential* overrun during our testing of audio collection data and that an FBI field office was aware of the potential overrun. According to FBI policy, if a field office cannot determine whether it collected material beyond its authorized collection period, it must report the potential overrun to the FBI's Office of the General Counsel. However, we determined that the field office did not report this potential overrun to the Office of the General Counsel for appropriate adjudication. Only after the OIG discovered the FBI's failure to report this potential overrun and the matter was referred to the FBI's Office of General Counsel did the FBI analyze the issue and determine that there was not in fact an overrun because the calls intercepted by the FBI were from telemarketers and others who use auto-dialers or other automated call technologies to place calls. Under FBI policies, the incident should have been reported to the Office of the General Counsel immediately, as the FBI initially agreed.

### Summary of Actions Necessary to Close Report

1. **Resolved.** The FBI concurred with our recommendation to ensure that the LSS is reporting accurate, comprehensive, and supported data

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on the backlog of unreviewed foreign language audio material from all audio collections, not solely the FBI's Collection System A. In its response, the FBI stated that the LSS will work with field offices to acquire a monthly list of the FISA audio hours collected through different collection platforms for which it has no direct access to ensure that all active FISA cases are being reported each month.

This recommendation can be closed when the FBI provides us evidence that the LSS has instructed its field office system managers regarding proper monthly reporting of all active FISA-related collections, including material collected by and outside Collection System A. Additionally, the FBI should provide us 3 months of data and supporting documentation demonstrating that the LSS and field office system managers are accurately reporting and including audio hours from all FBI collection systems in official FBI backlog totals.

2. **Resolved.** The FBI concurred with our recommendation to develop a proactive long-term strategy to keep pace with translating and reviewing its increasing collection of electronic files. The FBI also stated that in addition to reviewing electronic files analytically, it is developing new tools that will further reduce the volume of electronic files requiring translation and review.

The FBI also stated in its response to this recommendation that “[a]s the OIG recognizes, the vast majority of unreviewed electronic files are not ‘backlog’ because they are not waiting to be translated.” This does not accurately reflect what is stated in the OIG report. The OIG stated on page vi of the report “that not all collected material yields valuable intelligence and that not all collected material may need to be reviewed.” However, we further stated that without performing at least a cursory review of the material, “the FBI cannot determine whether collected material represents critical intelligence information.”

This recommendation can be closed when the FBI provides documentation regarding the new analytical tools it has implemented to reduce its volume of electronic files requiring translation and review.

3. **Resolved.** The FBI concurred with our recommendation to develop protocols for monitoring and ensuring that unreviewed foreign language material collected for high-priority counterterrorism and counterintelligence case is reviewed and translated in a timely manner. The FBI stated that it will remind its managers of the importance of effectively executing the responsibilities of reviewing high-priority material and will provide guidance regarding best practices.

We agree that providing advice and reiterating policy will help ensure that high-priority material is reviewed. However, the FBI's response did not mention implementing any additional protocols for monitoring whether high-priority material is being translated in a timely fashion. We believe enhanced monitoring is particularly necessary for the FBI's highest-priority counterterrorism material, because we found that this critical material was not always being reviewed in accordance with FBI timeliness standards.

This recommendation can be closed when the FBI provides its protocols addressing the importance of translating the counterintelligence and counterterrorism material. The protocols should provide sufficient guidance for managing responsibilities and examples of best practices for prioritization. Additionally, the FBI needs an automated means for monitoring compliance in reviewing its highest priority material. The FBI should provide documentation for 3 months demonstrating that this critical material is being reviewed in accordance with FBI timeliness standards.

4. **Resolved.** The FBI concurred with our recommendation to develop a strategy and implement protocols for reviewing English-only material in a timely manner, particularly material collected for high-priority counterterrorism and counterintelligence operations. The FBI stated that each FBI field office will continue to be responsible for reviewing its all-English FISA collection, but the Directorate of Intelligence will realign personnel resources to the LSS so that it can provide central oversight for the all-English collection. The LSS will regularly validate backlog and unaddressed work statistics and provide guidance and training on FISA processing systems to personnel responsible for reviewing the material. Additionally, the LSS will keep executive management of the Counterterrorism Division fully informed of the number of hours of collected material that has not been reviewed.

This recommendation can be closed when the FBI provides policy designating LSS as the entity with oversight responsibility for the English-only collection and directing the LSS to keep executive management of the Counterterrorism Division fully informed of English-only material that has not been reviewed. Additionally, the FBI should provide us 3 months of data and supporting documentation demonstrating that the LSS and the field offices are reviewing the English-only collection.

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- 5. Resolved.** The FBI concurred with our recommendation to develop and implement a risk-based policy for removing audio material from the collection system. The FBI stated in its response that the Counterintelligence Division and Operational Technology Division will determine how best to implement a risk-based policy for removing all audio material from the collection system.

This recommendation can be closed when the FBI provides its risk-based policy for removing audio material from its collection system.

- 6. Resolved.** The FBI concurred with our recommendation to develop protocols to support the FBI policy requiring FBI operational components to work with the LSS and FLP personnel in determining linguistic resource availability before commencing counterterrorism, counterintelligence, and criminal case collection techniques that will require foreign language translation. The FBI stated that in the coming months, the National Security Branch will work with LSS personnel and FBI technical personnel to identify, develop, and implement an automated method to notify LSS managers when FISA initiation requests are submitted by FBI field offices. The FBI stated that this method will allow the FLP managers to develop resource allocation plans and, if necessary, begin any necessary recruitment and hiring to handle the anticipated workload. Additionally, the FBI stated that it will take steps to ensure that notification is made to the LSS when agents seek criminal collection authority that is likely to require linguistic resources.

This recommendation can be closed when the FBI provides (1) documentation describing its automated notification method for counterterrorism and counterintelligence collections, (2) evidence that this automated method has been successfully implemented, and (3) information on its notification policy and practices pertaining to criminal collection authority and the use of linguistic resources.

- 7. Closed.** The FBI stated in its response that the field office provided its Office of the General Counsel with documentation relevant to the potential overrun collection that we identified during our audit. Contrary to the FBI's response, we concluded that given that the field office believed it had potentially collected material outside the period authorized by the FISA Court, the field office should have immediately reported the matter to the Office of the General Counsel.

Because the Office of the General Counsel became aware of and has reviewed the relevant documentation, we consider the

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recommendation for the FBI to comply with its internal policy by reporting the potential overrun to its Office of the General Counsel for appropriate adjudication to be closed.

8. **Resolved.** The FBI concurred with our recommendation to consolidate collection systems and develop an automated means of reliably reporting the amount of material collected and the backlog of unreviewed material. The FBI stated in its response that it is currently procuring and testing the next version of its current platform for generating statistics on FISA audio collections. The FBI stated that it believes this version will provide comprehensive statistics on all FISA collected audio, affording the foundation and standard interfaces for compiling statistics across collection platforms. The FBI stated that this new platform is scheduled for completion in the second quarter of FY 2010.

This recommendation can be closed when the FBI provides documentation (1) supporting the implementation of its new platform for determining the number of hours collected, pending review, and no longer pending review, and (2) demonstrating that the statistics generated from this platform are accurate and inclusive of data from all FBI collection platforms.

9. **Resolved.** The FBI concurred with our recommendation to develop procedures for comprehensively monitoring the amount of unreviewed foreign language material and for accurately evaluating its ability to review audio, text, and electronic file material. The FBI stated in its response that the actions to address this recommendation will include its new platform for generating automated statistics (see discussion for Recommendation 8 above) and the development of new tools to improve its handling electronic files (see discussion for Recommendation 2 above). Furthermore, the FBI stated that it will review its methodology for comparing the FBI's foreign language translation needs against LSS's current operational capacity.

This recommendation can be closed when the FBI successfully implements its new platform for generating workload statistics and its tools to help it address its handling of collected electronic files, and when the FBI provides documentation that it has fully implemented a sound methodology for comparing the FBI's foreign language translation needs against the current operational needs of the LSS.

10. **Resolved.** The FBI concurred with our recommendation to ensure enforcement of the quality control policy requiring the regularly

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assigned tasks of all linguists with more than 1 year of experience with the FBI be reviewed once every 4 quarters. The FBI stated that the Quality Control and Standards Unit (QCSU) began a pilot program in January 2009 that centralized quality control reviews. Once fully staffed, the QCSU will be responsible for coordinating and managing all quality control reviews to ensure compliance with FLP quality control policies.

This recommendation can be closed when the FBI provides the Translation Quality Control Policy and Guidelines revision addressing these changes and documenting the responsibilities of the QCSU, as well as evidence that the QCSU is sufficiently staffed and has begun its centralized oversight of quality control ratings.

11. **Resolved.** The FBI concurred with our recommendation to develop and enforce procedures to ensure that linguists are only translating in languages in which the Language Testing and Assessment Unit has tested them for proficiency. The FBI stated it plans to update its current FLP Supervisor's Reference Manual to ensure its operating procedures are clearly reflected. The FBI also stated that the policy will include an exception clause to allow, when operational needs require it, material to be translated by a linguist who has not tested proficient in the language needing translation. The FBI also stated that the LSS will ensure that the requestor of this type of translation service understands that the linguist providing the service has not tested proficient in the particular language.

This recommendation can be closed when the FBI provides an updated FLP Supervisor's Reference Manual documenting these procedures as well as the internal controls it has put in place to help ensure that the use of the exception clause for linguists performing translations for which they are not certified is not abused.

12. **Resolved.** The FBI concurred with our recommendation to develop procedures ensuring that linguist quality control review ratings are accurately and timely reported to the QCSU. In its response, the FBI stated that a pilot program was implemented in January 2009 centralizing all quality control reviews. This centralization makes the QCSU responsible for coordinating and managing all reviews and eliminates the field offices' need to submit ratings to the QCSU quarterly. The FBI stated it will be able to fully implement this process when the QCSU is fully staffed.

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This recommendation can be closed when the FBI provides a copy of its revised Translation Quality Control Policy and Guidelines outlining these changes and documenting the responsibilities of the QCSU, as well as evidence that the QCSU is sufficiently staffed and has begun its centralized oversight of quality control ratings.

13. **Resolved.** The FBI concurred with our recommendation to improve procedures and controls to ensure that Certified Quality Control Reviewers are only reviewing translations in languages and genres they are qualified to review. The FBI stated that the QCSU is responsible for ensuring proper and complete compliance with quality control policies, including policy that Certified Quality Control Reviewers will only review material in languages and genres in which they are certified. The FBI stated that the QCSU would be able to perform this centralized oversight once it is fully staffed.

This recommendation can be closed when the FBI provides a copy of the revised Translation Quality Control Policy and Guidelines documenting the responsibilities of the QCSU for monitoring compliance with quality control policy. The FBI should also provide evidence that the QCSU is sufficiently staffed and has begun its centralized oversight of quality control reviews.

14. **Resolved.** The FBI concurred with our recommendation to develop and enforce procedures to ensure that Not Satisfactory ratings are followed up in a timely manner with additional quality control reviews. The FBI stated that the pilot program developed in January 2009, designed to centralize quality control reviews, requires QCSU to ensure proper and complete compliance with all quality control policies, including follow-up reviews for Not Satisfactory ratings.

This recommendation can be closed when the FBI provides (1) a copy of the revised Translation Quality Control Policy and Guidelines documenting the responsibilities of the QCSU to follow up on Not Satisfactory ratings, (2) evidence demonstrating that the QCSU is following up on Not Satisfactory ratings in a timely a manner with additional quality control reviews, and (3) evidence that the QCSU is sufficiently staffed to effectively perform its responsibilities concerning Not Satisfactory ratings.

15. **Resolved.** The FBI concurred with our recommendation to improve oversight of the quality control program by developing an internal control system that monitors whether field supervisors comply with the LSS quality control review reporting policy. The FBI stated that

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through the pilot program it began in January 2009 to centralize all quality control reviews, the QCSU will be responsible for coordinating and managing all reviews to ensure proper and complete compliance with all quality control policies.

This recommendation can be closed when the FBI provides a copy of the revised Translation Quality Control Policy and Guidelines documenting the responsibilities of the QCSU and evidence that the QCSU is sufficiently staffed to perform all of its quality control oversight.

16. **Resolved.** The FBI concurred with our recommendation to improve the efficiency of its contract linguist hiring process, particularly alternatives for reducing the duration of adjudicating a contract linguist's security clearance and in decreasing the time it takes to perform language proficiency testing. The FBI stated in its response that it contracted with a vendor to produce the Consolidated Linguist Automated Support System, which will enable applicants to schedule their own language testing at third party testing centers. Additionally, the FBI stated that it has recently allocated funding for three additional Investigative Analyst Consultants to assist in reducing the timeframes for security clearance adjudications.

This recommendation can be closed when the FBI provides documentation confirming that the Consolidated Linguist Automated Support System reduces the time it takes to perform language proficiency testing. Additionally, the FBI should provide evidence demonstrating that the Investigative Analyst Consultants are improving the efficiency of the contract linguist hiring process.

17. **Resolved.** The FBI concurred with our recommendation to make full use of the FBI's Fast Track hiring initiative for converting contract linguists to permanent FBI employees. The FBI stated that the Fast Track hiring initiative will continue to be offered as an option to contract linguists.

This recommendation can be closed when the FBI provides documentation confirming they are following or have revised the policy dated April 15, 2008, requiring that all contract linguist conversions be handled under the Fast Track hiring initiative.

18. **Resolved.** The FBI concurred with our recommendation to ensure that all new FBI linguists attend Language Analyst Specialized Training (LAST) training unless the linguist can demonstrate sufficient and

relevant translation experience. The FBI stated in its response that it has made LAST training a requirement of Professional Development Plans for newly hired FBI employees.

This recommendation can be closed when the FBI provides documentation confirming that newly hired Language Analysts have received LAST training within their first year as an employee for FYs 2009 and 2010.

19. **Resolved.** The FBI concurred with our recommendation to implement policy requiring contract linguists without significant translation experience to attend LAST training. Additionally, we recommended the FBI develop a separate training curriculum specifically for new contract linguists who cannot travel to attend the LAST course, with which the FBI agreed. The FBI stated that the policy developed to require LAST training for inexperienced linguists will permit new contract linguists unable to attend LAST training to be paired with senior linguists for on-the-job training as well as require training through certain courses in Virtual Academy.

This recommendation can be closed when the FBI provides documentation confirming that all contract linguists without significant translation experience have received formal LAST training or the permitted alternative.

20. **Resolved.** The FBI concurred with our recommendation to ensure that security clearance reinvestigations for FBI and contract linguists are initiated according to the 5-year timeframe outlined in DOJ policy. The FBI stated that it will work to ensure that security clearance reinvestigations for FBI and contract linguists are initiated according to the 5-year timeframe required by DOJ policy. Additionally, the FBI stated that the FBI Security Division will work with the Directorate of Intelligence to develop a mechanism for effectively tracking contract linguist reinvestigations.

This recommendation can be closed when the FBI provides documentation confirming that security clearance reinvestigations for FBI linguists are initiated according to a 5-year timeframe as required by DOJ policy. Additionally, the FBI should provide documentation that confirms a development of a reliable and comprehensive mechanism that tracks the timeliness of contract linguist reinvestigations.

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21. **Resolved.** The FBI concurred with our recommendation to ensure that the Security Division's Bureau Personnel Management System contains complete and accurate security clearance information on FBI linguists. The FBI stated that the Security Division will continue its efforts to ensure that the Bureau Personnel Management System contains complete and accurate security clearance information on FBI linguists. In addition, the Reinvestigation Program is subject to periodic data calls from the Security Division's Mission Support Section and the Inspection Division's Internal Investigative Section, which the FBI believes will help it ensure data completeness and accuracy.

This recommendation can be closed when the FBI provides documentation confirming complete and accurate security clearance information on FBI linguists is maintained in the Bureau Personnel Management System.

22. **Resolved.** The FBI concurred with our recommendation to develop procedures to ensure that the Security Division's Post Adjudication Risk Management (PARM) Program database is updated regularly. The FBI stated that it will provide training to the personnel responsible for updating the PARM database. In addition, the FBI stated that it will review current policies and procedures that govern the updating of its database with information relevant to the PARM program and will update and revise those policies and procedures as appropriate.

This recommendation can be closed when the FBI provides the training manual to be distributed to the personnel responsible for updating the PARM database, as well as the updated policies and procedures that are relevant to the PARM Program.

23. **Resolved.** The FBI concurred with our recommendation to establish policy requiring the Health Care Programs Unit to notify the LSS immediately when an FBI linguist's audiometric examination falls outside an acceptable hearing range. The FBI stated that due to a recent software implementation that will be fully implemented in June 2010, it will be able to effectively track audiometric data and identify Language Specialists who are developing hearing loss.

This recommendation can be closed when the FBI provides policy outlining the Health Care Programs Unit's responsibilities and evidence of the successful tracking of audiometric examinations to enable the LSS to identify results that fall outside the acceptable range.

24. **Resolved.** The FBI concurred with our recommendation to ensure that the LSS develops the capacity to interpret audiometric results for contract linguists. The FBI stated that subject to available funding, it will contract with an audiometric professional who will be responsible for developing validated hearing standards specific to linguists and for evaluating contract linguist audiometric examinations.

This recommendation can be closed when the FBI provides documentation confirming employment of a trained audiometric professional, the job description for this position, and a copy of the hearing standards developed by the audiometric professional.

