

SELECT COMMITTEE ON  
INTELLIGENCE

UNITED STATES SENATE



**Post-hearing Questions  
for  
Mr. Christopher Sharpley  
upon his nomination to be  
the Inspector General of the  
Central Intelligence Agency**

**October 24, 2017**

## QUESTIONS FOR THE RECORD

### *From the Vice Chairman*

1. **You mentioned during your testimony that you are “comfortable” with existing whistleblower programs. Do you plan any enhancements? If yes, what enhancements to the existing activities, including outreach, will you implement?**

*Answer:* I have built Whistleblower Programs at the two newest Offices of Inspector General and have been recognized for that work, along with other accomplishments, when awarded a Presidential Rank Award for Meritorious Service. Since arriving at CIA OIG in July 2012, I have taken actions to strengthen the CIA OIG Whistleblower Program. In an effort to further strengthen the program I have contacted specialists within the Council of Inspectors General on Integrity and Efficiency (CIGIE) community, who are recognized as having expertise in managing whistleblower programs. If confirmed, my intent is to request these specialists review CIA OIG whistleblower processes and consider possible recommendations for further improvements.

2. **Please provide the current set of performance measures used by the Office of the Inspector General to measure success, including measures to track the timeliness and quality of whistleblower investigations.**

*Answer:* The CIA OIG published its *Office of Inspector General Strategic Plan* in October 2014, which in addition to providing mission, vision and values statements, outlines current organizational goals and objectives. These serve as general guideposts for our auditors, inspectors, investigators and support teams. CIA OIG is a member of CIGIE and as such, we adhere to the published CIGIE General and Qualitative Standards. Adherence to these standards is a measure of the professional caliber and performance of member OIGs. The Standards specifically identify timeliness, along with objectivity, professionalism, thoroughness, and independence, as principles of operation. We avoid establishing numerical measures that could give the appearance of undermining our objectivity, e.g., pre-establishing a number of findings and recommendations, or investigations that will be opened, for the year. One additional valuable measure we use is the positive impact our work has on Agency programs and operations. We highlight “positive impact” stemming from our findings and recommendations in our Semiannual Reports (SARs) to the Director, which are provided to the intelligence oversight committees.

Regarding all whistleblower investigations, we follow CIGIE Quality Standards for Investigations, which are reflected in our Investigations Procedures Manual and our investigators have received related training. Case Progress Reviews are conducted between investigators and their supervisors regularly, to ensure investigations are conducted in a timely, efficient, thorough, and objective manner. CIA OIG participates in the CIGIE peer review process, and our professional components are reviewed every three years. Our reprisal investigations are subject to an appeal process, which includes External Panel Reviews chaired by the Intelligence Community Inspector General.

3. **I appreciate your support for authorities that will help protect CIA whistleblowers from retaliation, including stay authority. In both your testimony and written response, you expressed support for stay authority, but noted “we have never had a need for it.” Given that stay authority must be requested by a whistleblower to avoid a possible retaliatory act, how are you able to assess whether there has been a need for it? Do you believe a proactive stay authority could prevent retaliatory actions?**

*Answer:* I support stay authority for whistleblowers, so long as the provisions do not interfere with other authorities designed to protect national security. To clarify my previous responses, my understanding is that stay authority is most useful in situations where an action, such as removal or security clearance revocation, has not yet been taken. Whistleblower retaliation complaints brought to my office’s attention to date have typically alleged that the personnel/security action has already occurred and therefore, use of a stay would not be an option. However, I believe that stay authority could be used to delay

secondary related actions such as preventing loss of employment associated with the initial alleged retaliation action.

4. In conversations with past CIA Inspectors General, they have raised concerns that the lack of sufficient accesses by OIG staff could affect the OIG's ability to properly conduct audits and perform evaluations. Some audits and evaluations were in highly compartmented programs or offices. In your responses to pre-hearing questions, and in the hearing on October 17th, you testified that you had not experienced any issues with access during your tenure as Deputy Inspector General. On reports within the last three years:

*Answer:* I agree with the point made by the former Inspectors General. To clarify, as Acting Inspector General since February 2015, I have never been denied access to data, systems, personnel and/or programs. Due to the sensitive nature of the CIA mission and of national security matters generally, controlling access to highly classified information is crucial. There have been a limited number of times when OIG staff were required to obtain program "read-ins" before gaining access to compartmented programs. There have also been a limited number of times when OIG staff have been required to have updated security processes prior to read-ins and access. Further, there have been a limited number of occasions when Agency staff have questioned whether OIG should have access to certain data based on the "need-to-know" principle. In these instances, senior OIG staff interceded and the access and data were made available. My assessment is that none of the above instances were attempts to obstruct the OIG, but were instead intended to protect sensitive data by Agency staff unfamiliar with OIG authorities. All audits and evaluations were properly conducted in accordance with OIG standards and practices.

- a. Please provide a list of reports, audits, or evaluations across the entire CIA that have not been conducted because IG personnel lacked the ability to access critical data, systems, or personnel;

*Answer:* To my understanding, there are no such reports, audits, or evaluations.

- b. Please provide a list of IG reports, audits, or evaluations which have experienced delays in accessing data, systems, or personnel due to accesses, security clearances, or restricted handling limitations. Explain where these delays may have changed or impacted outcomes;

*Answer:* There has been one report, involving one specific compartmented program, where there was a delay, but the delay did not change or impact the outcome. The delay involved arranging access for an expert from another U.S. intelligence agency on temporary duty to assist with CIA OIG work.

- c. Please report on instances where an IG report's findings confidence level has been diminished or downgraded due to an inability to properly access full data, full systems, or personnel;

*Answer:* To my understanding, there are no such instances.

- d. Please explain to the Committee, during your tenure as acting CIA IG, what barriers you eliminated, or what efforts you undertook, to improve access that caused you to testify that the IG has not experienced any issues with full access to data, systems, or personnel in performing quality IG audits and evaluations.

*Answer:* I have endeavored to strengthen the professionalism of CIA OIG and demonstrate the value of our work to the CIA mission. Additionally, I have strengthened communications at all levels so that the OIG mission is understood and there is clarity regarding practices, procedures and approach. I believe this has bolstered OIG professional credibility. I have engaged senior Agency staff in our annual Workplan process so their concerns regarding possible problems in high-risk mission areas are understood by my staff. My working relationship with Agency leadership is one of openness and a willingness to speak truth-to-power—independence is never compromised. I have periodically collaborated with the Office of General Counsel (OGC) to communicate the existence of OIG access authorities to OGC lawyers supporting programs and operations across the Agency mission. This proactive effort has raised awareness ahead of possible misunderstandings. The value of the OIG, to

both the CIA mission and key stakeholders, remains strong when there is good communication, trust, independence, objectivity and credibility.

- 5. The CIA Whistleblower policy document, AR 13-6, is classified and designated "FOR CIA INTERNAL USE ONLY." For every other IC agency, these policies are unclassified and available for public review. Will you commit to reviewing these policies, declassifying them, and posting them to a public-facing website?**

*Answer:* I believe every individual subject to this regulation should have access to it, and it is my understanding that Agency staff as well as contractors with access to Agency systems can readily access it. If confirmed, I will consult with appropriate Agency officials who have such authority to ascertain whether the Agency will release this regulation, in whole or in part.

*From Senator Feinstein*

- 6. On what date did you find the missing disk containing the full classified Senate Intelligence Committee Report on CIA's Rendition, Detention, and Interrogation Program? When did you inform the Committee that you had found the missing disk?**

*Answer:* The disk containing the full classified Senate Select Committee Report on CIA's Rendition, Detention, and Interrogation Program was discovered by OIG staff in a secured safe in the CIA OIG vault on 23 November 2016. Between 23 and 25 November 2016 (Thanksgiving fell on the 24<sup>th</sup>), I placed separate telephone calls to Messrs. Chris Joyner and Mike Casey, Majority and Minority Staff Directors, to inform them. Neither were available, so I left each a voicemail advising the disk had been found. I briefed Messrs. Joyner and Casey together, in person, on 15 December 2016 regarding the circumstances surrounding the found disk.