

Report in Brief

Date: November 2022

Report No. A-01-20-01504

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Audit

Congress passed the Indian Child Protection and Family Violence Prevention Act (the Act), which established requirements for Federal Bureau of Investigation (FBI) fingerprint background investigations for individuals in contact with Indian children. In 2018, we completed two health and safety audits of Tribes and their health programs and found that they did not comply with Federal requirements to perform FBI fingerprint background investigations for employees in contact with Indian children. In this audit, we evaluate the background investigation process for individuals who had contact with Indian children through the health programs of the Houlton Band of Maliseet Indians, Passamaquoddy Tribe at Indian Township, and Narragansett Indian Tribe.

Our objective was to determine whether three Tribes in New England and their health programs complied with Federal and Tribal requirements for performing background investigations on individuals in contact with Indian children.

How OIG Did This Audit

We reviewed the background investigation process and documentation at three Tribal health programs for 65 employees, 12 contractors, and 1 volunteer in contact with Indian children for the period October 1, 2018, through December 31, 2019. In addition, we reviewed training and technical assistance provided by IHS to Tribes regarding background investigations.

Three Tribes in New England and Their Health Programs Did Not Conduct Required Background Investigations on All Individuals in Contact With Indian Children

What OIG Found

The three Tribes and their health programs did not comply with Federal and Tribal requirements for performing background investigations on 65 employees, 12 contractors, and 1 volunteer in contact with Indian children. Specifically, the three Tribes did not conduct FBI fingerprint background investigations and compare the results to the required character standards for individuals in contact with Indian children. Indian Health Service (IHS) officials stated that they recalled providing background investigation training prior to 2015 but could not produce documentation to support their recollections. Despite the training that IHS officials informed us about, current Tribal officials said they were not aware of, or misinterpreted, their obligations under the Act. Because the three Tribes and their health programs did not always collect the necessary employment information and did not conduct the required criminal history investigations, they could not compare complete criminal history results to the minimum standards of character for individuals in contact with Indian children. As a result, Indian children faced an increased risk of harm.

What OIG Recommends and Auditee Comments

We recommend that the three Tribes: (1) perform background investigations, as required by the Act, on individuals who currently have contact with Indian children; and (2) develop and implement policies and procedures to ensure that each Tribe conducts required background investigations and assesses results to verify that applicants meet the required minimum character standards. We also recommend that IHS provide additional training and technical assistance to help Tribes comply with the background investigation and character assessment requirements of the Act.

In written comments on our draft report, two of the Tribes concurred with our findings and the third generally concurred with our findings. All three Tribes indicated that they had taken steps to implement or were in the process of implementing procedures to perform background investigations, as required by the Act, on individuals who are in contact with Indian children. In addition, IHS concurred with our recommendations and outlined the steps it would take to help Tribes comply with the requirements.