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## **DOJ OIG Releases Audit Report on the FBI's Execution of its Woods Procedures for Applications Filed with the Foreign Intelligence Surveillance Court Relating to U.S. Persons**

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report evaluating the Federal Bureau of Investigation's (FBI) execution of and compliance with its factual accuracy review procedures ("Woods Procedures") for Foreign Intelligence Surveillance Act (FISA) applications, as well as the DOJ National Security Division's (NSD) oversight of the FBI's FISA application accuracy process.

In today's report, the DOJ Office of the Inspector General (OIG) confirms our initial finding that there was widespread non-compliance with the Woods Procedures, and provides greater detail on specific instances of non-compliance. We first reported the issues we discovered during this audit in March 2020 after an initial review of 29 FISA applications relating to U.S. persons that were approved by the Foreign Intelligence Surveillance Court (FISC) between fiscal years 2015 and 2019. Today's report also highlights the need for the FBI and DOJ to ensure rigorous supervisory review and robust oversight to help reduce the risk of erroneous information being included in FISA applications.

The specific findings in the report include:

- **Non-Compliance with Woods Procedures:** After informing the FBI and NSD of our initial findings in March 2020, DOJ reviewed the 29 FISA applications and notified the FISC of 209 errors in those applications, 4 of which DOJ deemed material. Upon further review related to the 29 applications, we identified over 200 additional instances where Woods Files did not contain adequate supporting documentation for statements in the applications—although the FBI and NSD subsequently confirmed the existence of available support elsewhere. Thus, in total, there were over 400 instances of non-compliance with the Woods Procedures in connection with those 29 FISA applications. In addition, we found that out of the universe of over 7,000 FISA applications authorized between January 2015 and March 2020, there were 183 FISA applications for which the Woods File was missing in whole or in part, 4 of which were part of our sample of 29 applications.
- **Weaknesses in FBI Supervisory Review Process and Use of FBI and NSD Oversight Findings:** The widespread Woods Procedures non-compliance that we identified in this audit raises serious questions about the adequacy and execution of the supervisory review process in place at the time of the applications we reviewed. We also found that FBI and NSD oversight efforts could be more strategic, accountable, and timely. For instance, the FBI and NSD conduct periodic reviews designed to ensure FISA applications contain accurate information. However, as noted in our March 2020 MAM, we found that neither the FBI nor NSD used these tools to their full potential.

- **FBI and NSD Messaging Should Further Reinforce the Importance of Woods Procedures Compliance:** In response to the OIG's prior findings related to FISA application accuracy, the FBI Director publicly acknowledged the seriousness of the identified problems and announced numerous steps the FBI was undertaking to address them. However, we believe certain public statements from the FBI and NSD in 2020 failed to recognize the significant risks posed by systemic non-compliance with the Woods Procedures, which are in place to help protect the civil liberties of subjects during *ex parte* court proceedings. Additionally, during our audit, some FBI field personnel minimized the significance of Woods Procedures non-compliance.

Today's report makes 10 recommendations to the FBI and NSD to assist in enhancing the execution of the Woods Procedures and ensuring the submission of accurate FISA applications. The FBI and NSD agreed with all our recommendations. Based upon recent corrective actions undertaken by the FBI and NSD, 5 of the 10 recommendations were adequately addressed and are considered closed.

**Background:** A December 2019 DOJ OIG report identified, among other issues, significant errors or omissions in four FISA applications targeting a U.S. person. The OIG initiated this audit to determine whether the significant accuracy-related errors found in that December 2019 OIG report were indicative of a more widespread problem with the FBI's compliance with its Woods Procedures. In March 2020, we issued a Management Advisory Memorandum (MAM) to report that our preliminary audit work had identified Woods Procedures non-compliance in all 29 FISA applications we reviewed, which were approved by the FISC between fiscal years 2015 and 2019. We also found the FBI was not able to locate the original Woods Files for 4 of the applications. Our MAM included 2 recommendations to the FBI. Today's report represents the completion of the audit that was ongoing at the time of our MAM.

**Report:** Today's report is available on the OIG's website at the following link:

<https://oig.justice.gov/reports/audit-federal-bureau-investigations-execution-its-woods-procedures-applications-filed>.

**Video:** To accompany today's report, the OIG has released a two-minute video of the Inspector General discussing the report's findings. The video and a downloadable transcript are available at the following link:

<https://oig.justice.gov/news/multimedia/video/message-inspector-general-audit-fbis-execution-its-woods-procedures>

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