

Remarks by Peace Corps Chief Executive Officer, Carol Spahn

Prepared for January 20, 2022 Peace Corps Global Town Hall

Thank you for being here today. It is important that we have time to come together as an agency to discuss the tragic death of Ms. Rabia Issa in 2019 and the agency's response.

I want to start by sharing my deepest condolences with the families that have been impacted and to truly acknowledge the injustice that resulted. Ms. Issa's life was taken from her, her children lost their mother, and her family and community lost one of its valued members.

I am here before you as both a returned Volunteer and a former country director – as somebody who cares deeply about the communities we serve – and who is sitting in this seat during a very trying time for the agency. And I have been incredibly honored to work with you all through some of the deep issues that we faced as an organization throughout the last year.

Peace Corps is more than a job for me and I know that is true for many of you. I take very seriously the magnitude of my responsibility in this moment and feel the weight of the pain, anger, and sadness of the Peace Corps community. And I have debated with myself and others on all the ins and outs of this terrible situation, trying to find answers – and a way, that is within Peace Corps control – to correct the injustice that resulted.

For those who have worked with me in the past, you will know that I can be incredibly detail oriented and persistent when I need to be. And this is one of those times.

When the story first broke, I was shocked because the story did not reflect my understanding of what had happened – particularly with respect to Ms. Issa's family.

My first priority was to liaise with our representatives in Tanzania to ensure that Ms. Issa's family had received the funds that the Peace Corps sent to assist with the support of her sons and that any agreements signed were presented in both English and Swahili, which was confirmed.

And I spoke with the staff in Tanzania who are hurting and who are asking questions that many of us are asking: what could we have done differently, could this have been prevented, and how do we move forward? And how can I be true to myself in the face of this tragedy – and within my sphere of influence? I will come back to this part later.

I have also asked hard questions to understand the full sequence of events and the laws and required processes that shaped the agency's response.

I would like to thank the people who worked over the holidays to bring as much clarity as possible to a situation that is much more complex than it appears.

As we hold this space to come together as a community, it is my intent to offer information that I am legally allowed to share with you, to answer your questions to the extent that I can, and to chart a path forward.

I want to state up front that it may feel frustrating, inadequate, and unfair that many specifics and complexities of the case cannot be addressed here. As someone who wants to know the full details, I really empathize, and truly wish I could share more.

So, let me explain a bit about the Privacy Act, because we keep bumping up against it, and I have heard people suggest that we are simply trying to hide behind the privacy laws.

The Privacy Act of 1974 is a United States federal law, passed by the U.S. Congress that protects certain federal government records pertaining to individuals. As a federal agency, the Peace Corps must comply with Privacy Act, which limits disclosure of records pertaining to an employee to those persons who have a need to know.

Importantly, “persons having a need to know” is narrowly defined. It means those persons having a need for the record to perform their duties. This interpretation has been reinforced by multiple federal court decisions.

So, while I can’t share details about this case other than what is already in official reports, what I can and will do is walk you through what might happen if you any of us were implicated in a possible crime.

I apologize in advance that some of this may be more detailed than you want to hear – or more bureaucratic than I would like it to be – but I want to be sure that you have as much information as I can give, and that I get it right.

Nothing that I am about to share will address the injustice that resulted – something that I have really struggled with – but I am hoping it will help shed some light and bring additional understanding.

- Peace Corps Direct Hire employees working overseas fall under the Department of State for their medical care. As such, medical evacuation decisions are made by the State Department. The Peace Corps does not have access to employees’ medical records.
- Decisions about what and when to communicate in serious matters such as this are made by senior leadership at Peace Corps in consultation with other agencies that are involved. They are not made at post nor within regions.
- Any time an employee is involved in a possible crime or serious misconduct, Peace Corps is required to inform the Office of the Inspector General (OIG).
- The Office of the Inspector General may then conduct an administrative and/or criminal investigation. If the Office of the Inspector General undertakes a criminal investigation, they may elect to refer the matter to the Department of Justice to determine if charges will be filed.
- In this matter, as was noted in the Semiannual Reports to Congress (SARC), Peace Corps’ Office of the Inspector General referred the matter to the Department of Justice, but they declined to prosecute.

- In instances in which the Office of the Inspector General conducts an investigation, the Agency is generally instructed not to conduct a concurrent investigation and to consult with the Inspector General before taking any administrative actions.
- When there are investigations or allegations involving misconduct, foreign service employees – including U.S. Direct Hires in the U.S. and overseas – are typically placed on administrative leave. While on administrative leave, the Foreign Service Act requires that the employee remain in paid status. Also, while on administrative leave, the employee’s access to agency systems is suspended, and they do not report to work. An employee’s pay is tied to the locality in which that employee is assigned.
- Once the OIG completes its investigative process and if no further action is pending by the Department of Justice, the case is typically referred back to the agency. It is then in our court to do any further investigation or take administrative action.
- In any matter where a Foreign Service employee is terminated for misconduct, Peace Corps’ decision is subject to review by an outside body, the Foreign Service Grievance Board (FSGB). If the agency cannot demonstrate that it properly followed all necessary steps, or if the termination is based on insufficient evidence, the FSGB can (and has) reversed those decisions and reinstated the employee.
- At any time during any of these processes, an employee may resign. However, federal statute, 5 USC 3322, requires that if an employee resigns while an investigation is pending, where appropriate, a notation be made in an employee’s Official Personnel File to reflect any adverse findings of the investigation.

There have been many questions about why it took so long to complete the investigation. And, I hope that this gives you a sense of some of the factors that were at play. As I mentioned earlier, this case was more complex than it appears. It is critical in these cases that the work be done right, be meticulously documented, and be carried out in accordance with all applicable legal requirements.

In addition to understanding employment law, we dug into our authorities in the Peace Corps Act, which allows for the settlement of claims up to \$20,000 and within one year from when the claim is filed. Following the typical mourning period in Tanzania, the agency approached Ms. Issa’s family to express condolences and to provide support for her children. The family originally requested about one-third of the amount that was ultimately provided. As noted earlier, we have confirmed that the amounts agreed upon were sent into a bank account established in the name of the family’s selected administrator and Ms. Issa’s eldest son.

I hope that provides at least some clarity around the disciplinary process and the laws that determine how we are required to handle situations like these.

I know that there are calls for the agency to do a number of things, including extraditing the employee in question. This is not within the jurisdiction of Peace Corps. If criminal charges are filed in Tanzania, we will happily and fully cooperate with the State Department and Department of Justice.

The more I have wrestled with all of this, the clearer it becomes that – despite our intense desire to do so – we cannot change the past. But we can and must be intentional as we move forward.

We have done a lot over the past year to set the foundation for a new and improved Peace Corps as Volunteers return to service, but this situation highlights some very targeted actions that we need to take more urgently.

With that in mind, I am committed to:

- Evaluating legislative and policy options, where feasible and appropriate, to address some of the limitations that Peace Corps faced in this matter.
- Working with the Office of General Counsel to review all relevant policies, and particularly those governing staff conduct, to be even more clear about expectations and standards. We expect a revised staff conduct policy to be considered in a special session of the Senior Policy Committee in February.
- Reviewing our staff and Volunteer core expectations and framing them in the context of our deep commitment to centering host communities – and bringing these expectations to life in a holistic way such that they become a fundamental part of our culture as an organization. Revised core expectations will also be released in February.
- Working with the Office of Human Resources and Office of Staff Learning and Development to review our hiring, training, and accountability practices, and establishing the mechanisms needed to continually improve and to lead with our values.

We have so many incredibly passionate individuals in this organization, and I believe that we can do what it takes to move this organization fundamentally forward.

I acknowledge that it can be difficult to show up with our full selves at a time when we are faced with the injustice of Ms. Issa's death and its aftermath. But I also know that this is a time when the Peace Corps is needed more than ever before – following a historic period of isolation and divisiveness, when development progress has been set back by 10 years or more.

And so, I ask you to join me on our journey to further strengthen the organization that we love, ensuring that our values are reinforced in all that we do.

And with that, I will take questions.