

**B**y Act of Congress, the Office of the Inspector General (OIG) was established in the Department of Justice (Department) on April 14, 1989. The OIG investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of the Department's employees in their numerous and diverse activities. The OIG provides leadership and assists management in promoting integrity, economy, efficiency, and effectiveness within the Department and in its financial, contractual, and grant relationships with others.

The OIG continued to carry out its mission during this reporting period with a decreasing workforce due to a reduction in overall budget authority of \$1.3 million for Fiscal Year (FY) 1999. The OIG had a nationwide workforce of 453 employees in August 1998 when it initiated a hiring freeze and began FY 2000 with a workforce of 398 employees. The OIG expects to end FY 2000 with a workforce of approximately 355 staff. The majority of this downsizing has been achieved by attrition and no new hiring. However, it also includes 21 voluntary early retirements or directed reassignments to other Department components necessary under our reduced FY 2000 funding.

The OIG's FY 2000 direct appropriation is \$40.235 million. Additionally, the OIG expects to earn reimbursements of (1) \$2.1 million from the Immigration and Naturalization Service (INS) for audit, inspections, and investigative oversight work of the INS User Fee account; (2) \$1.6 million from the Working Capital Fund and other Department components for oversight of financial statement audit work; and (3) \$1.25 million from the Executive Office for U.S. Trustees (EOUST) for trustee audits.

This *Semiannual Report to Congress* reviews the accomplishments of the OIG for the 6-month period ending March 31, 2000. As required by Section 5 of the *Inspector General Act of 1978* (IG Act), as amended, this Report is submitted to the Attorney General for her review no later than April 30, 2000. No later than May 31, 2000, the Attorney General is required to forward the Report to Congress along with her *Semiannual Management Report to Congress* that presents the Department's position on audit resolution and follow-up activity discussed in the Report.



Many of our reports are available on the OIG's website at <http://www.usdoj.gov/oig>.

## SPECIAL INQUIRIES

The Special Investigations and Review Unit (SIRU), located within the immediate office of the Inspector General (IG), investigates high profile or sensitive matters involving Department programs or employees. SIRU also reviews allegations of misconduct against OIG personnel. SIRU is composed of attorneys, special agents, paralegals, program analysts, and support staff.

The OIG conducts special investigations into matters of significant interest to the Department, Congress, and the public. Most of these investigations are conducted by or led by SIRU staff, often with assistance from OIG investigators, auditors, and inspectors. Many of these special investigative reports are available on the OIG's website.

Following are brief descriptions of recently completed and current OIG special investigations.

### **RESENDEZ-RAMIREZ**

On March 20, 2000, the OIG issued its 138-page report, *The Rafael Resendez-Ramirez Case: A Review of the INS's Actions and the Operation of Its IDENT Automated Fingerprint Identification System*, that examined how the INS handled its encounters with Rafael Resendez-Ramirez (Resendez), a Mexican national accused of committing several murders in the United States. Resendez became known as "the railway killer" because he allegedly traveled around the United States by freight train and committed murders near railroad lines. In June 1999, the INS had Resendez in custody but allowed him to return voluntarily to Mexico, despite the fact that he was the target of a state and federal manhunt. Resendez allegedly returned to the United States within days of his release and murdered four more people before surrendering on July 13, 1999.

In total, the OIG interviewed more than 130 individuals, many more than once, about the Resendez case. We also reviewed thousands of pages of documents from the INS and other agencies. During our review, we found that Resendez had an extensive criminal record and history of deportation by the INS that stretched back to 1976. In early 1999, Texas police issued a warrant for Resendez in connection with a brutal murder in Houston. As part of their search for Resendez, local and state police contacted INS investigators in Houston. However, no INS investigators who were contacted placed a lookout for Resendez in IDENT, the automated fingerprint identification system used by Border Patrol and other INS employees to identify and track apprehended aliens as well as to identify criminal aliens. Consequently, when Border Patrol agents apprehended Resendez again on June 1, 1999, as he attempted to illegally cross the border into New Mexico, nothing alerted them to the fact that Resendez was wanted or had an extensive criminal record. As a result, the Border Patrol followed its standard policy and voluntarily returned him to Mexico.

THE WASHINGTON POST TUES., MARCH 21, 2000

## INS Faulted In Review Of 'Railway Killer' Case

*Probe Blames Weak  
Fingerprint Training*

By DAVID A. VISE  
Washington Post Staff Writer

Serious failures by the Immigration and Naturalization Service to train employees on its automated fingerprint system, as well as errors by individuals, permitted the "Railway Killer" to be released by a border agent last year, a decision that had deadly consequences, the Justice Department's inspector general said yesterday.

Although he was on the FBI's Ten Most Wanted List and was sought by local authorities for a spree of murders, Rafael Resendez-Ramirez was released by an INS

The OIG concluded that the failings by the INS employees who did not place a lookout for Resendez in IDENT were partly caused by, and indicative of, larger failings in the INS's design and implementation of IDENT. First, when IDENT was developed, the INS decided to populate the database on a "day-forward" basis. This diminished IDENT's usefulness in identifying criminal aliens—such as Resendez—who had many convictions and deportations before IDENT was implemented. Second, IDENT was not, and still is not, linked with other Federal Bureau of Investigation (FBI) or INS databases. Third, the INS failed to adequately train its employees about IDENT. Fourth, the INS failed to ensure that INS employees understood and used IDENT.

We made 25 recommendations to address the systemic problems we found during our review. These recommendations fall into four categories: (1) improving the operation of IDENT, (2) improving training and education of INS employees about IDENT and its uses, (3) integrating IDENT with the FBI's criminal database, and (4) miscellaneous recommendations to address other issues we found in this review.

#### **TRENTADUE**

Kenneth Trentadue, an inmate being held at the Federal Transfer Center in Oklahoma City, Oklahoma, was found dead in his cell in August 1995. The Bureau of Prisons (BOP) concluded that Trentadue committed suicide by hanging. However, allegations that Trentadue was murdered led to an investigation by the FBI and the Department's Civil Rights Division. The investigation concluded that there was insufficient evidence to conclude that he was murdered or that there was any violation of the federal civil rights laws. Following that investigation, and at the Deputy Attorney General's (DAG's) request, the OIG initiated a separate review focusing on whether BOP or FBI employees mishandled evidence or engaged in other misconduct in the events surrounding Trentadue's death.

During our review, we interviewed more than 230 witnesses, many more than once. We also reviewed thousands of pages of documents from various sources. The OIG's 206-page report, *A Review of the Justice Department's Handling of the Death of Kenneth Michael Trentadue at the Bureau of Prisons' Federal Transfer Center in Oklahoma City*, was completed in November 1999. The report contains grand jury information as well as information that relates to the security of the Federal Transfer Center. We distributed the report within the Department and a redacted version to Congress. Pursuant to court order, we also distributed the report to the parties in a civil lawsuit dealing with Trentadue's death. In addition, on December 7, 1999, we publicly issued an Executive Summary describing the findings of our report.

The OIG's review concluded that Trentadue's death was a suicide and that he had not been murdered by BOP correctional officers or inmates. We also did not find that the BOP or FBI participated in any conspiracy to cover up the circumstances of his death. However, we did conclude that the BOP's response to his death was deficient in various ways.

**SPECIAL  
INQUIRIES**

Although BOP employees responded to Trentadue's cell in a timely fashion, they inappropriately delayed entry into his cell, did not examine him properly, and did not immediately provide medical attention to him. The BOP's notification to the FBI about his death was late and insufficient. In addition, the BOP inadequately processed the cell for evidence and inappropriately rushed to clean the cell.

We also concluded that the FBI did not investigate the case adequately, particularly in the early stages. The FBI mishandled evidence, failed to document the case adequately, and made various mistakes in its investigation. These mistakes fueled the allegations that Trentadue was murdered and that the government was engaging in a cover-up.

We made 20 recommendations to the BOP and FBI regarding the systemic problems we found in this case. We also made recommendations as to the discipline of certain individuals whom we concluded made false statements about their actions in this case.

**ICITAP/OPDAT**

The Criminal Division's International Criminal Investigative Training Assistance Program (ICITAP) and Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) are designed to foster, support, and strengthen democratic principles and structures of law enforcement in foreign countries. Particularly in those countries that recently have embraced democracy, ICITAP and OPDAT provide training for police, prosecutors, and the judiciary and advice on American laws and programs to combat crime within a democratic framework.

The OIG began an investigation of ICITAP and OPDAT following allegations of program mismanagement and supervisory misconduct. The investigative team of special agents, auditors, inspectors, and support personnel, under the direction of a senior attorney, conducted more than 400 interviews in the United States and several foreign countries and reviewed more than 50,000 pages of documents. The team currently is completing the report of investigation.

**CITIZENSHIP U.S.A.**

In September 1995, the INS initiated Citizenship U.S.A. (CUSA), a program designed to substantially reduce the backlog of pending naturalization applications. More than one million individuals were naturalized during the year the program was in operation.

At the request of Congress and the Attorney General, the OIG is investigating CUSA following allegations of misconduct within the program, including allegations that applicants with disqualifying backgrounds were naturalized and that standards were compromised in an effort to maximize the number of persons eligible to vote in the November 1996 elections. The team currently is completing the report of investigation.

**LOST TRUST****SPECIAL  
INQUIRIES**

In the late 1980s and early 1990s, the FBI and the South Carolina U.S. Attorney's Office (USAO) conducted a major investigation called "Lost Trust" into corruption, vote-buying, influence peddling, and drug usage in the South Carolina State legislature. After litigation that lasted six years, a U.S. district judge dismissed all remaining charges, citing misconduct by the FBI, USAO, and the Department's Public Integrity Section. The court also was critical of an earlier investigation by the Department's Office of Professional Responsibility (OPR).

At the request of the DAG, the OIG is reviewing the prosecutions and investigations implicated in the court's dismissal order. The OIG investigative team reviewed thousands of documents related to the investigation and prosecution of the cases and related documents generated by the Department's OPR and the FBI's OPR. The team also interviewed the persons involved in handling these cases, including prosecutors, defense counsel, defendants, trial witnesses, and the district judge. The team currently is completing the report of investigation.

**OTHER OIG CONTRIBUTIONS****OTHER  
ACTIVITIES**

OIG semiannual reports feature the major investigations and programmatic reviews performed by the OIG during the past six months. In addition, the OIG has engaged in other noteworthy activities that significantly contribute to the Department and the governmental community.

- The OIG San Diego Field Office participates, along with the FBI, Drug Enforcement Administration (DEA), U.S. Customs Office of Internal Affairs, and Internal Revenue Service, in the San Diego Border Corruption Task Force (BCTF) that investigates allegations of corruption filed against federal law enforcement officials. Currently there are 23 ongoing BCTF investigations, 10 of which were initially reported to the San Diego Field Office.
- Investigators conducted 28 Integrity Awareness Briefings for Department employees throughout the country during this reporting period. These briefings are designed to educate employees about the misuse of a public official's position for personal gain and to deter employees from committing such offenses. The briefings reached more than 950 employees with a message highlighting the devastating consequences of corruption to both the employee and the agency.
- The Colorado Springs Area Office began participating in training of new BOP special investigative lieutenants and special investigative agents in Aurora, Colorado, in September 1999. These BOP officers conduct staff misconduct investigations at BOP facilities where they are assigned. In addition, they serve as points of contact and assist OIG special agents conducting investigations at these facilities.

**OTHER  
ACTIVITIES**

- The Audit Division continues to attend the Department working group meetings to devise a Total Cost of Ownership (TCO) model for personal computers. The working group is analyzing and refining the proposed model and exploring the feasibility of introducing the TCO model as a way to better identify personal computer costs during the budget formulation process.
- The Audit Division attended meetings of the Intelligence Community IG Forum—Information Assurance Working Group. The working group monitors and evaluates the status of management policies and oversight of information assurance efforts to protect Intelligence Community automated information systems.
- The Audit Division attended the Department Information Resource Management (IRM) Council meetings hosted by the Deputy Assistant Attorney General for IRM (DAAG/IRM). Under the leadership of the DAAG/IRM, the Council provides a forum for sharing information and for discussing and resolving IRM issues that affect multiple components. The Council deals with department-wide information management policies and priorities, helps coordinate systems development and acquisition matters, and identifies areas where assistance is needed. The Council comprises the senior IRM officials of the Department components and includes non-IRM officials, as appropriate.
- The Audit Division continues to participate in the Department's Financial Statement Working Group meetings. These meetings provide guidance to Department components on the compilation of consolidated financial statements. The Audit Division and the independent public accountants contracted by the Audit Division also provided feedback to the Department in its efforts to develop guidance for the Department's Accountability Report process.
- The Audit Division initiated attestation reviews of the FY 1999 Annual Accounting of Drug Control funds of the Department's organizations and components. The objective and scope of each review is to report on assertions made by Department management as required by the Office of National Drug Control Policy Circular, *Annual Accounting of Drug Control Funds*, dated December 17, 1999.

**Y2K AUDITS**

To assist the Department's senior management, the Audit Division issued a series of reports addressing the Department's Year 2000 (Y2K) efforts for its mission-critical computer systems. During this reporting period, we concluded our work in this area and issued the final two reports that focused on initiatives at the INS and FBI. These reports are not publicly available because of the sensitivity of some items discussed in the reports.

**GPRA ACTIVITIES****OTHER  
ACTIVITIES**

In a continuing effort to assess the Department's implementation of the *Government Performance and Results Act of 1993* (GPRA), the Audit Division completed an audit of the Department's initial FY 2000 Annual Performance Plan. Where possible, as part of the audits and inspections we conduct, we examine GPRA performance indicators that have been identified by components. For example, in a January 2000 follow-up inspection report, the OIG examined how successful the United States Marshals Service (USMS) is in meeting its national goals and priorities for the fugitive apprehension program in light of recommendations made in a 1995 inspection report. Our review focused on assessing USMS efforts at establishing national goals and performance measures and the usefulness of these efforts to the mission of the fugitive program. For a discussion of the audit and inspection reports referenced here, see pages 28 and 36.

**INSPECTOR GENERAL CONGRESSIONAL TESTIMONY**

The Acting IG testified twice before Congress during this reporting period. On October 28, 1999, he testified before the House Judiciary Committee's Subcommittee on Crime about the OIG's oversight efforts with respect to the Office of Community Oriented Policing Service's (COPS) grant program. The Acting IG's testimony centered on an April 1999 report that summarized the findings and recommendations from the OIG's first two years of COPS audits and a July 1999 OIG program audit that assessed COPS' administration of the \$8.8 billion community policing grant program.

On February 10, 2000, the Acting IG testified before the House Judiciary Committee's Subcommittee on Immigration and Claims about the Visa Waiver Pilot Program (VWPP). This testimony was based on a March 1999 OIG inspection report that assessed the potential for fraud in the VWPP as well as the INS's efforts at air ports of entry (POEs) to minimize illegal immigration and national security threats posed by abuses of the program.

**LEGISLATION AND REGULATIONS**

The IG Act directs the IG to review proposed legislation and regulations relating to the programs and operations of the Department. Although the Department's Office of Legislative Affairs reviews all proposed or enacted legislation that could affect the Department's activities, the OIG independently reviews proposed legislation that affects it or legislation that relates to fraud, waste, and abuse in the Department's programs or operations.

**OTHER  
ACTIVITIES**

During this reporting period, the OIG reviewed more than a dozen legislative proposals, the most prominent of which was a proposal to amend the IG Act to provide an independent statutory basis for firearms, arrest, and warrant powers for special agents of Offices of Inspectors General.

In addition, the OIG commented on the *Government Waste Corrections Act of 2000* that would require federal agencies to conduct “recovery audits” to identify inaccurate payments to vendors, and the *Wartime Violation of Italian American Civil Liberties Act* that would require the OIG to conduct a comprehensive review of the treatment by the U.S. government of Italian Americans during World War II. The OIG also offered comments on the *Law Enforcement Trust and Integrity Act of 2000* that would, among other things, create an Immigration Enforcement Review Commission to investigate complaints of civil rights abuses by customs and immigration enforcement personnel.

**PRESIDENT’S COUNCIL ON INTEGRITY AND EFFICIENCY ACTIVITIES**

The President’s Council on Integrity and Efficiency (PCIE) consists of the 27 Presidentially appointed IGs in the federal government. In addition, the executive order creating PCIE specifies that the Office of Government Ethics, Office of Special Counsel, FBI, and Office of Management and Budget (OMB) also serve as members. PCIE conducts interagency and inter-entity audits, inspections, and investigations to address government-wide waste, fraud, and abuse.

During this reporting period, the Acting IG served on the Legislation Committee. The Acting IG also served on the PCIE Strategic Plan Working Group and assisted in drafting a strategic plan for the PCIE. OIG staff participate in a variety of PCIE activities and serve on numerous PCIE committees and subgroups including the Inspections Roundtable, an annual investigations conference, meetings of the Chief Financial Officers Group, the OIG GPRA Coordinators’ Interest Group, the Training Coordinators Roundtable, and the Information Technology Roundtable. OIG staff provide input to the Audit Committee and are involved with the IG Auditor Training Institute.

The Assistant Inspector General for Investigations is a member of the PCIE Investigations Advisory Subcommittee. The Subcommittee advises the Investigations Committee of PCIE on matters of policy, training, and practices relating to OIG investigations. During this reporting period, the participants prepared a response to a Commission on the Advancement of Federal Law Enforcement report challenging the Commission’s recommendation that law enforcement authority be removed from the OIGs and assigned to other federal law enforcement agencies. The group also drafted legislation to amend the IG Act to establish independent funding for an Inspectors General Criminal Investigator Academy and Inspectors General Forensic Laboratory.



The Inspections Division and the Department of Health and Human Services (HHS) OIG are coordinating a multi-department review addressing “Child Support Enforcement Efforts by Federal Agencies.” The overall review will determine whether federal employees are paying owed child support and how federal departments, the HHS’s Office of Child Support Enforcement, and state child support agencies coordinate to collect owed child support.

**OTHER  
ACTIVITIES**

To assess federal efforts to develop and implement programs to protect the nation’s critical infrastructures, the PCIE is sponsoring a four-phase audit with the participation of numerous OIGs. The Audit Division is completing its contribution to the first phase of the audit by assessing the Department’s efforts to develop plans for protecting cyber-based infrastructures. The Audit Division plans to participate in the remaining three phases of the audit, which will review the Department’s (1) implementation of plans to protect the cyber-based infrastructures, (2) efforts to develop plans to protect noncyber-based infrastructures, and (3) implementation of plans to protect noncyber-based infrastructures.