

## ***THE INSPECTIONS DIVISION***



*The Inspections Division assesses Department programs and activities and makes recommendations for improvements in programs, policies, and procedures.*

**T**he Inspections Division (Inspections) provides the IG with an alternative mechanism to traditional audits and investigations through management assessments and program evaluations that assess the efficiency, vulnerability, and effectiveness of Department operations. Inspections relies on its multidisciplinary workforce to promptly respond to diverse issues.

**OVERVIEW  
AND  
HIGHLIGHTS**

Inspections is located in Washington, D.C., and is directed by the Assistant Inspector General for Inspections. The staff is composed of program analysts who are assigned to one of two evaluation offices—the Office of Immigration and Law Enforcement Evaluations or the Office of Corrections and Legal Evaluations. This structure enables Inspections to maintain subject matter expertise and establish collaborative relationships with Department component staff in their respective issue areas.

During this reporting period, Inspections completed a review that identified significant and specific gaps in the INS's Northern Border operations. We also completed the third and final inspection of the Executive Office for U.S. Attorneys (EOUSA) Violent Crime Task Force Program (VCTF), a follow-up inspection of the USMS's efforts to strengthen its fugitive apprehension program, and an inspection of the BOP's background investigation and reinvestigation program. Inspections conducted three brief assessments of potentially wasteful government spending or mismanagement for Department officials or at the request of Congress.

**BORDER PATROL EFFORTS ALONG THE NORTHERN BORDER****SIGNIFICANT  
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The Border Patrol's mission is to detect and prevent the smuggling and illegal entry of undocumented aliens into the United States and to apprehend persons in the United States whose status is in violation of immigration law. The Border Patrol also has primary responsibility for the interdiction of drugs on U.S. land borders between ports of entry. This inspection evaluated efforts to address previously identified weaknesses in Northern Border security. We focused on the illegal activity that occurs along the Northern Border, determined how the Border Patrol collects and assesses information about illegal activity and responds to it, and evaluated the allocation of Border Patrol resources to the Northern Border.

The OIG found increasing illegal activity along the Northern Border, including alien smuggling (particularly involving Chinese, South Korean, and Mexican nationals) and drug smuggling. We found that the INS is unable to assess the level of illegal activity along the Northern Border given the limited personnel and equipment resources allotted to the eight Northern Border Patrol sectors. We also found that the level of illegal activity exceeds the Border Patrol's capacity to respond. Finally, we found that other factors, such as the detailing of agents from the Northern Border to the Southwest Border and lack of detention space to house apprehended aliens, affected the Border Patrol's enforcement capabilities along the U.S.-Canada border. Lack of detention space is one of the Department's top 10 management concerns.

The OIG recommended that the INS Commissioner direct the Border Patrol to outline the approach it will take to secure the Northern Border and supply interim reports to the OIG. This should include determining the minimum number of Border Patrol agents

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required to address existing gaps in coverage of the Northern Border, determining the amount of intelligence resources needed to more accurately assess the level of illegal activity, and identifying and implementing accurate data collection methods to support decisions about personnel and equipment. We also recommended that the Commissioner evaluate whether there is a continuing need to detail Border Patrol Agents out of northern sectors. The INS concurred with the OIG's findings and recommendations and proposed corrective actions. We met with and provided an overview of our report to staff of the Senate Subcommittee on Immigration, Committee on the Judiciary. We subsequently provided the Subcommittee with information collected during the inspection regarding whether the United States and Canada foster cooperative efforts along the Northern Border.

Because certain information contained in the report could compromise the safety of Border Patrol agents stationed along the Northern Border, the report is not publicly available. However, a summary of the report will be placed on the OIG website.

***FOLLOW-UP INSPECTION OF THE USMS'S FUGITIVE APPREHENSION PROGRAM***

Inspections initiated a follow-up review of the USMS's efforts to improve its fugitive apprehension program in light of our findings and recommendations made in a 1995 inspection report. We found that the USMS is addressing its national goal to reduce the warrant backlog and has met its FY 1999 target. Although the USMS is also addressing its national goal to close warrants more quickly, this goal has not been as successful as the backlog reduction effort. We also found that:

- The USMS has exceeded its goal to close warrants under one year old, but achievement of this goal does not represent an improvement in performance.
- The USMS has not established a quantifiable goal for apprehending violent fugitives.
- The USMS's Quality Point Index (QPI) system is not an effective method to prioritize violent fugitive investigations.

We recommended that the USMS re-evaluate its goal to close 80 percent of its warrants within one year, establish a quantifiable goal for apprehending violent fugitives, and either abolish the QPI system or revise the system to make it an effective management tool. In its response to our recommendations, the USMS has agreed to increase its warrant-closing goal from 80 percent to 85 percent, establish a new quantifiable goal for apprehending violent fugitives, and abolish the QPI system.

***THE BOP'S BACKGROUND INVESTIGATION AND REINVESTIGATION PROGRAM***

At the request of the BOP, we conducted an inspection of the BOP's background investigation and reinvestigation program. Like other federal government employees hired for sensitive or public trust positions, BOP employees are subject to background investiga-

tions before they can be appointed to the position, and they must be periodically reinvestigated during their career. We examined whether BOP is in compliance with relevant regulations and whether the BOP is managing its background and reinvestigation program in an effective manner.

After reviewing personnel security files and data for a sample of BOP employees, we found that the BOP is fulfilling its responsibility to conduct background investigations and reinvestigations for its employees and that the personnel security program is detecting suitability issues. However, we found problems with pre-employment and adjudication procedures that could result in BOP hiring and retaining unsuitable employees. We also found that the BOP needs to improve its database management.

We recommended that the BOP instruct the institutions to ensure (1) the pre-employment suitability steps are completed and documented, (2) procedures for recommending waivers from employment suitability standards are followed, and (3) the resolution of financial issues is documented in the personnel security folder. We also recommended that the BOP (1) ensure that probationary employees' background investigations are adjudicated within one year of their entry-on-duty dates, (2) ensure that adjudication activities at each level of review are documented, (3) consider delegating the authority to Personnel Security Units located in each Region to grant final adjudication on investigations that have no issues, (4) conduct more frequent file audits and compare its database to other databases with similar information, and (5) consider accepting background investigations from other agencies that conform to Department policy.

The BOP concurred with our recommendations and noted a decision had been made to consolidate the personnel security program at the national level, which would eliminate the Regional Personnel Security Units.

### ***VIOLENT CRIME TASK FORCES OF THE USAO FOR THE SOUTHERN DISTRICT OF NEW YORK***

At the request of the EOUSA, we reviewed the VCTFs of the USAO for the Southern District of New York to determine whether the VCTFs met their program objectives as identified in the task force proposals and approved reprogramming requests, whether the task forces expended funds for approved purposes, and whether program managers provided adequate oversight. The USAO received \$1,195,000 to support four task forces: the USAO Asian Gang VCTF, the USAO Latin Kings VCTF, the DEA Housing Authority VCTF, and the FBI VCTFs.

In response to changing criminal activity in its district, the USAO reported to the EOUSA that it did not need to use the funds to support the Asian Gang and Latin Kings task forces because they had been dismantled through previous federal prosecutions. The USAO received approval from the EOUSA and a Department VCTF review committee to use the Asian Gang and Latin Kings VCTF funding for the development of two computer systems.

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We found that using the funds to develop computer systems was inconsistent with the funding criteria established for the overall VCTF program and inconsistent with the other VCTF awards and reprogramming decisions made by the EOUSA and the review committee. In addition, we found that the accomplishments reported by the DEA and FBI were not the result of VCTF-funded activities.

As part of our review, we found deficiencies in administrative and financial controls over the VCTF funds and activities. For example, the USAO could not account for all property purchased with VCTF funds and failed to perform a security background investigation on the personnel contracted to develop one of the computer systems. We recommended that the USAO appoint property custodians, ensure they are properly trained, and establish complete property records. We also recommended that the USAO complete the security background investigation for contractor personnel. The USAO agreed with the recommendations and took immediate corrective action.

We found that the EOUSA had issued guidance covering administrative and financial requirements but did not establish procedures to ensure that the USAOs were adhering to the requirements of the VCTF guidance. Also, the EOUSA did not identify, in this guidance, each USAO's responsibilities for the management and oversight of task force activities. We recommended that the EOUSA establish procedures for monitoring USAOs' adherence to VCTF guidance and require USAOs to appoint a representative to monitor the activities of each VCTF within their districts. Although the EOUSA believed that new procedures were impractical because the EOUSA did not anticipate additional funding for task force activities, it agreed to remind the USAOs of their responsibilities to adhere to the requirements of the program through the issuance of additional memoranda.

***IDENTIFYING CURRENT CHALLENGES TO THE INS'S PLANS FOR USING RISK MANAGEMENT AT SEA PORTS OF ENTRY***

In August 1998, the INS developed a proposal to use risk management techniques at sea POEs. By using risk management, the INS hoped to reassign inspection resources from low-risk vessels so enforcement efforts can be directed to high-risk vessels. The INS currently inspects individuals on board every vessel that arrives into the United States from a foreign sea port of entry, regardless of whether a vessel is considered to be high or low risk. Because the INS considers most vessels to be low risk, this can result in an inefficient use of inspection resources. At the request of the INS, the OIG considered the viability of using risk management at sea POEs.

Based on the OIG's analysis of the INS's automated data from three sea POEs, our inspectors found that certain vessel characteristics can be used to determine the likelihood that vessels could have stowaways or deserting crewmembers. Although this finding suggests that risk management may be a viable strategy for the INS to pursue at each of the sea POEs that our inspectors considered, we concluded that additional analysis is still needed by the INS to fully assess the viability of using risk management at these and other

sea POEs. Our inspectors further concluded that the INS's current capabilities for collecting, analyzing, and sharing data at sea POEs are insufficient to support an effective risk management strategy.

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Regardless of whether the INS decides to implement a risk management strategy, the OIG suggested that the INS ensure the integrity of all data collected at sea POEs and conduct regular analyses of the data to strengthen overall inspection efforts. The report is not publicly available because of the sensitivity of some items discussed in the report.

**RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS GRANT PROGRAM**

Under the Crime Act, formula grant funding is awarded by OJP to eligible states to develop or enhance residential substance abuse treatment programs for offenders incarcerated in state and local correctional facilities. Inspectors conducted site reviews of six grant recipients (Arizona, California, Delaware, Illinois, Ohio, and Texas) to ensure they are achieving program objectives and spending federal funds in accordance with program requirements.

Our reviews found that the six states had proposed or implemented 42 grant-funded projects that would add residential substance abuse treatment beds and improve treatment services to program participants. We found that the projects met OJP's program design and implementation guidance. The states generally had adequate administrative and financial controls for monitoring the projects and managing grant funds. However, we noted the states needed improvements in the areas of reporting the status of program implementation, accounting for matching funds and federal grant funds sub-awarded to state and local agencies, or ensuring grant funds are used for allowable project expenditures.

We requested that OJP coordinate with the states to ensure they submitted timely and accurate reports on expenditures and the progress of projects, accounted separately for each project and ensured the required matching funds were provided, and removed unallowable expenditures charged to the grant funds. OJP was responsive to our recommendations and is assisting the states in their corrective actions.

**WASTEFUL SPENDING/MISMANAGEMENT CONCERNS**

- At the request of the Chairman, House Committee on the Budget, Inspections examined a number of alleged wasteful government spending and mismanagement practices within the Department. We concluded that actions taken by the Department in these instances did not indicate wasteful spending or mismanagement.
- A staff member from the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, expressed concern to the OIG that the Department was not adhering to the role intended by the courts or Congress in processing claim packages filed under the Consent Decree for Timothy C. Pigford, et al., v. Dan Glickman, Secretary, United States Department of Agriculture. This staff member

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also expressed a concern that the processing of the claims filed under the Consent Decree was not timely or efficient. Based on our review, inspectors found that the Department was limiting its review of claim packages to that required for payments from the Judgment Fund and was not reviewing the merits of claims or attempting to diminish the dollar value of claims. Inspectors did find that the processing of claim packages has been slow due to a larger than anticipated number of claimants.

- Concerns about procurement charge card use at USAOs led the OIG to review internal controls for this program. We interviewed officials from the Justice Management Division (JMD) Procurement Services Staff (PSS), which administers the procurement charge card program for the Department Offices, Boards, and Divisions; the EOUSA, including individuals from the Evaluation and Review Staff (EARS); and Bank One, the current contractor for the procurement charge card for the Department. We found that limited oversight by the Department could fail to detect fraud, misuse, or weak internal controls at USAOs. For example, PSS manually reviewed an estimated 1 percent of the 6,500 monthly transactions. In addition, the periodic reviews conducted by the EARS are not designed to identify procurement credit card fraud or misuse. We also found that existing procurement charge card limits may not adequately protect USAOs and the Department from financial risk and that a lack of separation of duties could exist that would allow a single cardholder to obligate funds, make purchases, and report transactions in the Financial Management Information System. We did not make formal recommendations, but did offer observations and suggestions for JMD and EOUSA management to consider.

**FOLLOW-UP  
ACTIVITIES****UNRESOLVED INSPECTIONS**

DOJ Order 2900.10, *Follow-up and Resolution Policy for Inspection Recommendations by the OIG*, requires inspection reports to be resolved within six months of the report issuance date. During this semiannual period, the OIG worked with INS management regarding overdue written responses to Inspections' report recommendations. On March 31, 2000, the INS provided all the overdue responses, and the OIG is assessing whether the proposed corrective actions are responsive to the report recommendations. At this time, there are no unresolved inspection reports.

The chart below summarizes Inspections' accomplishments for the 6-month reporting period ending March 31, 2000.

**INSPECTIONS  
STATISTICS**

<i>Inspections Workload Accomplishments</i>	<i>Number of Inspections</i>
<i>Inspections active at beginning of period</i>	10
<i>Inspections initiated</i>	14
<i>Work products issued</i>	15
<i>Inspections active at end of reporting period</i>	9