

APPENDIX D

Major Program Evaluations Completed During FY 2009

Office of the Inspector General (OIG) Review of the Department of Justice's Use of Less-Lethal Weapons

The OIG conducted this review to determine the extent to which the Department's components are using less-lethal weapons, whether controls have been implemented to ensure the weapons are used appropriately and to assess the results of the acquisition and use of less-lethal weapons by Department components. The OIG learned that there was no Department policy specifically governing the use of less-lethal weapons by its law enforcement personnel, and State and local law enforcement serving on Department task forces. All of the components developed and implemented separate policies on their personnel's use of less-lethal weapons. Additionally, the OIG learned that while reporting requirements existed within each departmental component on the use of less-lethal weapons, the components do not adequately compile and analyze the resulting reports or the benefits of use. It was further learned that the Department's law enforcement components did not seek the assistance of the Civil Rights Division in the development of their less-lethal weapons policies. As a result of the review, the OIG made four recommendations to the Department, specifically that the Department: 1) coordinate and ensure the development of appropriate and consistent policies to address the use of less-lethal weapons by Department personnel and State and local law enforcement officers serving on task forces; 2) law enforcement components establish procedures to ensure State and local task force members' knowledge of and adherence to the components' respective less-lethal weapons policies; 3) law enforcement components analyze their use of less-lethal weapons, the benefits from such use, and assess emerging trends; and 4) law enforcement components develop protocols to ensure the dissemination of research and reviews conducted by the National Institute of Justice and the Civil Rights Division on the use of less-lethal weapons.

OIG Interim Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Project Gunrunner

The objectives of the OIG audit were to determine the extent to which the planned expansion of Project Gunrunner would enhance ATF's capacity to reduce firearms trafficking and violence along the Southwest Border. The OIG examined the planning, hiring, staffing and allocation of resources for the project, as well as ATF's decisions on how its FY 2009 Project Gunrunner funding should be expended. Those decisions included the \$10 million earmarked to respond to the American Recovery and Reinvestment Act guidance and staffing the new Gunrunner teams. The OIG also analyzed whether ATF's resources will be allocated in a manner that will achieve the greatest impact on firearms trafficking.

Project Gunrunner is ATF's national initiative to stem firearms trafficking to Mexico by organized criminal groups. It is intended to support the Department's overall Southwest Border Initiative to combat Mexican drug cartels in the United States and to help Mexican law enforcement battle cartels in their own country. ATF's objectives for Project Gunrunner include the following: 1) Investigating individuals responsible for illicit firearms trafficking along the Southwest Border; 2) Coordinating with U.S. and Mexican law enforcement along the border in firearms cases and violent crime; 3) Training U.S. and Mexican law enforcement officials to identify firearms traffickers; 4) Providing outreach education to gun dealers; and 5) Tracing all firearms to identify traffickers, trends, patterns and networks.

The results of the OIG review found that certain aspects of ATF's Project Gunrunner expansion plans should enhance its ability to combat firearms trafficking along the Southwest Border. However, some planned Gunrunner activities do not appear to represent the best use of resources to reduce firearms trafficking, and

some issues have yet to be addressed, such as staffing structure, Spanish proficiency, and program measures. While the OIG believes that four of the locations selected by ATF for new Gunrunner resources are sound, the other two locations are questionable and are unlikely to create the most significant reduction in firearms trafficking and related violent crimes. The staffing model planned for the new Gunrunner teams appears adequate, provided ATF defines the teams' reporting and supervisory structures. In addition, the OIG found that ATF has insufficient numbers of personnel proficient in Spanish required to staff Project Gunrunner. The OIG also believes that ATF must develop better measures to assess the impact new Gunrunner teams have on firearms trafficking and related violent crimes along the Southwest Border.

The OIG made seven recommendations, four of which ATF concurred. ATF has considered the OIG's recommendations and has created an action plan to address the noted deficiencies or provided further justification for its approach.

OIG Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Efforts

The OIG examined ATF's implementation of its Alcohol and Tobacco Diversion Program as a deterrent to illegal sales and smuggling of tobacco products. This review focused on ATF Headquarters' oversight of the Alcohol and Tobacco Diversion Program and the field divisions' implementation of the program as they conducted tobacco investigations. The OIG examined the roles of the following ATF entities in the program: 1) Alcohol and Tobacco Enforcement Branch (ATEB), 2) Office of Strategic Intelligence and Information (OSII), 3) Financial Investigative Services Division, 4) Asset Forfeiture and Seized Property Branch, and 5) ATF Field Divisions.

ATF is charged with investigating the diversion of alcohol and tobacco products from the legal distribution system in an effort to evade payment of Federal and state excise taxes. This diversion can include several different types of criminal behavior, such as the smuggling of alcohol and tobacco products from low tax states to sell in a high tax states, smuggling across international borders, avoiding taxes by pretending to export products but illegally selling them in the United States, producing counterfeit products, selling products without tax stamps or with counterfeit stamps, and selling products illegally over the Internet. The results of the review by the OIG found that while ATF Field Divisions have conducted successful tobacco diversion investigations over the past several years, diversion investigations are not an ATF priority compared with ATF's investigations of violent crime through its Firearms and Arson and Explosives Programs. Overall, ATF has not developed an adequate national program for diversion, and its diversion enforcement efforts are ad hoc. While it may be difficult for ATF to dedicate significant additional resources to diversion because of other competing priorities, the OIG believes that ATF, nevertheless, can improve its diversion program with existing resources.

The OIG believes that ATF could accomplish incremental improvements in its management of the diversion mission even without an infusion of funding and an increased staffing level. The OIG made three recommendations, one of which ATF had disagreed. ATF's goal is to determine the scope and complexity of the cases and determine if common issues or themes exist. ATF created a national strategic plan for tobacco diversion efforts and a 2010 budget initiative to request additional positions and funding for the Alcohol and Tobacco Enforcement Program, but stated the Office of Management and Budget rejected its requests for additional funds. ATF plans to appoint three points of contact within the Alcohol Tobacco Diversion Division (ATDD), one each for the eastern, central, and western field divisions. In the instance where ATF disagreed, ATF stated that the program was initiated when ATF was still with the Department of the Treasury and had regulatory authority over alcohol and tobacco. ATF has decided instead to assign points of contact at the ATDD in Headquarters to process tobacco intelligence information. The ATDD is currently identifying the personnel that will be assigned as points of contact within the division as well as the creation of the Standard Operating Procedures which will describe areas and responsibilities.

OIG Audit of the United States National Central Bureau (USNCB) of INTERPOL

The OIG outlined four objectives for its audit of the USNCB: (1) evaluate the USNCB's efforts to ensure sharing of INTERPOL information among federal, state, local, and tribal law enforcement agencies; (2) review the USNCB's processes for the exchange of INTERPOL information to ensure that requests for assistance and information were handled in an appropriate, efficient, and timely manner; (3) review the USNCB's controls over INTERPOL case information; and (4) examine the USNCB's organizational role and strategic priorities to ensure that they are in line with DOJ priorities.

The OIG made a total of 27 recommendations, 4 of which were specifically directed to the Department's Office of the Deputy Attorney and concerned oversight and support of the USNCB. Many of the recommendations for the USNCB necessitate that it be more proactive and resourceful in accomplishing its goals.

Many of the issues identified by the OIG were already of concern to the USNCB and were already under review and discussion. The USNCB believes that bringing attention to these issues is important and intends to make the most positive use of the report. Recent years have seen many new initiatives and programs in which the USNCB plays an important role. However the USNCB has often found itself hampered by resource limitations. The USNCB is working to formalize the agreements through which federal law enforcement agencies detail staff to the USNCB. This will ensure consistent coverage and term lengths that will allow the detailed staff members to provide more tangible benefits to both USNCB and their home agencies.

Several of the OIG recommendations concern the USNCB's efforts to reach out to state, local and federal law enforcement in publicizing its services and capabilities. The OIG found that despite the USNCB's efforts, there was still a significant lack of awareness within the general U.S. law enforcement community. The USNCB has planned several initiatives to answer these recommendations. The USNCB is developing a formal outreach and training plan to raise awareness and encourage the use of INTERPOL services by federal, state and local law enforcement authorities. The USNCB is working to develop an INTERPOL training course that could be given at the Federal Law Enforcement Training Center and at various other forums. The USNCB also plans to routinely review Federal agencies 'Most Wanted' websites and reach out to solicit red or blue notices on any "most wanted" subjects that are not already the subject of one. The USNCB will also explore options to check foreign diffusion and notice information against U.S. law enforcement agencies' internal databases.

Other OIG's findings and recommendations concerned the USNCB's work processes and adherence to its own procedures. Increasing workloads and stagnant staffing levels have led to unfortunate lapses in case management practices. Similar to the IT assessments and development of an IT strategic plan, the USNCB will contract through the Office of Personnel Management to conduct a human capital assessment of USNCB staffing and develop a strategic plan to ensure the appropriate mix of permanent and detailed staff into the future.