

# APPENDIX E

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## Major Program Evaluations Completed During FY 2007

### **OIG Audit on Efforts to Prevent, Identify, and Recover Improper and Erroneous Payments by Selected Department of Justice Components**

An initiative of the President's Management Agenda, implemented in August 2001, is the identification and reduction of improper payments within the Federal Government. Improper payments are payments that should not have been made or payments that were made for an incorrect amount due to errors, poor business practices, or intentional fraud or abuse. Improper payments include: 1) payments to an ineligible recipient, 2) payments for an ineligible service, 3) duplicate payments, 4) payments for services not rendered, and 5) payments that do not account for credit for applicable discounts. In those cases where an agency is unable to discern whether a payment was proper due to insufficient or lack of documentation, the payment must also be considered an error.

The OIG review examined ATF, DEA, Federal Prison Industries, Justice Management Division, and the Department's Offices, Boards and Divisions. The OIG found several weaknesses in component programs to identify and reduce improper payments. Those included risk assessments that did not always include an analysis or review of relevant information, such as results from the most recent financial statement audit or data concerning the Federal award payments made by recipients and sub-recipients. The OIG concluded that identified and recovered improper payment amounts may be understated, due to failures in internal controls used to identify and report improper payments. To address these issues, the OIG provided 20 recommendations for improvement to the audited components.

### **OIG Audit on the Coordination of the DOJ Crime Task Forces, Evaluation and Inspection**

In the Conference Report on the Department's FY 2006 appropriations bill, the House and Senate Appropriations Committees directed that the OIG assess the coordination of investigations conducted by the following four types of violent crime task forces: 1) ATF's Violent Crime Impact Teams, 2) DEA's Mobile Enforcement Teams, 3) FBI's Safe Streets Task Forces, and 4) USMS' Regional Fugitive Task Forces. The OIG review assessed how well these four types of task forces coordinate their work, including whether the task forces conduct duplicate investigations, cooperate in joint investigations, and "deconflict" law enforcement events to avoid interfering with one another's field operations and to ensure officer safety.

The OIG concluded that the Department's coordination of task force investigations was not fully effective in preventing duplication of effort. In FY 2005, there were 84 cities with two or more violent crime task forces operated by ATF, the DEA, the FBI, and the USMS. Although the missions of these task forces overlap, the Department does not require the components to coordinate task force operations, cooperate on investigations, or deconflict law enforcement events. In August 2005, the Department issued a policy requiring the Deputy Attorney General's approval for new anti-gang activities. However, coordination issues continued to occur, and in June 2006, the Department began requiring a recommendation by the U.S. Attorney for the jurisdiction in which any new anti-gang task force would operate. As a result of the lack of Department-level policies requiring coordination, the components' coordination of task force investigations is inadequate. Some components have nation-wide policies that require coordination of task force operations. ATF, DEA, and USMS Headquarters managers entered into memorandums of understanding that require their task forces to coordinate their operations. In contrast, the FBI's policy does not address FBI coordination with new task forces created by the other Department components or FBI participation in or coordination of investigations with violent crime task forces led by other components.

The OIG's analysis of nation-wide task force arrest data and site visits indicated that the components' coordination of task force investigations is uneven. The nation-wide arrest data showed that the task forces duplicated one another's efforts more often than they cooperated in joint investigations. At the local level, task force operations in some cities are better coordinated because the U.S. attorneys and local task force managers have local policies on coordination. In other cities, task forces conducted duplicate investigations and failed to deconflict events, resulting in three "blue-on-blue" incidents.

## **OIG Audit of ATF National Firearms Registration and Transfer Record**

On June 26, 1934, Congress passed the National Firearms Act (NFA), since amended, to limit the availability of machineguns, short-barreled shotguns, short-barreled rifles, sound suppressors (silencers), and other similar weapons that were often used by criminals during the Prohibition Era. The NFA imposed a tax on the manufacture, import, and distribution of NFA weapons and required a registry of "all NFA firearms in the United States that were not under the control of the United States [government]." ATF collects the taxes and maintains NFA weapon registration records in a central registry. This central registry, called the National Firearms Registration and Transfer Record (NFRTR), consists of all registration documents, attachments to those documents, and an electronic database that includes information from many of the documents and that enables computerized searches of the registry.

The OIG conducted this review in response to requests from members of Congress who had received letters from citizens expressing concern about the accuracy and completeness of the NFRTR. These citizens asserted that errors in the NFRTR and errors in decisions by ATF employees left NFA weapons' owners vulnerable to unjust convictions for violating the NFA.

The OIG found that since 2004, ATF has significantly improved its timeliness in processing NFA weapons applications and responding to customers' inquiries. However, persistent managerial and technical deficiencies contribute to inaccuracies in the NFRTR database. During ATF compliance inspections, discrepancies were found between the NFRTR's records and the inventories of Federal firearms licensees. Also, the NFRTR's software programming is flawed and causes technical problems for those working in the database. Further, there is a lack of procedural consistency and a backlog in reconciliations. The NFRTR's reliability as a regulatory tool is hampered when it is used during compliance inspections of Federal firearms licensees. However, the OIG did not find evidence that individual weapons owners or Federal firearms licensees had been sanctioned or criminally prosecuted due to errors in the database, as has been asserted in customers' letters.

ATF has recently initiated several actions to reduce errors in the NFRTR. Among these are the hiring of new personnel, revamped training, improved communication with staff, and the revision of a procedures manual.

## **GAO Report on the Radiation Exposure Compensation Act (RECA) Program**

In September 2007, GAO issued its report on the status of RECA program. The report satisfies GAO statutory requirement to report to Congress every eighteen months on the Department of Justice administration of RECA including the 1) outcome of the claims adjudication process since the Program began; 2) average processing time for claims; and 3) current estimates for the number of future claims to be paid from the RECA Trust Fund.

From 1945 through 1962, the United States conducted a series of aboveground atomic weapons tests as it built up its Cold War nuclear arsenal. Around this same time period, the United States also conducted underground uranium-mining operations and related activities, which were critical to the production of the atomic weapons. Many people were exposed to radiation resulting from the nuclear weapons development and testing program, and such exposure is presumed to have produced an increased incidence of certain serious diseases, including various types of cancer. To make partial restitution to these individuals for their hardships associated with the

radiation exposure, RECA was enacted on October 15, 1990. RECA provided that the Attorney General be responsible for processing and adjudicating claims under the act. DOJ established the RECA Program, which is administered by the Torts Branch of the Civil Division. The Program began processing claims in April 1992. The act categorizes plaintiffs according to their involvement in the nuclear weapons development and testing program:

- Downwinders – persons who lived in certain counties downwind of the Nevada Test Site
- On-Site Participants – persons who were present at test site locations and participated in aboveground nuclear weapons testing
- Uranium miners, mill workers, and ore transporters – persons who were employed in the uranium industry for at least one year

The GAO concluded that from April 1992 through June 2007, the Program authorized payments totaling \$1.2 billion for 18,110 claims. This number of claims represents about two-thirds of the 26,550 claims filed since the Program began. Also, the Program's average claim-processing times for each individual category of claims have decreased over the 4-year period ending in June 2007. The Civil Division estimates that the Program will receive about 5,560 additional claims and pay an additional \$248.3 million from the RECA Trust Fund between FY 2007 and the statutory end of the Program in FY 2022. Claims receipts and payouts are expected to decline each year until then.

### **OIG Audit of the USMS Judicial Security Process**

The OIG conducted this audit to review USMS judicial security process. The objectives were to examine USMS progress in addressing OIG recommendations from the previous OIG audit "Review of the United States Marshals Service Judicial Security Process" Evaluation and Inspections Report I-2004-004 (March 2004.)

The OIG concluded that, to fulfill its critical mission of protecting the federal judiciary, the USMS must exhibit a greater sense of urgency in implementing its plans for improving its capability to assess reported threats, creating, and sharing protective intelligence on potential threats, and completing the implementation of enhanced security measures. The OIG provided six recommendations, namely, to:

- Develop a formal plan that defines objectives, tasks, milestones, and resources for the new threat assessment process.
- Create a workload tracking system for threat assessments.
- Develop a formal plan that defines objectives, tasks, milestones, and resources for implementing a protective intelligence function to identify potential threats.
- Modify USMS databases to support the new threat assessment process and protective intelligence function to identify potential threats.
- Require the home alarm contractor to notify the USMS of alarm events after notifying the local law enforcement agency.
- Issue operational guidance for requesting and deploying Technical Operations Group resources and Rapid Deployment Teams.

### **OIG Audit of the Environment and Natural Resource Division Superfund Activities**

As required by the Comprehensive Environmental Response, Compensation and Liability Act, commonly referred to as Superfund, the OIG conducted an audit to determine if the cost allocation process used by ENRD and its contractor provided an equitable distribution of total labor costs, other direct costs, and indirect costs to Superfund cases during FYs 2004 and 2005. The OIG compared costs reported on the contractor-developed

Accounting Schedules and Summaries for FYs 2004 and 2005 to costs recorded on DOJ accounting records to review the cost distribution system used by ENRD to allocate incurred costs to Superfund and non-Superfund cases. In OIG's judgment, ENRD provided an equitable distribution of total labor costs, other direct costs, and indirect costs to Superfund cases during FYs 2004 and 2005. However, OIG had three recommendations to improve ENRD operations and ensure compliance with DOJ directives: (1) update case designation procedures (outlined in the ENRD December 20, 2001, memorandum, Determination of Superfund Cases) to encompass the reorganized Natural Resources, Wildlife and Marine Resource, Indian Resource, Law and Policy, and the Executive Office litigation sections; (2) ensure that travel authorizations are approved prior to a traveler proceeding on a trip; and (3) ensure all subject code 2508 transactions are allocated to the correct Superfund case number.

### **OIG Audit on the Effectiveness of the Office of Justice Program National Court-Appointed Special Advocate Program (NCASAA)**

As required by Congress, OIG conducted an audit of the NCASAA. The objectives of this audit were to determine: 1) the types of activities NCASAA has funded since 1993, and 2) the outcomes in cases where court-appointed special advocate (CASA) volunteers are involved as compared to cases where CASA volunteers are not involved, including the following:

- length of time a child spends in foster care;
- extent to which there is an increased provision of services;
- percentage of cases permanently closed; and
- achievement of the permanent plan for reunification or adoption.

Specific OIG findings include the following: (1) Require NCASAA to establish a methodology for allocating indirect costs so that federal funds are not charged to unallowable cost categories, and (2) Develop outcome-based performance measures for its CASA programs that will determine the effectiveness of the programs in meeting the needs of children in the CWS. As appropriate, these outcome measures should correspond with the data required by HHS for state and local CPS agencies, so that OJP has a basis for comparing the effectiveness of its CASA grant programs.

### **GAO Study on the New BAPCPA Requirements for Credit Counseling and Debtor Education**

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires individuals to receive credit counseling before filing for bankruptcy and to complete a debtor education course before having debts discharged. Concerns were raised that the new requirements could expose consumers to abusive practices by credit counseling agencies or become barriers to filing for bankruptcy. GAO examined (1) the process of approving counseling and education providers, (2) the content and results of the counseling and education sessions, (3) the fees charged, and (4) the availability of and challenges to accessing services.

The GAO concluded that the United States Trustee Program developed and implemented a comprehensive, effective, and timely process for the approval of credit counselors and debtor educators. GAO found few issues relating to the competence, integrity, or performance of providers approved by the Program. Credit counseling and debtor education services are available to debtors in a reasonable time frame; fees charged by providers are reasonable and are waived for debtors with an inability to pay. GAO noted there is limited reliable data on the outcomes of credit counseling sessions, and policies regarding what constitutes "ability to pay" vary among providers.

The GAO recommended that the U.S. Trustee Program develop the capability to track and analyze the outcomes of pre-bankruptcy credit counseling and issue formal guidance on what constitutes a client's "ability to pay." The Department agreed with GAO's recommendations.