



# Department of Homeland Security Office of Inspector General

## Independent Review of the U.S. Immigration and Customs Enforcement's Reporting of FY 2009 Drug Control Performance Summary Report





Homeland  
Security

JAN 27 2010

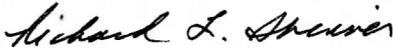
### Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report presents the results of the review of the Performance Summary Report of the U.S. Immigration and Customs Enforcement for the fiscal year ended September 30, 2009, for the Office of National Drug Control Policy. We contracted with the independent public accounting firm KPMG LLP to perform the review. The U.S. Immigration and Customs Enforcement prepared the Performance Summary Report and Management Assertions to comply with requirements of the Office of National Drug Control Policy Circular, *Drug Control Accounting*, dated May 1, 2007.

U.S. Immigration and Customs Enforcement did not provide the *Prior Years Performance Targets and Results* and *Current Year Performance Targets* for all performance measures resulting in a deviation from the disclosure criteria required by the Office of National Drug Control Policy Circular. Apart from not providing these performance targets, nothing came to KPMG LLP's attention that caused them to believe the Performance Summary Report and management assertions are not presented, in all material respects, in conformity with the Office of National Drug Control Policy's Circular. KPMG LLP is responsible for the attached independent accountants' report dated January 20, 2010, and the conclusions expressed in it. We do not express an opinion on the Performance Summary Report and management's assertions.

We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

  
Richard L. Skinner  
Inspector General



KPMG LLP  
2001 M Street, NW  
Washington, DC 20036

## Independent Accountants' Report

Inspector General  
U.S. Department of Homeland Security:

We have reviewed the accompanying Performance Summary Report of the U.S. Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) for the year ended September 30, 2009. We have also reviewed the accompanying management assertions for the year ended September 30, 2009. ICE's management is responsible for the Performance Summary Report and the assertions.

Our review was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants, and applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. A review is substantially less in scope than an examination, the objective of which is the expression of an opinion on the Performance Summary Report and the management assertions. Accordingly, we do not express such an opinion.

Management of ICE prepared the Performance Summary Report and the management assertions to comply with the requirements of the Office of National Drug Control Policy (ONDCP) Circular, *Drug Control Accounting*, dated May 1, 2007 (Circular).

Our review disclosed that ICE has not provided the *Prior Years Performance Targets and Results* and *Current Year Performance Targets* for all performance measures resulting in a deviation from the disclosure criteria required by the ONDCP Circular.

Based on our review, except for the deviation from the criteria described in the preceding paragraph, nothing came to our attention that caused us to believe that (1) the Performance Summary Report for the year ended September 30, 2009 is not presented, in all material respects, in conformity with ONDCP's Circular or that (2) the management assertions referred to above are not fairly stated, in all material respects, based on the criteria set forth in ONDCP's Circular.

This report is intended solely for the information and use of the management of DHS and ICE, the Inspector General, the ONDCP, and the U.S. Congress, and is not intended to be and should not be used by anyone other than these specified parties.

**KPMG LLP**

January 20, 2010

## PERFORMANCE SUMMARY REPORT OFFICE OF INTERNATIONAL AFFAIRS

**Measure 1:** Percentage of overseas investigative hours spent on drug related cases.

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
N/A	N/A	N/A	4.4%	4.4%	3.8%	4.0%

### (1) Description

The mission of Immigration and Customs Enforcement (ICE), Office of International Affairs (OIA) is to protect the United States by enhancing its security through international investigations involving transnational criminal organizations responsible for the illegal movement of people, goods, and technology, and through strong and integral intelligence and removal programs. ICE OIA supports U.S. drug control policy, specifically ONDCP initiatives, by supporting the overall ICE mandate to detect, disrupt, and dismantle smuggling organizations. OIA investigative resources are directed at organizations smuggling contraband (including narcotics) into the United States. OIA partners with domestic ICE components and with U.S. law enforcement agencies overseas, to leverage overseas sources to counter global narcotics threats to the U.S. including utilizing investigative and intelligence techniques to support domestic cases and interagency cross-border initiatives.

### (2) FY 2009 actual performance results

In FY 2009, 3.8% of overseas investigative case hours were spent on drug related cases. In FY 2009 the target was not met. Although narcotics related investigative case hours increased in FY 2009, the investigative case hours in other categories increased by a larger factor, resulting in a percentage that was a smaller portion of the entire portfolio than was anticipated when the target was established. The percentage of overseas investigative hours spent on drug related cases is derived by dividing the drug related case hours by the total investigative case hours of overseas agents.

This measure was established in FY 2008; therefore, there are no performance results reported from FY 2005 to FY 2007.

### (3) The performance target for FY 2010

The performance target for FY 2010 is 4.0%. The 4.0% target is based upon prior year's baseline performance result. In establishing this measure, OIA plans to have sufficient resources to support the same level of effort on drug related investigations.

**(4) Quality of Performance Data**

The database used to validate the OIA performance data is the Treasury Enforcement Communication System (TECS). The TECS system is relied upon to ensure the performance data is accurate, complete, and unbiased in presentation and substance. The Office of Investigations conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**PERFORMANCE SUMMARY REPORT  
OFFICE OF INTELLIGENCE**

**Measure 1:** Number of counter-narcotics intelligence requests satisfied.

<b>FY 2005 Actual</b>	<b>FY 2006 Actual</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2009 Actual</b>	<b>FY 2010 Target</b>
N/A	N/A	N/A	82	86	1,969	1,200

**(1) Description**

ICE Office of Intelligence (Intel) supports its customers by satisfying their intelligence requirements – providing products and services that inform customers and close existing “intelligence gaps.” Customer requirements are formally documented and captured within the Intelligence Requirement Intake System (IRIS). Customers elaborate their requirements in IRIS which are then analyzed and assigned to the appropriate units. Levied requirements are then either “satisfied” by Intel, or not. In the latter case, an intelligence gap remains. Satisfaction of customer requirements represents the “outcome” of Intel’s production in that satisfying customer requirements closes the gap in their information needs and allows customers to make informed decisions about executing law enforcement actions.

**(2) FY 2009 actual performance results**

FY 2008 was the first full year that IRIS was employed, and a baseline production measure was established for counter narcotics requirements. In FY 2009 2,669 of the counter narcotics requirements levied, Intel satisfied 1,969.

**(3) Performance Target for FY 2010**

The performance target for FY 2010 is 1,200 satisfied requirements. The sharp increase in satisfied requirements from FY 2008 to FY 2009 is due mainly to the tracking functionality provided by IRIS and familiarity with the system among its users. Intel anticipates the number of requirements to decrease as users become more sophisticated in submitting requests to the system. For example, instead of submitting the names of 10 suspects as 10 different requests, users will learn to submit the names as a single request and in so doing enable Intel to deliver more sophisticated reports and information. But despite the number of requests decreasing, this example also highlights how the resource requirements for Intel will remain constant, if not increase due to increased participation from our federal, state, tribal and local partners. As there is no expected commensurate increase in resources (largely Intelligence Analysts), the percentage of requirement satisfaction is expected to decline.

#### **(4) Quality of Performance Data**

The database used to validate Intel's performance data is the IRIS. Intel conducts quality control verification on IRIS data to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

## PERFORMANCE SUMMARY REPORT OFFICE OF INVESTIGATIONS

### I. PROGRAM SUMMARY

#### Investigative Operations

- ICE is authorized to enforce Federal statutes and regulations concerning the movement of carriers, persons, and commodities between the United States and other nations, which enables ICE to play a key role in the overall anti-drug effort with a nexus to the border.
- ICE has broad authority to investigate international financial crime and money laundering. ICE's jurisdiction is triggered by the illegal movement of criminal funds, services, or merchandise across the nation's borders and is applied pursuant to the authority of the Bank Secrecy Act, the USA PATRIOT Act, and the Money Laundering Control Act.
- Money Laundering - ICE financial investigations target the systems used by international criminal organizations to launder the proceeds of their criminal activities. ICE has implemented an aggressive strategy to combat money laundering by: combining interdiction efforts with our international law enforcement counterparts, interagency coordination efforts, undercover investigations, and regulatory interventions that target those systems.
- Through its Cornerstone program, ICE builds partnerships between law enforcement and the private sector to identify and eliminate systems vulnerabilities that criminal organizations exploit to fund their illegal operations and launder illicit funds. ICE shares intelligence and typologies with financial and trade industries that manage the very systems that terrorists and drug trafficking organizations seek to exploit. In return, ICE receives information, "red flags," tips, and insights to more effectively investigate these complex and sophisticated criminal schemes.
- ICE has established Trade Transparency Units (TTU) with countries of concern for drug trafficking and related money laundering. The TTUs analyze trade data of the U.S. and cooperating foreign governments to identify anomalies that may be indicative of trade-based money laundering, such as the Black Market Peso Exchange.
- ICE conducts specialized investigative training, focusing on bulk cash smuggling (BCS), for state and local police officers and assistant U.S. attorneys. In addition, ICE conducts comprehensive financial investigations training for foreign law enforcement officers. ICE's investigations and aggressive enforcement activity against BCS stem the flow of funds that fuel drug trafficking and criminal activities worldwide.
- ICE is a primary participant in the 15 Integrated Border Enforcement Teams (IBETs) that are located across the Northern Border. IBETs are multi-agency international task forces designed to enhance border integrity and security at our shared border with Canada by



identifying, investigating, and interdicting persons and organizations that pose a threat to national security or are engaged in other organized criminal activity.

- ICE participates in and actively supports the Organized Crime Drug Enforcement Task Forces (OCDETF). ICE OCDETF Coordinators sit on each of OCDETF's nine regional task forces and actively interact with other federal law enforcement agencies, local police chiefs, and state and local prosecutors. ICE dedicates resources to participate in highly complex OCDETF investigations targeting major drug smuggling organizations.
- ICE participates jointly with the DEA and the FBI on Operation Panama Express (PANEX). PANEX is a federally approved OCDETF investigation targeting Colombian narco-trafficking organizations. These Colombian trafficking organizations are responsible for the transportation of cocaine via vessel through the Caribbean Sea to transshipment countries, which have been identified as Jamaica, Panama, Belize, Honduras and Mexico. These Colombian organizations and their associates are responsible for the importation and distribution of cocaine to and within the United States, as well as Canada.
- ICE is an active participant and partner in the Special Operations Division, a multi-agency program involving the Department of Justice, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Internal Revenue Service.
- The performance measures and outputs are strategic in scope. OI does not forecast law enforcement actions or consequences. OI only provides year end data on seizures, therefore, no targets will be set for Measures 3-8.

**Measure 1:** Percent of closed investigations which have an enforcement consequence (arrest, indictment, conviction, seizure, fine or penalty)

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
37.9%	36.4%	35.8%	46.3%	47.0%	47.7%	48.0%

### **(1)Description**

The outcome measure for the Office of Investigations (OI) as a whole is the percentage of closed investigations that have an enforcement consequence defined as arrest, indictment, conviction, seizure, or penalty. Additionally, OI has constructed performance measures that will tie drug control efforts to impacts on the systems by which drugs and drug money are moved and stored. However, ICE will continue to provide traditional measures such as drug seizures to support the outcomes developed by ONDCP.

This measure evaluates the percent of closed cases worked by OI in a selected fiscal year that produced an enforcement consequence (e.g., arrest, indictment, conviction, seizure, fine and/or penalty). Based on management review of our performance results, the decision has been made that any result within one percent of the target will be considered to have been met. One percent

was chosen as the error rate on a reasonable standard versus a statistical basis for all program measures. Note that other government agencies employ a similar practice.

More effective immigration and trade enforcement will contribute to enhanced homeland security as well as to greater deterrence. One method for measuring this effectiveness is to determine the extent to which criminal investigations are completed successfully, i.e., closed with an enforcement consequence. However, although many criminal cases arise that are worth pursuing, the potential of an investigation is not known at its inception; therefore, it is to be expected that many cases will be closed each year without an enforcement consequence when it is determined that investigation is no longer viable. Successful investigations also expose and remove, or contribute to the elimination of, vulnerabilities in various aspects of trade and immigration, i.e., the ways in which criminals manage to evade safeguards established to prevent their illegal activity, and areas in which such safeguards are lax or do not exist.

## **(2) FY 2009 actual performance results**

Final performance results for measure one in FY 2009 was 47.7%. This exceeded the performance target by .7%.

## **(3) Performance target for FY 2010**

The performance target for FY 2010 is 48.0%. The target increase of 0.3% is based upon prior year's performance results.

## **(4) Quality of Performance Data**

The database used to validate the OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**Measure 2:** Percent of closed drug smuggling investigations which have an enforcement consequence (arrest, indictment, conviction, seizure, fine or penalty).

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
N/A	N/A	N/A	74.7%	75.0%	74.3%	76.0%

### **(1) Description**

In FY 2008, OI constructed new performance measures that will tie drug control efforts to impacts on the systems by which drugs and drug money are moved and stored. This measure evaluates the percent of closed drug smuggling cases worked by OI in a selected fiscal year that produced an enforcement consequence (e.g., arrest, indictment, conviction, seizure, fine and/or penalty). This measure is a subset of the closed investigations discussed in Measure One.

More effective immigration and trade enforcement will contribute to enhanced homeland security as well as to greater deterrence. One method for measuring this effectiveness is to determine the extent to which drug smuggling investigations are completed successfully, i.e., closed with an enforcement consequence. However, although many drug smuggling cases arise that are worth pursuing, the potential of an investigation is not known at its inception; therefore, it is to be expected that many cases will be closed each year without an enforcement consequence when it is determined that the investigation is no longer viable. Successful investigations also expose and remove, or contribute to the elimination of, vulnerabilities in various aspects of trade and immigration, i.e., the ways in which criminals manage to evade safeguards that prevent their illegal activity, and areas in which such safeguards are lax.

### **(2) FY 2009 actual performance results**

In FY 2009, 74.3% of the drug smuggling cases closed in FY 2009 resulted in an enforcement consequence.

The baseline for this measure was established in FY 2008 and is tracked by quarter. The FY 2009 actual results were calculated by averaging the quarterly percentages for closed drug smuggling investigative cases which have an enforcement consequence (arrest, indictment, conviction, seizure, fine, or penalty). Thus, there are no actual results for prior fiscal years, except FY 2008.

Although the FY 2009 actual result has missed the target set for FY 2009 by .7%, ICE considers this result well within the statistical deviance (plus or minus 1%) and considers the target met.

### **(3) Performance target for FY 2010**

The performance target for FY 2010 is 76.0%. The target increase of 1.7% is based upon prior year's baseline performance results.

#### **(4) Quality of Performance Data**

The database used to validate the OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**Measure 3:** Dollar value of real or other property seizures derived from/and/or used from drug operations.

<b>FY 2005 Actual</b>	<b>FY 2006 Actual</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2009 Actual</b>	<b>FY 2010 Target</b>
N/A	N/A	N/A	\$42.6M	N/A	\$94.2M	N/A

#### **(1) Description**

This output measure directly evaluates the success of removing financial incentives for criminals and terrorists to operate. The scope of data demonstrates the ability, in a given timeframe, of removing criminal financial assets.

#### **(2) FY 2009 actual performance results**

The dollar value of real or other property seized from drug operations was \$94.2 million in FY 2009. Real property that is seized is assigned a value by a Fines Penalties and Forfeiture (FP&F) contractor, seized property specialist, or import specialist. This measure was established in FY 2008; therefore, there is no data for FY 2005 to FY 2007.

#### **(3) The performance target for FY 2010**

OI does not provide year to year targets for seizures. OI only provides year end data on seizures.

#### **(4) Quality of Performance Data**

The database used to validate the OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**Measure 4:** Dollar value of seized currency and monetary instruments from drug operations.

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
N/A	N/A	N/A	\$159.3 M	N/A	\$ 155.3M	N/A

**(1) Description**

This output measure directly evaluates the success of removing financial incentives for criminals and terrorists to operate. The scope of data demonstrates the ability, in a given timeframe, of removing criminal financial assets.

In an effort to reduce losses to the public resulting from financial crimes, OI continues to target transnational money laundering activities and bulk currency smuggling (both drug related and non-drug related).

**(2) FY 2009 actual performance results**

The dollar value of seized currency and monetary instruments from drug operations was \$155.3 million in FY 2009. This measure was established in FY 2008; therefore, there is no data for FY 2005 to FY 2007.

**(3) The performance target for FY 2010**

OI does not provide year-to-year targets for seizures. OI only provides year end data on seizures.

**(4) Quality of Performance Data**

The database used to validate OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**Measure 5:** Percentage of total cocaine seizures considered high impact.

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
N/A	N/A	N/A	54%	N/A	62%	N/A

**(1) Description**

This output measure directly evaluates the quality of drug seizures. The scope of data demonstrates the ability, in a given timeframe, of impacting the supply of cocaine narcotics within the United States.

High impact is defined as the weight limit for a drug seizure that would constitute a federal drug identification number (FDIN) from the El Paso Intelligence Center (EPIC).

**(2) FY 2009 actual performance results**

In FY 2009, 62% of OI cocaine seizures were considered to be high impact seizures. This measure was established in FY 2008; therefore, there is no data for FY 2005 to FY 2007.

The percentage of total cocaine seizures considered high impact is derived by dividing the number of cocaine seizures registered with EPIC by the total number of cocaine seizures.

**(3) The performance target for FY 2010**

OI does not provide year to year targets for seizures. OI only provides year end data on seizures.

**(4) Quality of Performance Data**

The database used to validate the OI performance data is the TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**Measure 6:** Percentage of heroin seizures considered high impact.

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
N/A	N/A	N/A	72%	N/A	67%	N/A

**(1) Description**

This output measure directly evaluates the quality of drug seizures. The scope of data demonstrates the ability, in a given timeframe, of impacting the supply of heroin narcotics within the United States.

High impact is defined as the weight limit for a drug seizure that would constitute a FDIN from EPIC.

**(2) FY 2009 actual performance results**

In FY 2009, 67% of heroin seizures were considered to be high impact seizures. This measure was established in FY 2008; therefore, there is no data for FY 2005 to FY 2007.

The percentage of total heroin seizures considered high impact is derived by dividing the number of heroin seizures registered with EPIC by the total number of heroin seizures.

**(3) The performance target for FY 2010**

OI does not provide year to year targets for seizures. OI only provides year end data on seizures.

**(4) Quality of Performance Data**

The database used to validate the OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

**Measure 7:** Percentage of marijuana seizures considered high impact.

<b>FY 2005 Actual</b>	<b>FY 2006 Actual</b>	<b>FY 2007 Actual</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY 2009 Actual</b>	<b>FY 2010 Target</b>
N/A	N/A	N/A	62%	N/A	57%	N/A

**(1) Description**

This output measure directly evaluates the quality of drug seizures. The scope of data demonstrates the ability, in a given timeframe, of impacting the supply of marijuana narcotics within the United States.

High impact is defined as the weight limit for a drug seizure that would constitute a FDIN from the EPIC.

**(2) FY 2009 actual performance results**

In FY 2009, 57% of marijuana seizures were considered to be high impact seizures. This measure was established in FY 2008; therefore, there is no data for FY 2005 to FY 2007.

The percentage of total marijuana seizures considered high impact is derived by dividing the number of marijuana seizures registered with EPIC by the total number of marijuana seizures.

**(3) The performance target for FY 2010**

OI does not provide year to year targets for seizures. OI only provides year end data on seizures.

**(4) Quality of Performance Data**

The database used to validate the OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.



**Measure 8:** Percentage of methamphetamine seizures considered high impact.

FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Target	FY 2009 Actual	FY 2010 Target
N/A	N/A	N/A	49%	N/A	52%	N/A

**(1) Description**

This output measure directly evaluates the quality of drug seizures. The scope of data demonstrates the ability, in a given timeframe, of impacting the supply of methamphetamine narcotics within the United States.

High impact is defined as the weight limit for a drug seizure that would constitute a FDIN from EPIC.

**(2) FY 2009 actual performance results**

In FY 2009, 52% of methamphetamine seizures were considered to be high impact seizures. This measure was established in FY 2008; therefore, there is no data for FY 2005 to FY 2007.

The percentage of total methamphetamine seizures considered high impact is derived by dividing the number of methamphetamine seizures registered with EPIC by the total number of methamphetamine seizures.

**(3) The performance target for FY 2010**

OI does not provide year to year targets for seizures. OI only provides year end data on seizures.

**(4) Quality of Performance Data**

The database used to validate the OI performance data is TECS. OI conducts quality control verification on all data received through TECS to ensure the performance data is accurate, complete, and unbiased in presentation and substance.

## ICE MANAGEMENT ASSERTION REPORT

### MANAGEMENT ASSERTIONS

**1. Performance reporting system is appropriate and applied.**

ICE has systems to capture performance information accurately and those systems were properly applied to generate the performance data.

**2. Explanations for not meeting performance targets are reasonable.**

In FY 2009, ICE provided reasonable explanations for established performance targets that were not met.

**3. Methodology to establish performance targets is reasonable and applied.**

The methodology described above to establish performance targets for FY 2010 is reasonable given past performance and available resources.

**4. Adequate performance measures exist for all significant drug control activities.** ICE has established more than one acceptable performance measure for its Drug Control Decision Unit—Salaries and Expense.

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