

APPENDIX D

Major Program Evaluations Completed During FY 2010

Office of the Inspector General (OIG) Review of Department of Justice's Preparations to Respond to a Weapons of Mass Destruction Attack

The OIG examined the preparedness of DOJ and its components to respond to a Weapons of Mass Destruction (WMD) incident. This review, however, did not examine preparedness to prevent a WMD. Emergency preparedness functions are generally considered to have two main elements: operational response and continuity planning. Operational response consists of an on-scene response to the incident and investigation of the incident. Continuity planning includes continuity of operations planning and continuity of government planning. In conducting this review, the OIG examined the roles of the Office of the Deputy Attorney General, Justice Management Division, Alcohol, Tobacco, Firearms and Explosives, the Criminal Division, Drug Enforcement Administration, Executive Office of the United States Attorneys, Federal Bureau of Investigation, National Security Division, Office of Legal Counsel, Office of Legal Policy, United States Attorney's Offices in the National Capital Region, and the United States Marshals Service. The OIG concluded that only the FBI has taken adequate steps to respond to a potential WMD attack.

OIG Review of the Department's Anti-Gang Intelligence and Coordination Centers

The OIG conducted a review to examine the intelligence and coordination activities of National Gang Intelligence Center and Gang Targeting Enforcement, and Coordinating Center (the Centers) and to assess the effectiveness of their contributions to DOJ anti-gang initiatives. Specifically, the OIG examined whether the Centers provide comprehensive gang intelligence and coordination services to enhance gang investigations and prosecutions in the field. In addition, the OIG assessed the effectiveness of the Department's management and co-location of the Centers. The Centers were created to be the Department's national intelligence and coordination mechanisms, respectively, for gang-related investigations and prosecutions. The OIG generated 15 recommendations to help improve the Centers' missions of assisting federal, state, and local law enforcement to address violent regional and national gangs. The Office of the Deputy Attorney General (ODAG) generated a joint response on behalf of the Criminal Division, the FBI and the ODAG that agreed in concept with the 15 recommendations and is in the process of evaluating and formulating measures to resolve many of the identified issues.

OIG Review of the Coordination between the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

The OIG audit examined the Department's oversight and the FBI's and ATF's operations of explosives-related activities from FY 2003 through April 2009. The objective of this review was to evaluate the level of coordination between the FBI and ATF in explosive investigations, including the effectiveness of explosive incident protocols to determine lead agency jurisdiction, the extent of information sharing and consolidation of explosives data, the degree of training coordination, and the use of laboratory resources for explosives analysis. The OIG found that the FBI and ATF were not adequately coordinating explosives-related operations and had developed similar technical abilities to respond to explosives incidents. The OIG made 15 recommendations to improve coordination and reduce conflict between the FBI and ATF on explosives investigations and related activities. The OIG further stated that it is critical that the Department issue a new directive to clearly define lead investigative authority between the FBI and ATF and require coordination of investigative actions when it is unclear at the outset as to which of the agencies has lead investigative authority. Additionally, the recommendations included developing protocols on joint investigations for

explosives incidents, implementing new policies to ensure both federal reporting to the ATF and development of a more user-friendly system, as well as agreeing on standardized post-blast curricula, render-safe procedures, and canine training standards. In a joint response, the Office of the Deputy Attorney General agreed in concept with all 15 recommendations and agreed to formulate measures to resolve many of the identified issues. On August 3, 2010, the Deputy Attorney General signed a decision memorandum with directives for ATF and FBI.

OIG Review of FBI's Laboratory Forensic DNA Backlog

Forensic DNA casework testing involves the identification and evaluation of biological evidence using DNA technologies. Forensic DNA analysis is an important tool in law enforcement and counterterrorism investigations. DNA analysis can be used to implicate or eliminate a suspect, solve cases that had previously been thought of as unsolvable, link evidence from different crime scenes, or aid in the identification of victims. The FBI Laboratory conducts analyses of forensic DNA cases as well as of convicted offender samples. As a result of this study, the OIG made five recommendations: 1) Standardize FBI Laboratory-wide definitions for calculating backlog within case working units; 2) Ensure the availability of an information portal that has received permanent authority to operate for FBI Laboratory users to access a laboratory information management system; 3) Establish formal time tracking procedures and definitions in the FBI Laboratory to accurately capture time spent conducting forensic DNA casework; 4) Coordinate with the District of Columbia Metropolitan Police Department to resolve the more than 200 instances of missing case evidence; and 5) Examine the effect of outsourcing agreements on the overall DNA forensic casework backlog and the time contributors wait for test results. The FBI concurred with the OIG recommendations and has taken the necessary corrective actions to close this report.

OIG Review of the Drug Enforcement Administration's El Paso Intelligence Center (EPIC)

The objectives of the review were to assess EPIC's effectiveness at analyzing and disseminating intelligence and its coordination with law enforcement and intelligence centers and agencies.

OIG issued 11 recommendations in the report. One of the recommendations, number 4, was directed to the Office of the Deputy Attorney General. The recommendations were as follows: 1) EPIC implement an outreach and education program to promote the use of its products and services, including information about how to use the EPIC Portal; 2) EPIC update its Principals Accord or adopt a comparable multiagency framework that formalizes each member's roles and responsibilities for implementing and sustaining EPIC's programs and that provides a process for resolving differences that may arise; 3) EPIC promote increased reporting of drug seizure data to the National Seizure System through the EPIC Portal and traditional methods; 4) The Office of the Deputy Attorney General work with the Office of National Drug Control Policy to establish policy or guidance requiring HIDTAs to implement data and information sharing provisions to establish EPIC as their hub for seizure and drug movement information; 5) EPIC establish points of contact at all national, regional, state, and local fusion centers to enhance information sharing and use of EPIC's services and products; 6) EPIC issue more substantive analytical products based on the seizure data collected in the National Seizure System; 7) EPIC assess the feasibility of analyzing digitally scanned fraudulent documents to identify trends in both sources and patterns of fraudulent document use, and of providing the data to other intelligence centers for their use; 8) The DEA assess the feasibility of enhancing the capability at EPIC to analyze tactical information to identify links, trends, and patterns in drug trafficking activity in support of interdictions operations and investigations; 9) EPIC examine new approaches for making Gatekeeper information more current and accessible; 10) EPIC develop performance metrics for all its programs and operations that define relevant and objective standards, and use the metrics to evaluate program effectiveness; 11) EPIC develop a mechanism to systematically collect feedback on its products and services from users. DEA has responded and taken actions to address the recommendations. OIG is still reviewing the information to determine if the DEA status meets the intent of the recommendations.

OIG Review of DEA's Clandestine Laboratory Cleanup Program

The objectives were to evaluate 1) whether there is adequate oversight and inspection of the clandestine lab cleanups performed by contractors primarily to assure effective cleanup; 2) whether contracting is accomplished in accordance with applicable laws, regulations, and policies, and 3) the DEA's overall effectiveness in administering the Clandestine Lab Cleanup Program. OIG issued six recommendations to DEA for improvement of the program. The recommendations were 1) Ensure that final manifests are submitted with vendor invoices and that invoices are not paid until a final manifest is received; 2) Ensure that all final manifests are compared with Certificates of Disposal to determine if all hazardous waste materials were disposed of properly; 3) Ensure that vendor cleanup personnel have the required Sensitive Access Level adjudication or are in the process of obtaining one before being allowed to perform the hazardous waste cleanup services and that the labor costs are not paid for personnel performing cleanups without required Sensitive Access Level adjudications; 4) Ensure that cleanups are performed by a minimum of two properly trained vendor personnel; 5) Ensure that vendors list the correct generators on the manifests; and 6) Analyze the option of contracting separately with the EPA-regulated disposal facilities in order to resolve the conflicting time requirements for vendor submission of final invoices and disposal facility submission of Certificates of Disposal. On September 17, 2010, DEA provided a response to OIG on the actions taken to address the six recommendations made in the report. The actions taken on recommendations 1-5 to update the Clan Lab standard operating procedures met the intent of the recommendation. On the same day, September 17, 2010, OIG closed recommendations 1-5 based on the updated standard operating procedures provided to OIG. Recommendation 6 requires DEA to complete an analysis of contracting separately with the EPA-regulated disposal facilities. The DEA analysis is ongoing.

Government Accountability Office (GAO) Examination of Bureau of Prisons' (BOP) Methods for Cost Estimation

GAO was congressionally directed to examine 1) how BOP estimates costs when developing its annual budget request to DOJ; 2) the extent to which BOP's methods for estimating costs follow established best practices; and 3) the extent to which BOP's costs for key operations exceeded requested funding levels identified in the President's budget in recent years, and how this has affected BOP's ability to manage its growing inmate population. GAO analyzed BOP budget documents, interviewed BOP and DOJ officials, and compared BOP's cost estimation documentation to criteria in GAO's *Cost Estimating and Assessment Guide*. GAO found that BOP's methods for cost estimation largely reflect best practices outlined in GAO's *Cost Estimating and Assessment Guide*. BOP followed a well-defined process for developing a mostly comprehensive, well documented, accurate, and credible cost estimate for fiscal year 2008. For example, BOP used relevant historical cost data and considered adjustments for general inflation when estimating costs for its budget request to DOJ. Moreover, BOP's methods for projecting inmate population changes were accurate, on average, to within 1 percent of the actual inmate population growth from fiscal year 1999 to August 2009. GAO recommended that BOP 1) conduct an uncertainty analysis quantifying the extent to which its operational costs could vary due to changes in key cost assumptions and submit the results, along with budget documentation, to DOJ; and 2) improve documentation of calculations used to estimate its costs. BOP agreed with GAO's recommendations.

This page intentionally left blank.