



U.S. Department of Justice FY 2020 PERFORMANCE BUDGET

Office of the Inspector General

Congressional Justification



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I. Overview (Office of the Inspector General)

A. Introduction

In Fiscal Year (FY) 2020, the President's budget request for the Department of Justice (DOJ) Office of the Inspector General (OIG) totals \$101.646 million, 498 FTE's, and 488 positions for the OIG (of which 143 are Agents and 35 are Attorneys) to investigate allegations of fraud, waste, abuse, and misconduct by DOJ employees, contractors, and grantees and to promote economy and efficiency in Department operations. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:

<http://www.justice.gov/02organizations/bpp.htm>.

Inspector General's Comments:

The Department of Justice, Office of the Inspector General (OIG) is seeking restoration of \$3.750 million in baseline funding in its FY 2020 budget request. Restoration of baseline funding would adjust the OIG's FY 2019 "starting point" to \$101 million from the Office of Management and Budget's proposed FY 2019 starting level of \$97.250 million. The \$101 million baseline reflects the agreed-upon conference level in the FY 2019 Commerce, Justice, and Science (CJS) appropriation bill. When the approved adjustments-to-base (which includes annualization of the proposed 1.9% pay raise for FY 2019) and program increases for Data Analytics (\$2.5 million) and Cyber Investigations (\$1.8 million) are factored in, our revised overall request level for FY 2020 is \$106.738 million.

Funding the OIG at the \$106.738 million level in FY 2020, would represent a modest increase for the OIG from what we anticipate will be the final FY 2019 enacted OIG budget (given the figure in the conference CJS FY2019 appropriations bill). It would allow the OIG to maintain its current services, handle the substantial increase in FBI and other whistleblower retaliation matters that we are investigating, and permit us to sustain our efforts to curb waste, fraud, and abuse in DOJ programs. By contrast, failure to restore the baseline amount would make the proposed program increases supported by the Department in the Passback completely illusory. That is because a cut to our baseline budget of \$5.092 million is greater than the proposed program increases of roughly \$4.2 million.

Thank you for considering these comments and for your consistent and strong support for the important mission of the OIG. The DOJ OIG's oversight findings regarding waste, fraud, and mismanagement, our investigative recoveries and our recommendations to more efficiently and effectively manage critical DOJ operations, such as its national security responsibilities, demonstrate the significant and ongoing return on investment in the OIG. We therefore respectfully ask that Congress fund the OIG at a level of \$106.738 million in FY 2020.

B. Background

The OIG was statutorily established in the Department on April 14, 1989. The OIG is an independent entity within the Department that reports to both the Attorney General and Congress on issues that affect the Department's personnel or operations.

The OIG has jurisdiction over all complaints of misconduct against DOJ employees, including the Federal Bureau of Investigation (FBI); Drug Enforcement Administration (DEA); Federal Bureau of Prisons (BOP); U.S. Marshals Service (USMS); Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); United States Attorneys' Offices (USAO); Office of Justice Programs (OJP); and other Offices, Boards and Divisions. The one exception is that allegations of misconduct by a Department attorney or law enforcement personnel that relate to the exercise of the Department attorneys' authority to investigate, litigate, or provide legal advice are the responsibility of the Department's Office of Professional Responsibility (OPR).

The OIG investigates alleged violations of criminal and civil law, regulations, and ethical standards arising from the conduct of Department employees in their numerous and diverse activities. The OIG also audits and inspects Department programs and assists management in promoting integrity, economy, efficiency, and efficacy. The Appendix contains a table that provides statistics on the most recent semiannual reporting period. These statistics highlight the OIG's ongoing efforts to conduct wide-ranging oversight of Department programs and operations.

C. OIG Organization

The OIG consists of the Immediate Office of the Inspector General and the following six divisions and one office:

- Audit Division is responsible for independent audits of Department programs, computer systems, and financial statements. The Audit Division has regional offices in Atlanta, Chicago, Denver, Philadelphia, San Francisco, and Washington, D.C. Its Financial Statement Audit Office and Computer Security and Information Technology Audit Office are located in Washington, D.C. Audit Headquarters consists of the immediate office of the Assistant Inspector General for Audit, Office of Operations, Office of Policy and Planning, and Office of Data Analytics.
- Investigations Division is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures governing Department employees, contractors, and grantees. The Investigations Division has field offices in Chicago, Dallas, Denver, Los Angeles, Miami, New York, and Washington, D.C. The Fraud Detection Office and the Cyber Investigations Office are located in Washington, D.C. The Investigations Division has smaller area offices in Atlanta, Boston, Trenton, Detroit, El Paso, Houston, San Francisco, and Tucson. Investigations Headquarters in Washington, D.C., consists of the immediate office of the Assistant Inspector General for Investigations and the following branches: Operations, Operations II, Investigative Support, and Administrative Support.
- Evaluation and Inspections Division conducts program and management reviews that involve on-site inspection, statistical analysis, and other techniques to review Department programs and activities and makes recommendations for improvement.
- Oversight and Review Division blends the skills of attorneys, investigators, program analysts, and paralegals to review Department programs and investigate sensitive allegations involving Department employees and operations, and manage the whistleblower program.

- The Information Technology Division executes the OIG's IT strategic vision and goals by directing technology and business process integration, network administration, implementation of computer hardware and software, cybersecurity, applications development, programming services, policy formulation, and other mission-support activities.
- Management and Planning Division provides advice to OIG senior leadership on administrative and fiscal policy and assists OIG components in the areas of budget formulation and execution, security, personnel, training, travel, procurement, property management, telecommunications, records management, quality assurance, internal controls, and general support.
- Office of the General Counsel provides legal advice to OIG management and staff. It also drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, ethics, and legal matters; and responds to *Freedom of Information Act* requests.

D. Notable Highlights, Reviews and Recent Accomplishments

1. Safeguarding National Security and Ensuring Privacy and Civil Liberties Protections

The Department's national security efforts continue to be a focus of the OIG's oversight work, which has consistently shown that the Department faces myriad challenges in its efforts to protect the nation from attack.

USA PATRIOT Act, Section 1001

Section 1001 of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act) directs the OIG to receive and review complaints of civil rights and civil liberty violations by DOJ employees, to publicize how people can contact the OIG to file a complaint, and to send a semiannual report to Congress discussing the OIG's implementation of these responsibilities.

In September 2018, the OIG issued its most recent report, which summarized the OIG's Section 1001 activities from January 1, 2018 to June 30, 2018. The report described the number of complaints the OIG received under this section, the status of investigations conducted by the OIG and DOJ components in response to those complaints, and an estimate of the OIG's expenses for conducting these activities.

During this period, the OIG processed 456 new civil rights or civil liberties complaints. Of the 456 complaints, 403 complaints were outside the DOJ so not warranting further review, 53 complaints were within the OIG's jurisdiction warranting review, 49 were management issues referred to DOJ components for handling, and one Section 1001 complaint warranted investigation by DOJ components. The OIG referred two Section 1001 complaints to the BOP for investigation, both of which remain pending. The OIG referred 10 complaints to BOP during a previous reporting period; three remain open.

Other Activities' Related to Potential Civil Rights and Civil Liberties Issues:

The OIG's currently conducting two investigations that go beyond the clear requirements of Section 1001, implementing a more robust civil rights and civil liberties oversight responsibility.

They are: (A) FBI's Involvement in the National Security Agency's Bulk Telephony Metadata Collection Program, and (B) the DEA's Use of Administrative Subpoenas.

Memorandum to the FBI Regarding the Mitigation of a National Security Threat - Efforts to Address Homegrown Violent Extremists (HVE)

During the audit in August 2018, the OIG discovered a national security threat posed by activities of an HVE who is incarcerated at a federal facility outside of the DOJ's authority. Once this was discovered, the FBI Counterterrorism Division (CTD) was alerted, and in response to the OIG's notification, FBI executive management took formal steps to coordinate with parallel leadership of the non-DOJ federal entity to mitigate this threat.

The OIG will continue its audit of the FBI's efforts to address HVEs and will incorporate in a final report any actions taken by the FBI to address the issues raised in this summary and in greater detail in the classified memorandum to the FBI.

Ongoing Work:

Efforts to Protect Seaports and Maritime Activity

The OIG initiated an audit of the FBI's efforts to protect the nation's seaports and maritime activity. The preliminary objectives are to review the FBI's roles and responsibilities for: (1) assessing maritime terrorism threats, and (2) coordinating with the DHS components to ensure seaport security.

BOP Counterterrorism Efforts

The OIG started conducting an audit of the BOP's counterterrorism efforts. The preliminary objectives are to review the BOP's policies, procedures, and practices for monitoring communications of inmates with known or suspected ties to domestic and foreign terrorism and its efforts to prevent further radicalization among its inmate population.

2. Enhancing Cybersecurity in an Era of Increasing Threats

The Department will be challenged to sustain a focused, well-coordinated cybersecurity approach for the foreseeable future. Cybersecurity is a high risk area across the federal government and the Department must continue to emphasize protection of its own data and computer systems, while marshalling the necessary resources to combat cybercrime and effectively engaging the private sector.

Digital Forensics and Cyber Crime Investigations

The Investigations Division's Cyber Investigations Office (INV/Cyber) continues to conduct computer forensic examinations and mobile device forensic examinations for over 250 pieces of digital evidence annually, which includes computers, hard drives, cell phones, tablets and other electronic media. The INV/Cyber reviews numerous referrals from the Justice Security Operations Center (JSOC) regarding the leak or spillage of Personally Identifiable Information and other sensitive DOJ data, to include insider threat allegations, in order to make appropriate disposition in consultation with Investigations Division senior officials. INV/Cyber Special Agents continue to investigate cyber-crime, insider threat matters, as well as attempted intrusions into the Department's network, spoofing of Department emails to accomplish criminal activity and impersonation of Department officials in furtherance of fraud schemes.

INV/Cyber will continue to build its expertise and work with the JSOC to identify potential cyber-crime cases deemed appropriate for investigation, such as unauthorized access, network intrusion, child exploitation, and other potential violations of 18 USC 1030. To strengthen our cyber investigation program and forensic capabilities in light of the many encryption challenges, we are requesting a program enhancement. Please refer to Section VI for more information.

Assessment of and Joint Report on the Implementation of the Cybersecurity Information Sharing Act of 2015

The Inspectors General are assessing the actions taken over the prior, most recent, 2-year period to carry out the requirements of the Cybersecurity Information Sharing Act of 2015 (CISA) of the Departments of Commerce, Defense, Energy, Homeland Security, Justice, and Treasury, and the Intelligence Community. The Inspectors General, in consultation with the Council of Inspectors General on Financial Oversight, will jointly submit an interagency report to Congress.

The objective of this project is to assess the actions taken to carry out CISA requirements during calendar years 2017 and 2018 and submit an unclassified, interagency report to Congress by December 2019. The information obtained from the Department will be provided to the Intelligence Community (IC) IG for the joint report.

Federal Information Security Modernization Act Audits

The *Federal Information Security Modernization Act* (FISMA) requires the Inspector General for each agency to perform an annual independent evaluation of the agency's information security programs and practices. Each evaluation includes (1) testing the effectiveness of information security policies, procedures, and practices of a representative subset of agency systems; (2) an assessment (based on the results of the testing) of compliance with FISMA; and (3) separate representations, as appropriate, regarding information security related to national security systems. OMB is responsible for the submission of the annual FISMA report to Congress. The Department of Homeland Security (DHS) prepares the FISMA metrics and provides reporting instructions to agency Chief Information Officers, Inspectors General, and Senior Agency Officials for Privacy. The evaluation includes testing the effectiveness of information security policies, procedures, and practices of a representative subset of agency systems. OMB is responsible for the submission of the annual FISMA report to Congress. The FY 2018 FISMA results were submitted to OMB by October 31, 2018.

Insider Threat Prevention and Detection Program

The Insider Threat Prevention and Detection Program (ITPDP) is designed to deter, detect, and mitigate insider threats from DOJ employees and contractors who would use their authorized access to do harm to the security of the U.S., which can include damage through espionage, terrorism, unauthorized disclosure of information, or through the loss or degradation of departmental resources or capabilities.

There are two parts to OIG's role in the DOJ ITPDP. One is compliance with DOJ Order 0901 that requires OIG to work with the Department in its efforts to monitor user network activity relating to classified material and networks. The reporting, training, and coordination requirements in this first role are being implemented by Management & Planning Division's Office of Security Programs. The second part of the ITPDP involves the OIG's Cyber Investigations Office (Cyber), which has representatives who act as law enforcement liaisons to the ITPDP relating to Insider Threat referrals. Cyber Special Agents are currently conducting a

high profile Insider Threat investigation, which involves international companies and highly sensitive matters.

Ongoing Work:

Cyber Victim Notification and Engagement

The OIG initiated an evaluation of the FBI's processes and practices for notifying and engaging with victims of cyber intrusions.

3. Managing an Overcrowded Federal Prison System in an Era of Declining Resources

The Department continues to face challenges within the federal prison system. The Department projects that the costs of the federal prison system will continue to increase in the years ahead. Ultimately, this cost is consuming a large share of the Department's budget. Another challenge continues to be the significant overcrowding in the federal prisons, which potentially poses a number of important safety and security issues. The following are some examples of the OIG's oversight efforts in this critical challenge area.

BOP's Management of its Female Inmate Population

In September 2018, the OIG concluded that BOP has not been strategic in its management of female inmates. As a continuation of prior OIG reviews examining BOP's management of certain subpopulations of inmates, including aging inmates and inmates with mental illness in restrictive housing, the OIG initiated this review of BOP's management of female inmates, specifically BOP's efforts and capacity to ensure that BOP-wide policies, programs, and decisions adequately address the distinctive needs of women.

As of September 2016, the Federal Bureau of Prisons (BOP) incarcerated 10,567 sentenced female inmates, representing seven percent of the total BOP sentenced inmate population of 146,084. Further, while BOP is adhering to federal regulations and BOP policies requiring that only female Correctional Officers conduct strip searches of female inmates, BOP's method for ensuring compliance with these requirements assigns staff inefficiently. Additionally, BOP requires all staff in its female institutions to take training on the management of female inmates, as well as training in trauma-informed correctional care for the management of inmates who have experienced trauma.

In this report, we make 10 recommendations to improve BOP's management of its female inmate population. These recommendations include training executive leaders on issues important to managing female inmates, enhancing the capacity of BOP's trauma treatment program, communicating information about pregnancy programs, and clarifying guidance on the distribution of feminine hygiene products. BOP was in agreement with all the recommendations.

Ongoing Work:

BOP Counterterrorism Efforts

The OIG is conducting an audit of the BOP's counterterrorism efforts. The objectives are to review the BOP's policies, procedures, and practices for monitoring communications of inmates with known or suspected ties to domestic and foreign terrorism and its efforts to prevent further radicalization among its inmate population.

4. Strengthening the Relationships between Law Enforcement and Local Communities and Promoting Public Trust

The Department must work through critical issues to determine how to best use its limited but substantial resources to help foster partnerships, support law enforcement efforts across the country, and ensure confidence in community-police relations. Effective policing at the state and local level contributes significantly to the success of law enforcement efforts at the federal level.

Audit of Efforts to Safeguard Minors in Department of Justice Youth-Centered Programs

The OIG initiated an audit of the efforts to safeguard minors in DOJ youth-centered programs. The preliminary scope includes Office of Justice Programs and Office on Violence Against Women youth-centered FY 2017 grant programs involving persons who work directly with minors. The OIG's preliminary objectives are to: (1) determine whether entities receiving DOJ funds have implemented appropriate controls, such as screening and background checks, for individuals working or volunteering in programs involving minors; and (2) assess DOJ efforts to ensure that grantees adequately mitigate the risk of victimization of minors who participate in its youth-centered programs.

Findings of Misconduct by Three Senior FBI Officials who Violated Ethics Regulations by Soliciting Gifts to the FBI by Asking Private Entities to Pay for Alcohol at FBI Training Programs for State and Local Law Enforcement Officials

In January 2018, the OIG conducted an investigation of three senior FBI Federal Bureau of Investigations (FBI) officials that sought out private organizations to sponsor their training program. The sponsorship was paying for alcohol at social hours during FBI training that was conducted for state and local law enforcement officials.

This sponsorship was in violation of government ethics regulations. Solicitation of gifts is expressly prohibited by federal regulations, DOJ policy, and FBI Standards of Conduct. The investigation concluded that soliciting private organizations to pay for alcohol at training functions was inappropriate. One of the three FBI officials is no longer in the employ of the FBI. The OIG found that the three officials continued to seek out private organizations after being told by the FBI's Office of General Counsel and Office of Integrity and Compliance that this was not permissible. The OIG completed its investigation and provided the FBI with its findings for appropriate actions.

5. Coordinating within the Department and Across Government to Fulfill the Department's Mission to Combat Crime

The Department's law enforcement components have led and supported numerous task forces—including the Organized Crime Drug Enforcement Task Forces, the High Intensity Drug Trafficking Area Task Forces, the Joint Terrorism Task Forces, and the Internet Crimes Against Children Task Forces—all of which enable the Department's law enforcement components to collaborate with each other, as well as with other federal, state, and local law enforcement partners, to leverage resources and expertise in the Department's continuous fight to combat crime and terrorism.

Trial Attorney Guilty of Obstruction of Justice

In March 2018, a former Trial Attorney assigned to the DOJ Civil Division's Fraud Section in Washington, D.C., was sentenced to 30 months incarceration followed by 3 years of supervised

probation and ordered to pay \$10,000 after pleading guilty to one count of interstate transportation of stolen goods and two counts of obstruction of justice. The Trial Attorney, who resigned from DOJ in April 2016, was charged by Criminal Information in the Northern District of California. According to the plea agreement, the Trial Attorney worked for the Civil Fraud Section between 2010 and 2016, and admitted that during the last month of his employment he began secretly reviewing and collecting court sealed *qui tam* complaints that had been filed in court, but were not available publicly.

The plea agreement describes two occasions in which he attempted to sell non-public information to companies that were the subject of government investigations. The Trial Attorney admitted that he knew that revealing the contents of a sealed complaint could jeopardize and obstruct ongoing DOJ investigations. The investigation was conducted by the OIG's Fraud Detection Office and the FBI's San Francisco office.

Review of the Federal Bureau of Investigation's Response to Unresolved Results in Polygraph Examinations

In March 2018, the OIG issued a classified report addressing the processes the FBI follows when discovering discrepancies or security concerns they find in job applications and employee polygraph exams. It was determined that the FBI takes on average 357 days to investigate and adjudicate these results.

The OIG concluded that communication between relevant FBI offices was sometimes lacking and investigators did not always use all sources of information available to them. Specifically, information about alleged employee misconduct discovered in polygraph examinations was not always shared with the FBI's Inspection Division, which investigates employee misconduct, or with the OIG.

The OIG report made eight recommendations to the FBI, improving the efficiency and effectiveness of the FBI's responses to unresolved polygraph examinations. The FBI agreed with all eight recommendations.

Ongoing Work:

DEA's Use of Administrative Subpoenas

As of February 2019, the OIG was examining the DEA's use of administrative subpoenas to obtain broad collections of data or information. The review will address the legal authority for the acquisition or use of these data collections; the existence and effectiveness of any policies and procedural safeguards established with respect to the collection, use, and retention of the data; the creation, dissemination, and usefulness of any products generated from the data; and the use of "parallel construction" or other techniques to protect the confidentiality of these programs.

6. Administering and Overseeing Contracts and Grants

The OIG's recent oversight work assists the Department in its efforts to ensure that taxpayer funds are protected from fraud, mismanagement, and misuse. It is essential that the Department continue to manage its resources wisely and maximize the effectiveness of its programs regardless of the Department's budget environment.

Audit of the Federal Bureau of Prisons' Contract awarded to Sealaska Constructors, LLC, (SCL) to Build Facilities at Federal Correctional Institution Danbury, in Danbury, Connecticut

In September 2018, the OIG completed an audit report that focused on a June 2015 firm fixed-price BOP Contract intended to construct a new housing building and entry building for \$10.5 million. It was determined that BOP entered into a contract with SCL in accordance with the Federal Acquisition Regulation (FAR), and that the facilities were constructed in accordance with BOP specifications.

When the contract was completed in October 2017, its total value had increased to \$28 million. There were several weaknesses identified in the pre-award planning conducted by BOP. BOP failed to identify a problem with the conversion of Danbury from a Federal Correctional Institution to a Federal Prison Camp and the required higher security level. By the time the BOP had identified the problems and implemented an alternative plan, it had already paid over \$1.7 million to construct an entry building that was no longer necessary.

The report details weaknesses in BOP's: (1) planning for critical institutional aspects, such as programming, food services, and health services; (2) acquisition planning; (3) contractor performance evaluation; and (4) contract pricing procedures. Our report contains eight recommendations to assist the BOP in improving contract administration and oversight of its construction contracts. The BOP agreed with all OIG recommendations.

Audit of the Office of Justice Programs, Office for Victims of Crime, Victim Compensation Formula Grants Awarded to the Idaho Industrial Commission's Crime Victims Compensation Program, Boise, Idaho

In June 2018, the OIG released an audit report where they evaluated the Idaho Industrial Commission's (IIC) Crime Victims Compensation Program (CVCP). The OIG evaluated three areas of grant management: grant program planning and execution, program requirements and performance reporting, and grant financial management.

The OIG concluded from the audit that victim compensation grant funding was used properly in support of crime victims. There were no significant issues identified; however, there was an issue with how CVCP performance reports were collected. From this we found that CVCP did not have adequate policies and procedures related to: program implementation, state certification, performance reporting, financial reporting, and grant expenditures.

The OIG made seven recommendations to CVCP for improving its programs. CVCP concurred with the OIG's recommendations and believes they have completed the actions to address the recommendations.

Ongoing Work:

Contract Awarded to EAN Holdings, LLC

The OIG is auditing the FBI's contract awarded to EAN Holdings, LLC. The preliminary objective of the audit is to assess the FBI's administration of the contract, and EAN Holdings, LLC's performance and compliance with the terms, conditions, laws, and regulations applicable to this contract in the areas of contractor performance; billings and payments; and contract management, oversight, and monitoring.

Contract Awarded to Tuva, LLC

The OIG is auditing the FBI's contract awarded to Tuva, LLC. The preliminary objective of the audit is to assess the FBI's administration of the contract, and Tuva, LLC's performance and compliance with the terms, conditions, laws, and regulations applicable to this contract. The assessment of performance may include financial management, monitoring, reporting, and progress toward meeting the contract's goals and objectives.

Audit of Contracts Awarded for Covert Contracts

As of December 2018, the OIG is auditing the FBI's contracts awarded for covert activity. The preliminary objectives of the audit are to assess the FBI's awarding and administration of these covert contracts, to evaluate the FBI's procedures and processes for ensuring contractor performance and compliance with the terms, conditions, laws, and regulations applicable to these contracts.

7. Using Performance-Based Management to Improve Department Programs

Performance-based management has been a long-standing challenge not only for the Department but across the entire federal government. OMB Circular No. A-11 and the *Government Performance and Results Modernization Act* (GPRA Modernization Act) place a heightened emphasis on priority-setting, cross-organizational collaboration to achieve shared goals, and the use and analysis of goals and measurements to improve outcomes. A significant management challenge for the Department is ensuring, through performance-based management, that its programs are achieving their intended purposes. The OIG will ensure that the Department is effectively implementing performance-based management and taking actions to meet the requirements of the GPRA Modernization Act.

Top Management Challenges

In November 2018 the OIG published a list of top management and performance challenges facing DOJ annually since 1998 and is based on the OIG's oversight work, research, and judgment.

This year's list identifies nine challenges that the OIG believes represent the most pressing concerns for DOJ. Eight of the nine challenges are issues the OIG identified in last year's report. A persistent theme throughout the challenges we identified is the threats caused by emerging technologies— from the development and distribution of synthetic opioids, to increasingly sophisticated cyber-attacks, to drone technologies that threaten the physical security of federal prisons. For each emerging technology, the Department must have a workforce capable of responding to the threat, and the ability to recruit and retain professionals in each of these fields creates its own challenge for the Department.

The new challenge identified in this year's memorandum is an ongoing concern, but one that was highlighted persistently in the OIG's work this year. This is the need for all Department employees to adhere to established policies and procedures. As noted in recent OIG reviews, the actions of a few, especially individuals in leadership positions, can undermine the Department's reputation for professionalism, impartiality, and fairness when policies and procedures are not consistently followed.

8. Filling Mission Critical Positions despite Competition for Highly-Skilled Professionals and Delays in the Onboarding Process

Review of Gender Equity in the Department's Law Enforcement Components

In June 2018, the OIG issued this review focusing on gender equity in the Department's law enforcement agencies. We initiated it after receiving complaints from various sources, including Senator Charles Grassley and DOJ employees who expressed concerns regarding gender discrimination. It is the Department's policy to provide, ensure, and promote equal opportunity for all employees on the basis of merit.

Based on interviews and focus group responses, we found that the representation of women forms an important part of staff perceptions about gender equity. In FY 2016, women composed only 16 percent of the Criminal Investigator population in the four law enforcement components. Leadership of the law enforcement components told us that they were striving to increase the diversity, including gender, of staff to better represent the population the component serves. We found that the components were taking some steps to increase the diversity of their workforce through recruiting.

However, the components have not fully identified all the barriers to recruiting women that may be specific to their respective component. We found that a majority of male staff, but a minority of female staff, felt their component was gender equitable and/or that gender equity was improving. Specifically, female Criminal Investigators believed that there was ongoing gender discrimination in their agencies or offices. Also troubling to us was that all types of staff reported the perception that personnel decisions were driven more by "who you know" than by merit.

We believe that these issues are of significant concern because gender discrimination, and specifically sexual harassment, can result in costs to the component, including reductions in morale and productivity, decreased staff well-being, and monetary costs from settlements of complaints.

Many staff members reported to us that they had experienced discrimination and had not reported it and close to 45 percent of survey respondents said that they would not or were unsure whether they would use the EEO process if they experienced discrimination. We believe that negative perceptions of the EEO process may contribute to underreporting of discrimination and harassment to the EEO office.

To address the concerns and negative perceptions related to gender equity in the law enforcement components, we recommend that each law enforcement component: (1) Assess recruitment, hiring, and retention activities to identify barriers to gender equity in the workforce; (2) Develop and implement component-level recruiting, hiring, and retention strategies and goals that address the identified barriers to gender equity in the workforce; (3) Develop and implement a plan to track and analyze demographic information on newly hired staff and applicants, as appropriate, to evaluate recruitment strategies; (4) Identify and take steps to address barriers to advancement for women within the component and among different job types; (5) Develop and implement methods to improve the objectivity and transparency of the merit promotion process; and (6) Develop and implement methods to address perceptions of stigmatization and retaliation associated with the Equal Employment Opportunity complaint process.

9. Whistleblower Ombudsperson

The DOJ OIG's Whistleblower program continues to be an important source of information regarding waste, fraud, and abuse within the Department, and to perform an important service by allowing Department employees to come forward with such information. As publicity about retaliation against whistleblowers from across the federal government continues to receive widespread attention, it is particularly important that the Department act affirmatively to ensure that whistleblowers feel protected and, indeed, encouraged to come forward.

The DOJ OIG plays a pivotal and particularly labor-intensive role in fielding and investigating, under the FBI Whistleblower Statute (5 U.S. C § 2303) and the FBI Whistleblower Regulations (28 C.F.R. Part 27), allegations of whistleblower retaliation against FBI employees. If a retaliation complaint states a cognizable claim, the DOJ OIG investigates the allegations "to the extent necessary to determine whether there are reasonable grounds to believe that a reprisal has been or will be taken" for a protected disclosure. 28 C.F.R. § 27.3(d). The DOJ OIG has 240 days to make this determination unless granted an extension by the complainant. *Id.* § 27.3(f).

The DOJ OIG continues to partner with the FBI in the development of specialized training that will highlight the particular requirements applicable to FBI employees. Aggressive DOJ OIG efforts to enhance FBI employees' awareness of their rights will likely increase the number of whistleblower retaliation complaints this office receives each year. Protecting whistleblower rights has been one of the Inspector General's highest priorities since he took office.

One example of the whistleblower work we perform consisted of a whistleblower reprisal investigation involving an FBI Technician. The DOJ OIG concluded that the training provided by the FBI to its supervisors and managers does not contain sufficient information concerning identifying protected disclosures under 5 U.S.C. § 2303 and responding appropriately to those disclosures from a management perspective.

On June 25, 2018, President Trump signed into law *S. 1869, the Whistleblower Protection Coordination Act*. The new law, sponsored by Senator Charles Grassley, renamed the position of OIG Whistleblower Ombudsman to be the Whistleblower Protection Coordinator. Importantly, the Act also made the Whistleblower Protection Coordinator a permanent position, a clear indication of the program's success throughout the IG community and Congress' interest in institutionalizing a whistleblower support and education role within OIGs.

In addition to renaming and reauthorizing the Coordinator position, the legislation requires the Council of Inspectors General on Integrity and Efficiency (CIGIE), in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators, to "develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws." The DOJ OIG Whistleblower Program has been at the forefront of this effort to coordinate best practices within the OIG community, and continues to lead a working group of OIG Whistleblower Coordinators. The working group is currently developing material for a CIGIE-hosted whistleblower web page that will provide information about whistleblower protections to federal employees, contractors, grantees, and employees with access to classified information.

The DOJ OIG also continues to utilize the tracking system developed through the OIG Ombudsperson Program to ensure that it is handling these important matters in a timely manner. The DOJ OIG continuously enhances the content on its public website, oig.justice.gov. The table below, pulled from our *Semiannual Report to Congress, April 1, 2018 to September 30, 2018*, presents important information.

**Whistleblower Program
April 1, 2018 – September 30, 2018**

Employee complaints received ¹	282
Employee complaints opened for investigation by the OIG	80
Employee complaints that were referred by the OIG to the components for investigation	143
Employee complaint cases closed by the OIG ²	8.

The DOJ OIG continues to refine its internal mechanisms to ensure prompt reviews of whistleblower submissions and communication with those who come forward with information in a timely fashion.

10. Congressional Testimony

The Inspector General testified before Congress on the following occasions:



¹ Employee complaint is defined as an allegation received from whistleblowers, defined broadly as complaints received from employees and applicants with DOJ, or its contractors, subcontractors, or grantees, either received directly from the complainant by the OIG Hotline, the field offices, or others in the OIG, or from a DOJ component if the complaint otherwise qualifies and is opened as an investigation. An employee complaint listed here could also allege retaliation for whistleblowing.

² This number reflects cases closed during the reporting period regardless of when they were opened.

- “The Federal Bureau of Prisons’ Management of Its Female Inmates” before the U.S. House of Representatives Committee on Oversight and Government Reform on November 28, 2018;
- “Oversight of the FBI and DOJ Actions in Advance of the 2016 Election” before the U.S. House of Representatives Committees on Oversight and Government Reform on June 19, 2018;
- “Examining the Inspector General’s First Report on Justice Department and FBI Actions in Advance of the 2016 Presidential Election” before the U.S. Senate Committee on the Judiciary on June 18, 2018;
- “Top Management and Performance Challenges Identified Government-wide by the Inspector General Community” before the U.S. House of Representatives Committee on Oversight and Government Reform on April 18, 2018.

11. Support for the Department’s Savings and Efficiencies Initiatives

In support of DOJ’s SAVE initiatives, the OIG contributed to the Department’s cost-saving efforts in FY 2018, including:

- *Increasing the use of self-service online booking for official travel.* The OIG’s on-line booking rate for FY 2018 official travel was 90% for a savings of \$29,025 over agent assisted ticketing costs. Online reservations cost \$7.52 per transaction, compared to \$33.07 per agent-assisted transaction.
- *Using non-refundable airfares rather than contract airfares or non-contract refundable fares (under appropriate circumstances).* In FY 2018, the OIG realized cost savings of \$12,207 on 41 non-refundable tickets. Nonrefundable tickets should be considered when the cost is lower than the contract fare and there is a high degree of certainty that cancellation or changes in travel arrangements will not be necessary. The OIG has the potential to achieve substantial cost savings from non-refundable tickets, so use of non-refundable fares is encouraged as mission permits.
- *Increased use of video conferencing.* The OIG saved training and travel dollars, as well as productive staff time while in travel status, by utilizing increased video teleconferencing for all applicable OIG-wide training question.

Getting the most from taxpayer dollars requires ongoing attention and effort. The OIG continues to look for ways to use its precious resources wisely and to examine how it does business to further improve efficiencies and reduce costs.

E. Challenges

Like other organizations, the OIG must confront a variety of internal and external challenges that affect its work and impede progress towards achievement of its goals. These include the decisions Department employees make while carrying out their numerous and diverse duties, which affect the number of allegations the OIG receives, and financial support from the OMB and Congress.

The limitation on the OIG's jurisdiction has also been an ongoing impediment to strong and effective independent oversight over agency operations. While the OIG has jurisdiction to review alleged misconduct by non-lawyers in the Department, it does not have jurisdiction over alleged misconduct committed by Department attorneys when they act in their capacity as lawyers—namely, when they are litigating, investigating, or providing legal advice. In those instances, the IG Act grants exclusive investigative authority to the Department's OPR office. As a result, these types of misconduct allegations against Department lawyers, including any that may be made against the most senior Department lawyers (including those in Departmental leadership positions), are handled differently than those made against agents or other Department employees. The OIG has long questioned this distinction between the treatment of misconduct by attorneys acting in their legal capacity and misconduct by others. This disciplinary system cannot help but have a detrimental effect on the public's confidence in the Department's ability to review misconduct by its own attorneys.

The OIG's greatest asset is its highly dedicated personnel, so strategic management of human capital is paramount to achieving organizational performance goals. In the prior fiscal years, the OIG was very successful in recruiting and hiring high quality talent to fulfill its staffing complement. In this competitive job market, the OIG must make every effort to maintain and retain its talented workforce. The OIG's focus on ensuring that its employees have the appropriate training and analytical and technological skills for the OIG's mission will continue to bolster its reputation as a premier federal workplace, and improve retention and results. The length of time it takes to conduct more complex audits, investigations, and reviews is directly impacted by the number of experienced personnel the OIG can devote to these critical oversight activities.

II. Summary of Program Changes

Item Name	Description	Pos.	FTE	Dollars (\$000)	Page
Data Analytics Program Enhancement	The OIG is requesting a program enhancement of \$2,500,000 for additional equipment and software.	0	0	\$2,500	28
Cyber Investigation Office Enhancement	<p>As part of the OIG’s ongoing efforts to improve its digital forensic and cyber investigation capabilities, the OIG is requesting a program increase of \$1,717,400, which includes \$1,172,400 for staff and \$545,000 for equipment and software.</p> <p>(6 positions will be 3 Highly Skilled Special Agents, 2 Digital Forensic Examiners, and one Investigative Specialist)</p>	6	6	\$1,717	31
Total		6	6	\$4,217	

III. Appropriations Language and Analysis of Appropriations Language

The appropriation language states the following for the Office of the Inspector General:

For necessary expenses of the Office of Inspector General, \$101,646,000_including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

A. Analysis of Appropriations Language

Proposed changes to CVF language in Section 510 (FY18 TEXT OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 1625) or appropriate section for FY 2020:

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (34 U.S.C. 20101) in any fiscal year in excess of \$4,436,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) \$10,000,000 shall be transferred to the Department of Justice Office of the Inspector General and remain available until expended for oversight and auditing purposes;

IV. Program Activity Justification

A. Audits, Inspections, Investigations and Reviews

OIG	Direct Pos.	Direct FTE	Amount
2018 Enacted	470	430	\$97,250,000
2019 Continuing Resolution	470	430	\$97,250,000
Adjustments to base and Technical Adjustments	12	6	\$179,000
2020 Current Services	482	436	\$97,429,000
2020 Program Increase	6	6	\$4,217,000
2020 Request	488	442	\$101,646,000
Total Change 2019-2020	18	12	\$4,396,000

OIG Information Technology Breakout	Direct Pos.	Direct FTE	Amount
2018 Enacted	24.0	22.5	\$10,645,473
2019 Continuing Resolution	24.0	22.5	\$11,261,201
2020 Current Services	24.0	22.5	\$12,809,045
2020 Program Increase	6.0	6.0	\$1,547,844
2020 Request	30.0	28.5	\$12,809,045
Total Change 2019-2020	6.0	6.0	\$1,547,844

B. Program Description

The OIG operates as a single decision unit encompassing audits, inspections, investigations, and reviews.

C. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE (Goal 1)														
Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews														
DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.														
OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.														
WORKLOAD/RESOURCES	FY2017				FY2018				FY2019		Changes		FY2020	
	Target		Actual		Target		Actual		Target		Current Services Adjustment and FY2020 Program Changes		Requested (Total)	
<u>Total Costs and FTE</u>	FTE	\$000	FTE	\$000	FTE	\$000								
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	430	\$95,583	430	\$95,583	430	\$97,250	430	\$97,250	430	\$97,250	12	\$4,396	442	\$101,646
		[\$11,484]		[\$12,391]		[\$13,660]		[\$13,077]		[\$13,728]		\$486		[\$14,214]
Performance Measure														
Number of Cases Opened per 1,000 DOJ employees:														
Fraud*		*		0.42		*		0.58		*				*
Bribery*		*		0.15		*		0.13		*				*
Rights Violations*		*		0.14		*		0.18		*				*
Sexual Crimes*		*		0.21		*		0.25		*				*
Official Misconduct*		*		1.17		*		1.04		*				*
Theft*		*		0.11		*		0.10		*				*
Workload														
Investigations closed ##		312		308		312		255		275		0		N/A
Integrity Briefings/Presentations to DOJ employees and other stakeholders		80		83		70		90		70		0		70
DOJ employees and stakeholders at Integrity Briefings		3,500		3,799		3,000		4,606		3,000		0		3,000

*Indicators for which the OIG only reports actuals.

Pending IG approval we intend to eliminate this measure

PERFORMANCE AND RESOURCES TABLE (Goal 1)
(continued)

Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews

DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.

OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.

WORKLOAD/RESOURCES	FY2017				FY2018				FY2019		Changes		FY2020	
	Target		Actual		Target		Actual		Target		Current Services Adjustment and FY2020 Program Changes		Requested (Total)	
Total Costs and FTE	FTE	\$000	FTE	\$000	FTE	\$000								
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	430	\$95,583	430	\$95,583	430	\$97,250	430	\$290,890	430	\$97,250	12	\$4,396	442	\$101,646
		[\$11,484]		[\$12,391]		[\$13,660]		[\$13,077]		[\$13,728]		\$486		[\$14,214]
Performance Measure														
Intermediate Outcome														
Percentage of BOP Investigations closed or referred for prosecution within 6 months of being opened [Refined Measure]**		75%		83%		75%		87%		75%				75%
Number of closed Investigations substantiated*		*		196		*		161		*		*		*
Arrests *		*		91		*		94		*		*		*
End Outcome														
Convictions *		*		88		*		60		*		*		*
Administrative Actions *		*		251		*		265						
Response to Customer Surveys:														
Report completed in a timely manner (%)		90%		98%		90%		94%		90%				90%
Issues were sufficiently addressed (%)		90%		98%		90%		100%		90%				90%

*Indicators for which the OIG only reports actuals.

**In FY 2016 this measure was refined to target "BOP" Investigations closed or referred for prosecution. This change reflects the performance measure in our special agents' goals documents throughout the D

PERFORMANCE AND RESOURCES TABLE (Goal 1)
Decision Unit/Program: OIG/Audits, Inspections, Investigations, and Reviews
DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.
OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.
Data Definition, Validation, Verification, and Limitations
<p>A. Data Definition: The OIG does not project targets and only reports actuals for workload measures, the number of closed investigations substantiated, arrests, convictions, and administrative actions. The number of convictions and administrative actions are not subsets of the number of closed investigations substantiated.</p> <p>B. Data Sources, Validation, Verification, and Limitations: Investigations Data Management System (IDMS) – consists of a web-based relational database system. It's a case management system. The database administrator runs routine maintenance programs against the database. Database maintenance plans are in place to examine the internal physical structure of the database, backup the database and transaction logs, handle index tuning, manage database alerts, and repair the database if necessary. Currently, the general database backup is scheduled nightly and the transaction log is backed up in 3 hour intervals. We have upgraded to a web based technology. Investigations Division Report of Investigation (ROI) Tracking System - a web-based SQL-Server application that tracks all aspects of the ROI lifecycle. The ROI and Abbreviated Report of Investigation (AROI) are the culmination of OIG investigations and are submitted to DOJ components. These reports are typically drafted by an agent and go through reviews at the Field Office and at Headquarters levels before final approval by Headquarters. The ROI Tracking System reads data from IDMS. By providing up-to-the-minute ROI status information, the Tracking System is a key tool in improving the timeliness of the Division's reports. The ROI Tracking System also documents the administration of customer satisfaction questionnaires sent with each completed investigative report to components and includes all historical data. The system captures descriptive information as well as questionnaire responses. Descriptive information includes the questionnaire form administered, distribution and receipt dates, and component and responding official. The database records responses to several open-ended questions seeking more information on deficiencies noted by respondents and whether a case was referred for administrative action and its outcome. Questionnaire responses are returned to Investigations Headquarters and are manually entered into the Tracking System by Headquarters personnel. No data validation tools, such as double key entry, are used though responses are entered through a custom form in an effort to ease input and reduce errors. Investigations Division Investigative Activity Report – Most of the data for this report is collected in IDMS. The use of certain investigative techniques and integrity briefing activities are also tracked externally by appropriate Headquarters staff.</p> <p>C. FY 2019 Performance Report: For the workload measure "Investigations Closed," is focusing on more complex and document-intensive cases (e.g., grant and contract fraud) that require more in-depth financial and forensic analysis. The OIG is also diversifying its caseload to extend more investigative coverage to other Department components. Our request to eliminate this measure entirely is pending review with our Inspector General.</p>

PERFORMANCE MEASURE TABLE (Goal 1)							
Decision Unit/Program: OIG/Audits, Inspections, Investigations, and Reviews							
DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.							
OIG General Goal #1: Detect and deter misconduct in programs and operations within or financed by the Department.							
Performance Measure Report Workload	FY2014 Actuals	FY2015 Actuals	FY2016 Actuals	FY2017 Actuals	FY2018 Actuals	FY2019 Target	FY2020 Target
Number of Cases Opened per 1,000 DOJ employees:							
Fraud*	0.67	0.47	0.42	0.55	0.58	*	*
Bribery*	0.15	0.10		0.09	0.13	*	*
Rights Violations*	0.19	0.12	0.14	0.15	0.18	*	*
Sexual Crimes*	0.43	0.39	0.21	0.25	0.25	*	*
Official Misconduct*	1.34	1.19	1.17	1.18	1.04	*	*
Theft*	0.10	0.17	0.11	0.11	0.1	*	*
Investigations closed ##	402	357	312	308	255	275	N/A
Integrity Briefings and Presentations to DOJ employees and other stakeholders	91	82	83	83	90	70	70
DOJ employees and stakeholders attending Integrity Briefings	4,732	3,975	3,799	5,419	4,606	3,000	3,000
Intermediate Outcome							
Percentage of BOP Investigations closed or referred for prosecution within 6 months**	71%	76%	83%	N/A	87%	N/A	N/A
Number of closed Investigations substantiated (QSR Measure)*	243	226	196	204	161	*	*
Arrests*	84	96	91	116	94	*	*
End Outcome							
Convictions*	88	73	88	84	60	*	*
Administrative Actions	219	225	251	219	252	*	*
Response to Customer Surveys:							
Report completed in a timely manner (%)	95%	90%	98%	93%	90%	90%	90%
Issues were sufficiently addressed (%)	99%	90%	98%	98%	90%	90%	90%

* Indicators for which the OIG only reports actuals.

** Pending IG approval we intend to eliminate this measure

PERFORMANCE AND RESOURCES TABLE (Goal 2)														
Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews														
DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.														
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.														
WORKLOAD/RESOURCES	FY2017				FY2018				FY2019		Changes		FY2020	
	Target		Actual		Target		Actual		Target		Current Services Adjustment and FY2020 Program Changes		Requested (Total)	
Total Costs and FTE	FTE	\$000	FTE	\$000	FTE	\$000								
(Reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total.)	430	\$95,583	430	\$95,583	430	\$97,250	430	\$97,250	430	\$97,250	12	\$4,396	442	\$101,646
		[\$11,484]		[\$12,391]		[\$13,660]		[\$13,077]		[\$13,728]		\$486		[\$14,214]
Performance Measure														
Workload														
Audit and E&I assignments initiated		92		104		92		97		87				87
Percent of CSITAO* resources devoted to security reviews of major DOJ information systems		80%		97%		80%		91%		80%				80%
Percent of internal DOJ audit reports that assess component performance measures		18%		72%		18%		91%		25%		5%		30%
Percentage of E&I assignments opened and initiated during the fiscal year devoted to Top Management Challenges		70%		86%		70%				70%				70%
Percent of direct resources devoted to audit products related to Top Management Challenges, and GAO and JMD-identified High-Risk Areas		80%		92%		85%		88%		85%				85%
Intermediate Outcome														
Audit and E&I assignments completed		87		112		87		96		87				87

*Computer Security & Information Technology Audit Office

PERFORMANCE AND RESOURCES TABLE (Goal 2) (continued)														
Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews														
DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.														
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.														
WORKLOAD/RESOURCES	FY2017				FY2018				FY2019		Changes		FY2020	
	Target		Actual		Target		Actual		Target		Current Services Adjustment and FY2020 Program Changes		Requested (Total)	
Total Costs and FTE	FTE	\$000	FTE	\$000	FTE	\$000								
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)	430	\$95,583	430	\$95,583	430	\$97,250	430	\$97,250	430	\$97,250	12	\$4,396	442	\$101,646
		[\$11,484]		[\$12,391]		[\$13,660]		[\$13,077]		[\$13,728]		\$486		[\$14,214]
Performance Measure														
Intermediate Outcome														
Percent of Audit resources devoted to reviews of grants and grant management*		35%		43%		N/A		NA		NA				NA
Percent of Audit resources devoted to reviews of contracts and contract management		10%		14%		10%		16%		10%		-2%		8%
Components receiving information system audits		5		10		9		10		6				6
Percent of products issued to the Dept. or other Federal entities containing significant findings or information for management decision-making by Audit and E&I		92%		92%		92%		96%		92%		-2%		90%
Percent of less complex internal DOJ reviews to be provided to the IG as a working draft within an average of 8 months**		35%				0%				0%				35%
Percent of more complex internal DOJ reviews to be provided to the IG as a working draft within an average of 11 months***		35%				71%				N/A				N/A
Percent of more complex internal DOJ reviews to be provided to the IG as a working draft within an average of 12 months***		NA				NA				35%				35%
Percent of grant, CODIS, equitable sharing, and other external audits to be completed in draft within 8 months		50%		50%		50%		51%		40%				40%
Percent of less complex internal DOJ audits to be provided to the IG as a working draft within 8 months ## Audit would like to remove this measure starting in FY 2019.		40%		100%		40%		100%		50%				N/A
Percent of internal DOJ audits to be provided to the IG as a working draft within 13 months		45%		83%		45%		88%		50%				50%
* Beginning in FY 2018 this measure will no longer be used														
**This measure will no longer be used. We will refine our measure beginning in FY 2019 on "more complex" reviews to reflect all review reports with a deadline of 12 months.														
***This measure will be refined in FY 2019 to reflect all reviews with a deadline of 12 months.														
## This measure will no longer be used. We will refine our measure beginning in FY 2020 on "more complex" DOJ internal audits to reflect all internal DOJ audit reports with a deadline of 13 months.														

PERFORMANCE AND RESOURCES TABLE (Goal 2)
(continued)

Decision Unit: OIG/Audits, Inspections, Investigations, and Reviews

DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.

OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.

Data Definition, Validation, Verification, and Limitations

A. Data Definition:

"Assignment" covers all audits (including internals, CFO Act, and externals, but **not** Single Audits), evaluations, and inspections. "Assignments" may also include activities that do not result in a report or product (e.g., a memorandum to file rather than a report); or reviews initiated and then cancelled.

B. Data Sources, Validation, Verification, and Limitations:

Project Resolution and Tracking (PRT) system- PRT was implemented on April 18, 2011; this OIG system was designed to track audits, evaluations, and reviews from initiation to completion, including the status of recommendations. The system provides senior management with the data to respond to information requests and track and report on current status of work activities.

C. FY 2019 Performance Rep: N/A

PERFORMANCE MEASURE TABLE (Goal 2)							
Decision Unit/Program: OIG/Audits, Inspections, Investigations, and Reviews							
DOJ Strategic Plan: Strategic Objective 4.1: Uphold the Rule of Law and Integrity in the proper administration of Justice.							
OIG General Goal #2: Promote the efficiency and effectiveness of Department programs and operations.							
Performance Measure Report	FY2014 Actuals	FY2015 Actuals	FY2016 Actuals	FY2017 Actuals	FY2018 Actuals	FY2019 Target	FY2020 Target
Workload							
Audit and E&I assignments initiated	94	106	109	104	97	87	87
Percent of CSITAO resources devoted to security reviews of major DOJ information systems	98%	88%	97%	97%	91%	80%	80%
Percent of issued internal DOJ audit reports that assess component performance measures	47%	42%	67%	72%	91%	25%	30%
Percentage of E&I assignments opened and initiated during the fiscal year devoted to Top Management Challenges.	89%	80%	86%			70%	70%
Percent of direct resources devoted to E&I products related to Top Management Challenges, and GAO and JMD-identified High-Risk Areas.	NA	NA	NA	NA		85%	85%
Percent of direct resources devoted to audit products related to Top Management Challenges, and GAO and JMD-identified High-Risk Areas	96%	96%	95%	92%	88%	85%	85%
Intermediate Outcome							
Audit and E&I Assignments completed	104	109	98	112	96	87	87
Percent of Audit resources devoted to reviews of grants and grant management*	54%	43%	40%	43%	NA	NA	NA
Percent of Audit resources devoted to reviews of contracts and contract management	NA	13%	14%	14%	16%	10%	8%
Components receiving information system audits	9	8	9	10	10	6	6
Percent of products issued to the Dept. or other Federal entities containing significant findings or information for management decision-making by Audit and E&I	NA	100%	100%	92%	96%	90%	90%
Percent of less complex internal DOJ reviews to be provided to the IG as a working draft within an average of 8 months**	100%	100%	0%			35%	35%
Percent of more complex internal DOJ reviews to be provided to the IG as a working draft within an average of 11 months ***	NA	71%	71%			NA	NA
Percent of more complex internal DOJ reviews to be provided to the IG as a working draft within an average of 12 months***	NA	NA	NA	NA		35%	35%
Percent of grant, CODIS, equitable sharing, and other external audits to be completed in draft within 8 months	NA	58%	50%	50%	51%	40%	40%
Percent of less complex internal DOJ audits to be provided to the IG as a working draft within 8 months##	NA	40%	100%	100%	100%	50%	N/A
Percent of internal DOJ audits to be provided to the IG as a working draft within 13 months	NA	83%	73%	83%	88%	50%	50%
<p>* Beginning in FY 2018 this measure will no longer be used.</p> <p>**This measure will no longer be used. We will refine our measure beginning in FY 2019 on "more complex" reviews to reflect all review reports with a deadline of 12 months.</p> <p>***This measure will be refined in FY 2019 to reflect all reviews with a deadline of 12 months.</p> <p>## This measure will no longer be used. We will refine our measure beginning in FY 2020 on "more complex" DOJ internal audits to reflect all internal DOJ audit reports with a deadline of 13 months.</p>							

D. Performance, Resources, and Strategies

1. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Tables, the OIG helps the Department achieve its strategic goals and promotes efficiency, integrity, economy, and effectiveness through conduct of its audits, inspections, investigations, and reviews. For the Department's programs and activities to be effective, Department personnel, contractors, and grantees must conduct themselves in accordance with the highest standards of integrity, accountability, and efficiency. The OIG investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of the Department's employees in their numerous and diverse activities.

The OIG continues to review its performance measures and targets, especially in light of the changing nature of the cases it investigates and the Department programs it audits and reviews. Today's work is much more complex and expansive than it was only a few years ago. The number of documents to be reviewed, the number of people to interview, the amount of data to examine, and the analytical work involved in many OIG products are significantly greater than in prior years. The OIG ensures sufficient time and resources are devoted to produce high-quality, well-respected work.

2. Strategies to Accomplish Outcomes

The OIG will devote all resources necessary to investigate allegations of bribery, fraud, abuse, civil rights violations, and violations of other laws and procedures that govern Department employees, contractors, and grantees, and will develop cases for criminal prosecution and civil and administrative action. The OIG will continue to use its audit, inspection, evaluation, and attorney resources to review Department programs or activities identified as high-priority areas in the Department's Strategic Plan, and focus its resources to review the Department's Top Management and Performance Challenges.

V. Program Increases by Item

Item Name: Data Analytics Program Enhancement

Strategic Goal(s) & Objective(s): Performance materials will be provided at a later date.

Organizational Program: OIG

Program Increase: Positions 0 Agt/Atty/Other 0/0/0 FTE 0

Equipment, software: \$2,500,000

Total Request: \$2,500,000

1. Description of Item

The OIG's request for \$2,500,000 for equipment and software, includes \$1,300,000 to establish a new classified data analytics environment and \$1,200,000 in additional unclassified equipment and software, such as data visualization tools and other applications that will allow the OIG to continue analyzing disparate data sets to uncover concerning relationships and inefficiencies currently unknown or unrealized by the Department. These resources will provide the sufficient level of personnel, expertise, and system capabilities necessary for the OIG to optimally run its burgeoning Data Analytics Program.

2. Justification

The use of data analytics will enhance the OIG's ability to efficiently and innovatively exploit disparate datasets to identify anomalies and risks in Department operations and programs, thereby providing the OIG more specific information to target its limited resources most efficiently. The amount of data that exists is growing at a rapid rate, doubling every two years, and changing the way organizations operate. Through the use of advanced statistical analysis, mathematical modeling and data visualization, the OIG hopes to develop the capability to "see" transactions across the Department without having to rely solely on sampling or other more focused and resource-intensive approaches.

The OIG's Data Analytics Program has been able to identify high-risk and potentially fraudulent contracts and grants, as well as a wide variety of employee integrity and other misconduct matters. Recently, for example, the OIG Data Analytics Program's modeling and analytics work concerning the Department's over \$1 billion in annual healthcare expenditures quickly led to the identification of several previously unidentified anomalies. In one instance, analysis of healthcare provider claims data for a Bureau of Prison's institution found a provider who claims to have seen as many as 61 inmates in one day with many of those visits coded as extended "new patient" consultations. Additionally, the Data Analytics Program has identified numerous disparities related to the Department's payment of utility costs. Using our analytics system, we are identifying these previously undetected anomalies and using them to inform our oversight activities and to direct our investigative resources.

However, with the program enhancement, the OIG could accomplish even more. The Department's broadly diverse operations and significant responsibilities present important

opportunities to fully exploit “big data” to help the OIG provide more effective and efficient oversight. Currently, our efforts are focused on healthcare programs, contract actions, fleet and charge cards, UNICOR manufacturing supply chains issues, procurement fraud schemes, grant-related data, and various employee integrity initiatives. The requested program enhancement will allow the OIG to fully develop its modeling in these areas as well as expand into areas related to law enforcement operations, intelligence activities, corrections management, complex procurements, and capital asset and human capital management. These new efforts require additional staffing resources as well as new, unique, and secure hardware and software solutions.

Further, a number of recent legislative mandates and presidential directives have placed an increased emphasis on federal funding accountability and transparency. For example, the enactment of the Government Charge Card Abuse Prevention Act of 2012, the Improper Payments Elimination and Recovery Act of 2012, the Digital Accountability and Transparency Act of 2014, and the Fraud Reduction and Data Analytics Act of 2015 have imposed additional audit requirements for the OIG. These requirements consume much of the OIG’s current data analytics resources and inhibits our ability to address concerns related to other high-risk areas.

In addition, the IG Empowerment Act of 2016 exempted Inspectors General from restrictions on computerized comparisons of automated federal records systems under the Computer Matching and Privacy Protection Act of 1988, and on procedural requirements for information collections under the Paperwork Reduction Act. The Empowerment Act enables the OIG to compare its data with that of other OIGs, which will allow us to identify more fraud both within the Department and across the federal government.

The net result of these legislative mandates and presidential directives is an increasing pool of data sets available for analysis, which creates both the need for more resources and the opportunity to significantly increase our current level of oversight by expanding into new areas.

3. Impact on Performance

Without the requested enhancement, the OIG will be unable to expand our data analytics efforts into areas of Department operations where fraud, waste, abuse and misconduct might not be detected through traditional means of oversight. Put differently, the expansion of the OIG’s data analytics program could greatly expand the reach of the OIG’s oversight activities—the OIG could identify fraud and misconduct faster and more efficiently than it can by relying on the hard work and expertise of our investigators, audits, and program analysts alone. Notably, other OIGs, such as the U.S. Postal Service OIG, that have employed these tools have identified millions in cost savings for their Departments.

Funding
(Dollars in Thousands)

Base Funding

FY 2018 Enacted				FY 2019 Annualized CR				FY 2020 Current Services			
Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0
11	0/0	11	\$2,317	19	0/0	19	\$4,557	19	0/0	19	\$4,607

Personnel Enhancement Cost Summary

Type of Position	Modular cost per Position (\$000)	1 st Year Annual -ization/Adjustment	Number of FTE's Requested	FY 2020 Requested (\$000)	FY 2021 Net Annualization (change from 2019) (\$000)	FY 2022 Net Annualization (change from 2020) (\$000)
	\$0	\$0	0	\$0	\$0	\$0
Total Personnel			0	\$0	\$0	\$0

Total Request for this Item

	POS	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2021 Net Annualization (Change from 2020) (\$000)	FY 2022 Net Annualization (Change from 2021) (\$000)
Current Services	19	0/0	19	\$2,247	\$2,360	\$4,607	\$0	\$0
Increases	0	0/0	0	\$0	\$2,500	\$2,500	\$0	\$0
Grand Total	19	0/0	19	\$2,247	\$4860	\$7107	\$0	\$0

Item Name: Cyber Investigations Office Enhancement

Strategic Goal(s) & Objective(s): Performance materials will be provided at a later date.

Organizational Program: OIG

Program Increase: Positions 6 Agt/Atty/Other 3/0/3 FTE 6 Dollars \$1,172,400

Servers, equipment, software: Dollars \$ 545,000

Total Request: \$1,717,400

1. Description of Item

As part of the OIG's ongoing efforts to improve its digital forensic and cyber investigation capabilities, the OIG is requesting a program increase of \$1,717,400, which includes \$1,172,400 for staff and \$545,000 for equipment and software. Specifically, the OIG intends to enhance the capabilities of the Investigations Division's Cyber Investigations Office (INV/Cyber).

INV/Cyber provides digital forensic support to OIG investigations relating to allegations of waste, fraud, abuse, and misconduct involving DOJ programs and personnel, and conducts specialized cyber-crime investigations relating to child exploitation, insider threat, unauthorized access, network intrusion, and potential violations of 18 U.S.C. 1030.

The OIG's request for \$1,172,400 in additional funding for INV/Cyber personnel will enable the INV/Cyber to hire six additional employees: three highly-skilled Special Agents with expertise in forensic examinations and cyber investigations; two digital forensic examiners, and one investigative analyst. These additional staff resources will enhance the OIG's ability to keep pace with the increasing number of digital evidence items that its examiners process, as well as with the increasing number of cyber-crime and insider threat allegations, and the resulting investigations conducted by INV/Cyber.

The OIG's request for \$545,000 for equipment and software includes funding for additional servers, digital forensic examination equipment, mobile device unlock capabilities, and software licenses. Specifically, this consists of \$345,000 to expand the current forensic network (servers, storage, upgrade equipment, equipment for new staff), \$150,000 for software and storage and \$50,000 for training new agents and analysts. A portion of the software increase would be used to purchase the latest forensic tools to recover data on locked mobile devices that the OIG has the legal authority to search.

2. Justification

INV/Cyber's digital forensic capabilities have become an integral part of the OIG's investigative work and we predict that the OIG's reliance on these capabilities will only increase over time. At present, INV/Cyber conducts computer and mobile device forensic examinations for over 250 pieces of digital evidence annually, which includes computers, hard drives, cell phones, tablets and other electronic media. However, the demand for INV/Cyber's digital forensic examination services has continued to increase over the past several fiscal years (FY) and an increase in encrypted devices has caused additional examination delays. For example, in FY 2017, INV/Cyber examined 268 pieces of digital evidence in support of 72 OIG investigations. In FY 2018, INV/Cyber examined 272 pieces of digital evidence in support of 100 OIG investigations and maintained a substantial backlog of 116 pieces of digital evidence at the end of FY 2018.

Encryption challenges have slowed the pace of examinations and in addition, INV/Cyber Agents conduct investigations which has further reduced their ability to conduct forensic examinations.

From October 1, 2018 through mid-February 2019, INV/Cyber has already examined 135 pieces of digital evidence in support of 44 OIG investigations and is currently examining an additional 104 pieces of digital evidence in support of an additional 30 OIG investigations. In sum, in FY 2019, the number of pieces of digital evidence examined and of investigations supported by digital forensics will significantly exceed the FY 2018 numbers. This increase in numbers does not take into account the growing backlog of requests for digital forensic examinations discussed in Section 3, below. With each additional agent, the OIG could complete the examinations of an additional 20 devices and conduct 1-2 additional cyber investigations a year. An additional digital investigative analyst could complete examinations of 50-60 additional pieces of digital evidence per year.

Moreover, INV/Cyber's investigative activities have already had a significant return on investment for the taxpayer. For example, despite the fact it will cost the OIG less than \$2 million to operate INV/Cyber in FY 2019, in January 2018 alone, INV/Cyber seized over \$73 million as part of an investigation that began as an insider threat referral.

3. Impact on Performance

At current staffing levels, the increasing amount of digital evidence submitted for examination and the increasing number of allegations regarding cyber-crime/insider threat will inevitably cause a further increased backlog of forensic examinations of digital evidence and delay the completion of important OIG investigations and reviews. Each fiscal year the INV/Cyber digital evidence lab backlog has increased. For example, in FY 2015, the average turnaround time per forensic exam request was 3.56 months. In FY 2016, the turnaround time was 4.2 months. In FY 2017, the turnaround time was 4.86 months and in FY 2018, the turnaround time was 5.38 months.

Moreover, without the requested enhancement for equipment and software, the OIG will not be able to either maintain or expand its digital forensic capabilities. Encryption and passcode locks continue to thwart law enforcement efforts to access digital evidence in situations where legal search authority is established. Without the latest technology, OIG will be unable to keep up with the demand for its digital exam services and stay abreast of rapidly emerging digital technology.

In addition, INV/Cyber is sometimes asked to perform high-profile, resource intensive digital forensic examinations in support of other OIG Divisions, which requires INV/Cyber staff to be pulled away from their normal caseload to support other matters. For example, in January 2018, INV/Cyber used its digital forensic tools and techniques to recover tens of thousands of deleted text messages relating to the Oversight and Review Division's high-profile investigation of two FBI employees. Although FBI was unable to provide the text messages in a large "gap" time period, INV/Cyber's lab both recovered the missing texts and found a hidden cache of additional text messages. However, because of INV/Cyber's limited resources, this investigative success had a negative impact on INV/Cyber's ability to conduct and support other investigations and caused an additional increase in their backlog and turnaround times.

Funding

(Dollars in Thousands)

Base Funding

FY 2018 Enacted				FY 2019 Annualized CR				FY 2020 Current Services			
Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0	Pos	Agt/Atty	FTE	\$0
10	5/0	10	\$1,974	14	7/0	14	\$2,367	14	7/0	14	\$2,415

Personnel Increase Cost Summary

Type of Position	Modular cost per Position (\$000)	1 st Year Annualization	Number of FTE's Requested	FY 2020 Requested (\$000)	FY 2021 Net Annualization (change from 2019) (\$000)	FY 2022 Net Annualization (change from 2020) (\$000)
Criminal Investigator (1811)	\$226.9	\$226.9	3	\$680.7	(\$36.3)	\$18.9
Information Technology Specialist (2210)	\$163.9	\$163.9	3	\$491.7	(\$35.7)	\$14.1
Total Personnel			6	\$1,172.4	(\$72.0)	\$33.0

Total Request for this Item

	POS	Agt/Atty/Other	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2021 Net Annualization (Change from 2020) (\$000)	FY 2022 Net Annualization (Change from 2021) (\$000)
Current Services	14	7/0/7	14	\$1,746.0	\$669.0	\$2,415.0	\$0	\$0
Increases	6	3/0/3	6	\$1,172.4	\$545.0	\$1,717.4	(\$72.0)	\$33.0
Grand Total	20	10/0/10	20	\$2,918.4	\$1,214.0	\$4,132.4	(\$72.0)	\$33.0

VI. Program Offsets by Item

The Office of the Inspector General has no program offsets to submit in the FY 2020 budget request.

VII. APPENDIX

Statistical Highlights

April 1, 2018 – September 30, 2018

The following table summarizes Office of the Inspector General (OIG) activities discussed in our most recent *Semiannual Report to Congress*. As these statistics and the following highlights illustrate, the OIG continues to conduct wide-ranging oversight of Department of Justice (Department) programs and operations.

April 1, 2018 – September 30, 2018	
Allegations Received by the Investigations Division ¹	7,485
Investigations Opened	151
Investigations Closed	141
Arrests	55
Indictments/Information	27
Convictions/Pleas	29
Administrative Actions	103
Monetary Recoveries ²	\$ 1,661,748.03
Audit Reports Issued	26
Questioned Costs	\$18,543,956
Funds for Better Use	\$136,847
Recommendations for Management Improvements	181
<i>Single Audit Act</i> Reports Issued	26
Questioned Costs	\$183,327
Recommendations for Management Improvements	41
Other Audit Division Reports Issued	1

¹ These figures represent allegations entered into the OIG's complaint tracking system. They do not include the approximate 52,000 additional Hotline, email, and phone contacts that were processed and deemed non-jurisdictional and outside the purview of the federal government.

² Includes civil, criminal and non-judicial fines, restitutions, recoveries, assessments, penalties, and forfeitures.