

APPENDIX C

Major Program Evaluations Completed During FY 2012

Office of the Inspector General (OIG) Follow-Up Audit of the DOJ Internal Controls over Reporting of Terrorism-Related Statistics

In February 2007, the Office of the Inspector General (OIG) completed an audit of the Department's internal controls over reporting terrorism-related statistics. This audit reviewed terrorism-related statistics reported by the Department and three Department components – the Federal Bureau of Investigation (FBI), Executive Office for United States Attorneys, and Criminal Division, and it found that the Department components and the Department as a whole did not accurately report terrorism-related statistics. The three components did not accurately report 24 of the 26 statistics reviewed, with some statistics significantly overstated or understated, while others were overstated or understated by minor amounts.

The OIG initiated a follow-up audit to determine if the: (1) Department components took appropriate actions to implement the recommendations from the 2007 audit; and (2) corrective actions implemented improved the components' ability to gather, track, classify, verify, and report accurate terrorism-related statistics. Following the 2007 audit report, the National Security division (NSD) took over responsibility for corrective actions on the recommendations to the Criminal Division. In November 2008, the NSD's Counterterrorism Section revised and republished its circular that established and documented internal control procedures for gathering, verifying, and reporting terrorism-related statistics. These procedures, if implemented appropriately, should ensure that statistics are accurately reported and supported. This audit provided results pertaining only to the NSD.

The OIG found that while the NSD revised its procedures for gathering, classifying, and reporting terrorism-related statistics based on the recommendations from the 2007 audit, the NSD's implementation of the revised procedures were not effective at ensuring that terrorism-related statistics were reported accurately. In this audit, the OIG identified nine unique terrorism-related statistics reported by the NSD in budget submissions or other documents for fiscal years 2009 through 2012, and the auditors selected five of the nine statistics to test for accuracy. The OIG determined that the NSD did not accurately report four of the five statistics reviewed. Although it appears that the statistics were not significantly overstated or understated, the inaccurate reporting indicates a need for the NSD to strengthen further its application of controls for gathering, verifying, and reporting its terrorism-related statistics. The statistics were inaccurately reported because the NSD's: (1) Counterterrorism Section did not maintain documentation detailing the statistics on convictions, charges, and cases favorably resolved at the time the numbers were reported; and (2) Office of Justice for Victims of Overseas Terrorism did not have written internal control procedures for gathering, tracking, verifying, and reporting its terrorism-related statistic on U.S. victims of terrorism identified abroad.

NSD has already taken steps to implement all three of the OIG's recommendations.

Government Accountability Office (GAO) Review of Terrorist Watchlist Screening Processes

The attempted bombing of Northwest Flight 253 in December 25, 2009, exposed weaknesses in how the federal government nominated individuals to the terrorist watchlist and gaps in how agencies used the list to screen individuals to determine if they posed a threat. In response, the President tasked agencies to take corrective actions. GAO was asked to assess: (1) government actions since the incident to strengthen the nominations process; (2) how the composition of the watchlist has changed based on these actions; and (3) how agencies are addressing gaps in screening processes. GAO analyzed government reports, the guidance used by agencies to nominate individuals to the watchlist, data on the volumes of nominations from January

2009 through May 2011, the composition of the list, and the outcomes of screening agencies programs. GAO also interviewed officials from intelligence, law enforcement, and screening agencies to discuss changes to policies, guidance, and processes and related impacts on agency operations and the traveling public, among other things. Overall, the volume of nominations the Terrorist Screening Center (TSC) is receiving from the FBI and NCTC has generally increased since the attempted attack. GAO found the TSC has avoided backlogs by employing a variety of strategies to address its workload, including management of personnel resources and use of more advanced technology.

GAO recommended the Assistant to the President for Homeland Security and Counterterrorism ensure that the outcomes and impacts of agencies' actions to strengthen nominations and screening processes are routinely assessed.

OIG Audit of the Federal Bureau of Investigation Laboratory's Forensic DNA Case Backlog

The OIG initiated an audit of the FBI's forensic case backlog on September 16, 2011. The primary objective of the audit was to: (1) verify the total number of forensic DNA cases that remained unprocessed by the FBI Laboratory; (2) evaluate the status of the implementation of a laboratory information management system; (3) examine the effect of outsourcing agreements on the overall DNA forensic casework backlog, and (4) assess any impending external factors that may have impacted the ability of the forensic DNA units to maintain their workload. The OIG concluded that the FBI Laboratory's forensic DNA casework backlog has been significantly reduced. The OIG found that the FBI has effectively eliminated the Nuclear DNA Unit case backlog, which is noted as a significant achievement. This progress can be attributed primarily to efficiency improvements and the addition of personnel. While the Mitochondrial DNA Unit's backlog decreased, the OIG found that the decreases can be attributed to a decision to no longer automatically conduct Mitochondrial DNA analysis on all hairs identified or improvised explosive devices. The FBI took these cases out of the queue for automatic examination because there have been no documented instances for which probative results were generated from these Mitochondrial DNA examinations. Instead, the Mitochondrial DNA Unit worked together with the Terrorist Explosive Device Analytical Center (TEDAC) to revise the Unit's case acceptance policy so that new submissions to the unit are more likely to yield probative information. The FBI's current effort to implement a laboratory information management system, eLAB, has an experienced program manager, has secured initial funding of \$4 million, and has adopted the FBI Information Technology Governance Framework.

GAO Study of the Bureau of Prisons (BOP) Inmate Crowding - Growing Inmate Crowding Negatively Affects Inmates, Staff, and Infrastructure

BOP operates 117 federal prisons to house approximately 178,000 federal offenders, and contracts with private companies and some state governments to house about another 40,000 inmates. BOP calculates the number of prisoners that each BOP-run institution can house safely and securely (i.e., rated capacity). GAO was asked to address (1) the growth in BOP's population from fiscal years 2006 through 2011 and BOP's projections for inmate population and capacity; (2) the effects of a growing federal prison population on operations within BOP facilities, and the extent to which BOP has taken actions to mitigate these effects; and (3) actions selected states have taken to reduce their prison populations, and the extent to which BOP has implemented similar initiatives.

GAO analyzed BOP's inmate population data from fiscal year 2006 through 2011, BOP's 2020 long-range capacity plan, and BOP policies and statutory authority. The results are not generalizable, but provide information on the effects of a growing prison population. Despite the continued growth in inmates and related expenses, in recent years, BOP has been adding capacity and staff at a lower rate than the inmate population has been growing. As a result, both individual facilities and the federal prison system as a whole are experiencing increased crowding. Crowding has implications for inmates, staff, and infrastructure – as well as safety and security, and the potential for inmate disruptions or an even more serious security incident is

a significant concern. BOP has taken steps to help mitigate the implications of crowding in the federal system, but does not have the authority to implement many of the reforms that several states have adopted to reduce crowding and, in some states, the size of their prison populations. BOP also requires congressional approval and appropriated funds to expand capacity in the federal system. As such, BOP has limited ability to address crowding in the federal prison system. GAO makes no recommendations in this report.

This page intentionally left blank.