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DOJ OIG Releases Report on DOJ Criminal Division's Process for Incoming Mutual Legal Assistance Requests

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report examining the DOJ Criminal Division's (CRM) process for incoming mutual legal assistance (MLA) requests. The CRM Office of International Affairs (OIA) is responsible for responding to incoming MLA requests from foreign authorities to assist foreign criminal investigations.

Beginning in 2013, OIA determined it was essential to reform its process for executing incoming MLA requests, and CRM and OIA developed a strategy to enhance OIA's performance in this regard. However, as detailed in today's report, the DOJ Office of the Inspector General (OIG) found that while OIA has made some progress to reform its incoming MLA process, it continues to be challenged by its high pending caseload, difficulty hiring and retaining staff, an antiquated case management system, and other inefficiencies.

The specific findings in today's report include:

- **Lack of permanent funding impacted the success of the reform initiative strategy.** At the onset of the reform initiative in Fiscal Year (FY) 2015 CRM had not received funding from Congress to support its reform initiative strategy. DOJ provided CRM with a one-time, inter-departmental transfer of \$13.5 million, but CRM did not receive permanent funding until FY 2019. The absence of permanent, ongoing funding at the onset of the reform initiative impacted OIA's ability to fully reform its MLA process.
- **Support from U.S. Attorney Offices may not be sufficient to handle expected increases in future workloads.** Two U.S. Attorney Offices (USAO) received funding from Congress to support OIA's incoming MLA request process. However, due to challenges with timeliness, OIA discontinued referring requests for assistance to one USAO, and the other has only two staff dedicated to handling this work. We concluded that this level of support may not be sufficient to address the expected number of referrals OIA is likely to make to USAOs in the future.
- **OIA is challenged by high attrition.** OIA increased its hiring in response to the reform initiative, but its onboard personnel has remained stagnant due, in part, to high attrition. OIA leadership believes it has the information needed to make informed decisions about assignments and balanced caseloads, but it does not currently have a hiring and retention plan to address its staffing challenges.

- **OIA continues to rely on an antiquated case management system.** CRM spent \$3.57 million to develop a new technology system for OIA, but due to data protection and other concerns, the system was never completed. As a result, OIA continues to rely on its legacy case tracking and management system, which provides limited functionality, data reliability, and visibility of the MLA process. CRM currently has no strategy for how it intends to upgrade or replace this system.
- **Training and outreach resources for foreign authorities could be improved.** Training and outreach have been a lower priority for OIA given its challenges with staffing and caseloads. OIA acknowledged that additional training for foreign authorities could improve its incoming MLA process by helping to reduce the number of requests that do not meet U.S. legal standards.

Today's report makes one recommendation to the Executive Office for U.S. Attorneys (EOUSA) and six recommendations to CRM to help continue the reform initiative efforts and enhance OIA's incoming MLA process. The EOUSA and CRM agreed with all of the recommendations.

Report: Today's report is available on the OIG's website at the following link:

<https://oig.justice.gov/reports/audit-criminal-divisions-process-incoming-mutual-legal-assistance-requests>

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