



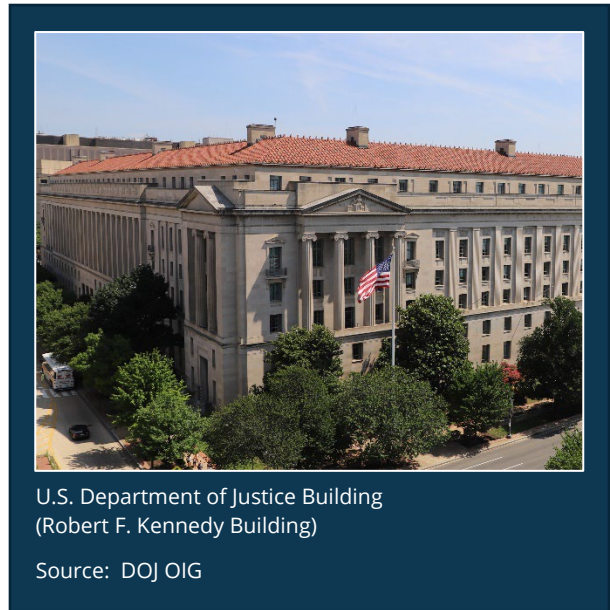
U.S. Department of Justice Office of the Inspector General

Top Management and Performance Challenges Facing the Department of Justice—2022

Top Management and Performance Challenges Overview

The U.S. Department of Justice (the Department or DOJ) faces many pressing challenges in carrying out its wide range of responsibilities. As outlined in its Fiscal Years (FY) 2022-2026 Strategic Plan, the Department has organized its broad responsibilities into five overarching strategic goals, which are upholding the rule of law, keeping our country safe, protecting civil rights, ensuring economic opportunity and fairness for all, and administering just court and correctional systems. To assist the Department with achieving these important strategic goals, this report captures the 2022 top management and performance challenges facing the Department as identified by the DOJ Office of the Inspector General (OIG) through our oversight work, research, and judgment. By statute, this report is required to be included in the Department's Agency Financial Report, and we have prepared similar reports since 1998.

In this year's report, we cover nine top challenges for the Department, two of which—Enhancing Cybersecurity and Countering Cybercrime and Enhancing the Department's Response to the Opioid Crisis—we present in this overview section. We address the remaining seven challenges separately in the following sections: (1) Improving Management of the Federal Prison System; (2) Strengthening Public Trust in the U.S. Department of Justice; (3) Safeguarding and Promoting National Security; (4) Managing the Post-Pandemic Impact on U.S. Department of Justice Operations; (5) Strengthening Police-Community Partnership and the Response to Violent Crime; (6) Effective Management of U.S. Department of Justice Contracts and Grants; and (7) Managing Human Capital. These are not new challenges, and events of the last year, such as the violent attacks in Buffalo, New York; Uvalde, Texas; and Highland Park, Illinois, require the Department's increased attention and action. There are some novel aspects to the challenges highlighted in this year's report, such as an increase in the identification of pandemic-related fraud.

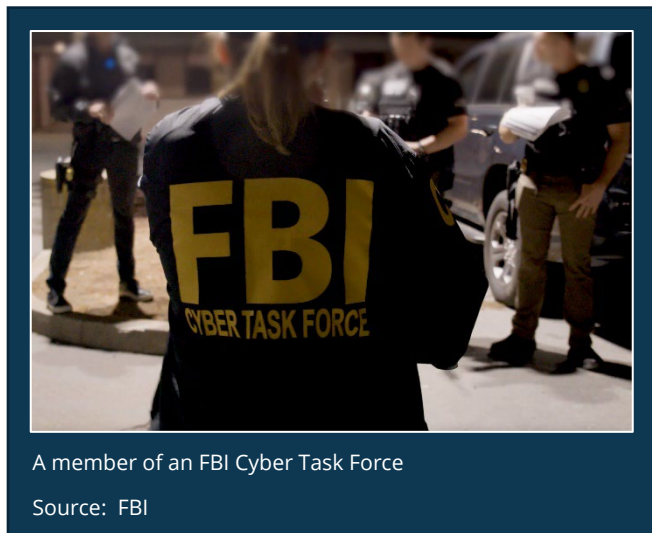


In his [address](#) at the National Association of Attorneys General in December 2021, Attorney General Merrick Garland stated that the Department's work to defend the nation from "complex and sophisticated cyber threats" and "the criminal networks that are fueling the overdose epidemic" remain significant. We have highlighted those challenges in past years' reports and continue to provide oversight of the Department's efforts to address cyber threats and drug-related issues. This year, we have included cybersecurity and the opioid crisis in this overview section to highlight their complex and persistent nature, and to recognize the Department's commitment to addressing the difficult issues associated with them.

Enhancing Cybersecurity and Countering Cybercrime

The Department faces the challenge of leveraging law enforcement, legal, information technology, and intelligence resources, along with public-private partnerships and international partnerships, when managing cyber-related threats and emerging technologies. Like technology itself, these areas are

continuously evolving. Additionally, the number and scale of major cyber incidents—some of which can involve tens of thousands of victims—are growing and challenging DOJ's ability to respond. For example, in a [statement](#) before the House Judiciary Committee, the Assistant Director of the Federal Bureau of Investigation's (FBI) Cyber Division reported that ransomware complaints to the FBI increased by 82 percent from 2019-2021, with a 449 percent rise in ransom payments over the same period. In July 2022, the OIG [initiated an audit](#) of the Department's strategy to combat and respond to ransomware threats and attacks to assist DOJ in meeting this enormous challenge. This audit's objectives are to assess the Department's (1) strategy to combat ransomware threats, and (2) response to and coordination on ransomware attacks against public and private entities.



Enhancing DOJ's cybersecurity posture remains a top priority for the Department. In recognition of the breadth of the issue and the pivotal role the Department plays, DOJ requested approximately \$149 million in additional funding for [FY 2023](#) to enhance cybersecurity and combat cybercrime. New for 2022, the Deputy Attorney General [announced](#) that the Department is creating a Cyber Operations International Liaison position to work with U.S. prosecutors and European partners to address cybercrime. The Department can also draw on its expertise in civil fraud enforcement, government procurement, and cybersecurity to promote the critical mission of combating new and emerging cyber threats.

Cyber Supply Chain Threats

Many organizations, including DOJ and other federal agencies, use an array of suppliers to support their organizational needs due to globalization, outsourcing, and digitization. According to a 2021 National Institute of Standards and Technology [report](#), "suppliers have their own suppliers who, in turn, have their own suppliers, creating extended supply chains and entire supply ecosystems." As a result, an organization's ability to ensure information technology security depends on its ability to maintain needed resources through the supply chain. In July 2022, the OIG released an [audit report](#) that focused on cyber supply chain risk management. The audit found that the Justice Management Division lacked the personnel resources needed for an effective cyber supply chain risk management (C-SCRM) program, as well as widespread noncompliance with C-SCRM requirements, outdated C-SCRM guidance, inadequate threat assessments, and insufficient mitigation and monitoring actions. The OIG also found that FBI procurement officials often improperly bypassed the FBI's C-SCRM program due in part to a misunderstanding or unawareness of the C-SCRM requirements and the FBI needed to enhance both its risk mitigation and continuous monitoring efforts, and better integrate C-SCRM across the organization. Additionally, the OIG determined that the Drug Enforcement Administration's (DEA) Office of National Security Intelligence—which is a member of the U.S. Intelligence Community and subject to additional criteria to protect the supply chain—had not established a supply chain risk management program as required by a U.S. Intelligence Community directive. The report contains 17 recommendations, specifically to the Justice Management Division, the FBI, and the DEA, to assist the Department in improving its organizational approach to C-SCRM. The importance of implementing the OIG's recommendation regarding enhanced

training is underscored by the June 2022 enactment of the [Supply Chain Security Training Act of 2021](#), which requires the federal government to develop a training program for officials with supply chain risk management responsibilities.

Cryptocurrency

[Cryptocurrency](#) is a type of “digital asset, which may be a medium of exchange, for which generation or ownership records are supported through a distributed ledger technology that relies on cryptography, such as a blockchain.” Although cryptocurrency can be traded and used for investment purposes or to pay for goods and services, it is not recognized as legal tender by the U.S. government or in many countries. The unique attributes of cryptocurrency, including its virtual nature and ability to confer anonymity or pseudonymity, have made it increasingly attractive to criminals. Many of the challenges associated with the use of cryptocurrency transcend the cyber-realm, as criminals increasingly use cryptocurrency to purchase deadly weapons, support terrorism, sell and purchase narcotics and child pornography, and engage in human trafficking activity, all of which have severe ramifications of their own. Tracing and understanding cryptocurrency transactions, as well as seizing cryptocurrency used in illegal activity, are components of the Department’s efforts to combat cybercrime and crimes facilitated by it.

The Department has statutory authority to seize assets used in or obtained through illicit activity. It has employed this tool in cases involving cryptocurrency. For example, in 2021, the Department [seized](#) cryptocurrency valued at \$2.3 million that was alleged to be proceeds of a ransom payment in connection with a criminal investigation into the Colonial Pipeline ransomware attack earlier that year. The U.S. Marshals Service (USMS) serves as the primary custodian for DOJ’s seized assets and, as of June 2021, managed nearly 200 DOJ cryptocurrency seizures. In June 2022, the OIG issued an [audit report](#) that assessed the USMS’s handling of about \$466 million in seized cryptocurrency from FYs 2017-2021. The audit found that although the USMS implemented adequate safeguards for the storage of and access to seized cryptocurrency, the USMS faces challenges with managing and tracking its seized cryptocurrency in DOJ’s Consolidated Asset Tracking System. The audit also found that USMS policies related to storage, quantification, valuation, and disposal are inadequate, absent, and in some instances provide conflicting guidance. The OIG made seven recommendations to improve the USMS’s management and tracking of seized cryptocurrency. When implemented, the recommendations will strengthen the Department’s program to seize, forfeit, and liquidate, when appropriate, cryptocurrency used in connection with illegal activity.

Due to increasing use of cryptocurrency for criminal transactions, Deputy Attorney General Lisa Monaco [announced](#) the launch of the National Cryptocurrency Enforcement Team in October of 2021, building upon the Department’s Digital Currency Initiative, which was established in 2018. In February 2022, DOJ [announced](#) that the FBI is developing a specialized unit dedicated to supporting investigative matters involving the illicit use of cryptocurrency called the Virtual Assets Unit, which will work in conjunction with the National Cryptocurrency Enforcement Team. At the same time, the Department [announced](#) the launch of an International Virtual Currency Initiative to combat the misuse of and illegal activity associated with virtual currency. Although the Department is making strides in the investigation and prosecution of cybercrime, it still faces challenges with ever evolving technologies that can impede law enforcement’s capabilities to detect illegal behavior. These challenges were highlighted in a U.S. Government Accountability Office [report](#) released in February 2022. The U.S. Government Accountability Office found that drug traffickers are increasing their use of cryptocurrencies to help obscure their illicit activity and that the analytical tools available to law enforcement agencies have limited effectiveness. This report—and the

Department's Joint Criminal Opioid and Darknet Enforcement team's work on [Operation Dark HunTor](#), a coordinated international effort to disrupt opioid trafficking on the Darknet—illustrate the interconnectedness of cyber threats and other significant challenges, such as opioids, and that continuing progress is necessary to effectively investigate and prosecute offenses involving cryptocurrency.

Enhancing the Department's Response to the Opioids Crisis

The Centers for Disease Control and Prevention has identified opioids overdose as an epidemic, and opioid-related deaths continue to increase. In May 2022, the Centers for Disease Control and Prevention [reported](#) that overdose deaths increased by 15 percent in 2021 to over 107,000 people, and that opioids were responsible for over 80,000 of those deaths. As the nation's leading law enforcement agency as well as supporter of local law enforcement efforts, DOJ has a major role in coordinating a national response to opioids abuse. The Department's role is also crucially important given that one of its law enforcement agencies, the DEA, acts as the lead drug regulator in the country. Because of the many varied problems arising from opioids use, this is an extraordinarily complex and difficult challenge for the Department. Nonetheless, it remains one of the most important challenges for the Department to address.

As part of its [FYs 2022-2026 Strategic Plan](#), DOJ recognizes the importance of combating drug trafficking and preventing overdose deaths. The strategies outlined in this plan include disrupting and dismantling drug trafficking organizations while focusing on the highest priority targets, reducing deaths and addiction by focusing on the diversion of pharmaceutical controlled substances to illegitimate consumers, and expanding access to evidence-based prevention treatment. In addition to the high level of overdose deaths, the opioid crisis has had ramifications relating to discrimination in employment, healthcare, and participation in state and local government services and programs. For example, a Colorado-based program that assists individuals experiencing homelessness reached a [settlement](#) with the

Department resolving allegations of discrimination against an individual who takes medication for opioid use disorder (OUD). In another instance, the Department filed a [lawsuit](#) against a state's unified judicial system alleging it prohibits or limits participants in its court supervision program from using medication to treat OUD. In response to this type of discrimination, the Department issued [guidance](#) in April 2022 on protections under the Americans with Disabilities Act for those with OUD.

Another important part of DOJ's ongoing efforts to address this challenge is its use of civil enforcement actions against opioid manufacturers to hold these parties accountable when there is a legal basis to do so. In FY 2021, the Department's largest False Claims Act [settlements](#) resulted from significant resolutions with prescription opioids manufacturers Indivior Inc. and Indivior plc, and Purdue Pharma (Purdue). As part of a [global resolution](#) of criminal and civil liability, Indivior Solutions pleaded guilty to a felony and, together with its parent companies Indivior Inc. and Indivior plc, agreed to pay \$600 million to resolve criminal and civil liability associated with false statements made in connection with the marketing of the opioid addiction



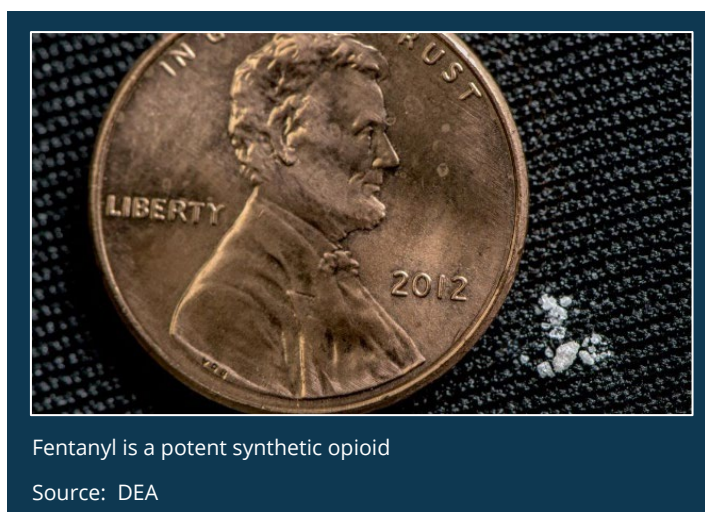
treatment drug Suboxone. To [resolve](#) criminal and civil liability, Purdue pleaded guilty to three felonies, which resulted in a criminal fine of \$3.544 billion and an additional \$2 billion in criminal forfeiture, and agreed to pay \$2.8 billion to resolve civil claims under the False Claims Act. Because Purdue was in federal bankruptcy proceedings at the time of this settlement, the Department and Purdue agreed that the \$2.8 billion from the resolution of civil liability would be paid as ordered by the court in connection with the bankruptcy proceedings. Separately, certain individual members of the Sackler family who were shareholders and board members of Purdue [agreed](#) to pay \$225 million to resolve civil False Claims Act allegations that they approved a new marketing program that intensified marketing of OxyContin to extreme, high-volume prescribers, causing opioid prescriptions for uses that were unsafe, ineffective, and medically unnecessary, and often led to abuse and diversion.

Many of the claims that formed the basis for these settlements arose from legitimate prescription opioids that were diverted from their lawful purpose to an illicit purpose. In 2019, the OIG conducted a [review](#) of the DEA's regulatory and enforcement efforts to control the diversion of opioids. Among other things, the OIG recommended that the DEA develop a "national prescription opioid enforcement strategy that encompasses the work of all DEA field divisions tasked with combating the diversion of controlled substances and establish performance metrics to measure the strategy's progress." In October 2022, the DEA provided the OIG with a copy of their strategy, which the OIG is evaluating. As diversion of prescription opioids continues to be a significant part of the crisis, the DEA's successful implementation of a strategy will be key to enhancing the Department's strategic response to this challenge.

The DEA has also employed community engagement strategies as part of its approach to the opioids problem. One such community effort is [Operation Engage](#), launched in 2021. This program utilizes an approach to collaboration with local community stakeholders such as schools, faith-based organizations, social service organizations, local, state, federal DEA partners, and others. As the OIG noted in a 2020 [audit](#) of the DEA's community-based efforts to combat the opioids crisis, it is important that the DEA has an outcome-oriented performance measurement strategy to assess the effectiveness of its community outreach efforts.

The OIG also noted in the 2020 [audit report](#) the importance of the DEA's collaboration with DOJ's grant making components. The need for this collaboration was underscored in the OIG's May 2022 [audit](#) of the Office of Community Oriented Policing Services' (COPS Office) Anti-Heroin Task Force Program. Since FY 2015, Congress has appropriated funds for the COPS Office to award competitive Anti-Heroin Task Force Program grants to state law enforcement agencies with high rates of primary treatment admissions for heroin and other opioids to investigate, through statewide collaboration, the unlawful distribution of heroin, fentanyl, carfentanyl, and prescription opioids. From

2015 through 2021, the COPS Office awarded \$135 million in grants through this program. The OIG found a need for the COPS Office to better collaborate and coordinate with other DOJ components to identify



Fentanyl is a potent synthetic opioid

Source: DEA

jurisdictions most in need of resources and to synchronize a coordinated agency-wide response to the opioid crisis. The OIG also found that the COPS Office did not have a written standard operating procedure to guide how its separate divisions need to work together to administer and oversee these grants. Additionally, prior to FY 2020, the performance measures that the COPS Office implemented for the program did not align with the program's authorizing legislation or goals. The OIG also has an [ongoing audit](#) of the Bureau of Justice Assistance's Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP), another Department anti-opioids grant program. The objectives of this audit are to determine whether the Bureau of Justice Assistance (1) implemented adequate oversight and management of COSSAP, (2) effectively coordinated and collaborated with COSSAP partners and stakeholders, and (3) accomplished COSSAP objectives. The OIG's work and recommendations in these projects could assist the Department's opioids reduction plan.

Given the tragically high and continually increasing number of Americans dying each year of opioid-related overdoses, working to address this epidemic remains one of the Department's most important challenges.

* * *

The remaining challenge areas are addressed in the following sections of the report. We hope this report will assist the Department in its efforts to improve program performance and enhance its operations. We look forward to continuing to analyze these important issues in the year ahead.

Improving Management of the Federal Prison System

As the U.S. Department of Justice (the Department or DOJ) has recognized in its [Fiscal Years \(FY\) 2022-2026 Strategic Plan](#), the federal prison system, which is managed by the Department's Federal Bureau of Prisons (BOP), is a critical part of its criminal justice mission. The BOP continues to be the largest DOJ employer, with almost [35,000 employees](#) in October 2022, and has the second largest [appropriation](#) among DOJ components at over \$7.865 billion for FY 2022. For at least the past decade, the Office of the Inspector General (OIG) reports have found weaknesses and failures in the management of BOP operations and have made dozens of recommendations to address them. We also have consistently identified managing the federal prison system as one of the most significant and important management challenges facing the Department. Separately, the U.S. Government Accountability Office has now added as an emerging issue to its high-risk list of federal programs the management of the federal prison system. Indeed, the OIG has observed and reported on how, over the past few years, even as the inmate population has declined from approximately 219,000 in 2013 to about 159,000 in October 2022, the many longstanding challenges facing the BOP, including physical safety, insufficient staffing, and healthcare costs, have resulted in serious organization failures and resulted in crises at far too many institutions. For example, the BOP has been forced to temporarily close its Metropolitan Correctional Center New York due to unresolved maintenance issues, and to dramatically [limit operations](#) at U.S. Penitentiary (USP) Atlanta due to contraband smuggling concerns. In addition, the recent allegations of sexual assault and civil rights violations against numerous BOP staff at the Federal Correctional Institution (FCI) Dublin and USP Tomson facilities demonstrate the continued safety and security challenges facing the BOP. As the [new BOP Director](#) Colette Peters begins her tenure, she will have the opportunity to lead the BOP in addressing these pervasive concerns through necessary improvements in strategic planning, management, and policy implementation.

Strategic Planning and Management

The BOP's awareness of the major challenges it faces are evident in its [FY 2023 budget request](#), in which the BOP requested funding to upgrade its security camera system, increase staffing, and implement and continue First Step Act (FSA) initiatives. However, the OIG has observed that a continuing challenge for the BOP are the recurring deficiencies in the BOP's strategies to identify, communicate, and mitigate operational issues at its institutions. In response to this observation, the OIG initiated a [limited-scope review](#) to assess how the BOP considers operational issues identified through internal and external oversight processes and products, how identified issues are communicated to BOP Executive Staff, and how the BOP takes action to remedy those issues. The OIG will also assess in that review the BOP's internal processes for identifying system-wide operational and security issues, as well as the processes for identifying critical risks that developed at specific institutions. In addition to this limited-scope review, the OIG is conducting an [audit](#) examining the BOP's management and strategic planning relating to expansion of existing institutions, as well as its acquisition and construction of new institutions, and maintenance of existing institutions, including how the BOP identifies and implements modernization and repair projects. Together, the results of these two OIG projects should assist the BOP in meeting these challenges and being more proactive and purposeful in its resource allocation, budget planning, and response to system-wide operational needs.

Physical Safety and Security

A central part of the BOP's mission is to provide safe, humane, cost-efficient, and appropriately secure environments for inmates in its custody. The BOP continues to face challenges in the institutional

infrastructure, physical safety, and security of its facilities. In particular, the BOP faces challenges in the areas of staff misconduct, contraband, security cameras, and aging infrastructure.

Promoting Accountability and Integrity, and Addressing Sexual Abuse of Inmates

Increased incidents of staff misconduct, weaknesses in the BOP's disciplinary process, and a lack of data on deaths in custody are among the most serious problems confronting the BOP. The OIG has observed a significant increase in the number of OIG investigations of BOP staff for allegedly sexually abusing inmates. In the last year and a half, and at one institution alone, FCI Dublin, OIG investigations have led to five prosecutions of BOP employees for sexual abuse of an inmate. In an interview with a media outlet, Deputy Attorney General Lisa Monaco noted that DOJ had convened senior officials to look at what more could be done about the issue of sexual abuse in the prison system, and that this focus came from the conduct seen at the FCI Dublin facility. An OIG investigation also led to a former Correctional Officer being [sentenced](#) to 48 months in federal prison following his conviction of one count of sexual abuse of an inmate while on duty at FCI Tallahassee. Such misconduct by BOP employees undermines the safety, security, and integrity of federal prisons and, therefore, presents a significant challenge to be addressed. In response to a request from DOJ leadership, contingent on funding, the OIG is planning to enhance the number of Special Agents conducting investigations of such allegations, and providing additional services to victims of sexual assault allegations. The OIG, through its FY 2023 budget request, has sought additional funding to expand the resources it can allocate to this serious and growing problem.

To better address this issue, it is critically important that the BOP examine and revise its disciplinary processes to ensure that employees are held accountable. For example, in a recent [Management Advisory Memorandum \(MAM\)](#), the OIG found that the BOP is reluctant to rely on inmate testimony in administrative misconduct investigations, has a general practice of avoiding calling inmates as witnesses in U.S. Merit Systems Protection Board and arbitration proceedings, and, at least in matters involving staff-on-inmate sexual assault, is effectively requiring significantly more proof than necessary under the applicable preponderance of the evidence standard to sustain misconduct and take disciplinary action against BOP employees. The OIG concluded that this manner of handling misconduct by BOP employees is contrary to federal regulations and BOP policy and creates significant risks for the BOP, including enhancing the likelihood that employees will avoid accountability for misconduct. For instance, the MAM noted that, based on this manner of handling misconduct investigations, the BOP issued only a 10-day suspension against a BOP employee whom the OIG found, based on the testimony of several inmates and other evidence, had sexually abused two inmates and failed to provide truthful information to the OIG. To address these challenges, the OIG recommended that the BOP create a policy regarding the proper handling of inmate statements in administrative matters and provide training to BOP employees on the preponderance of the evidence standard and the proper treatment of inmate statements.

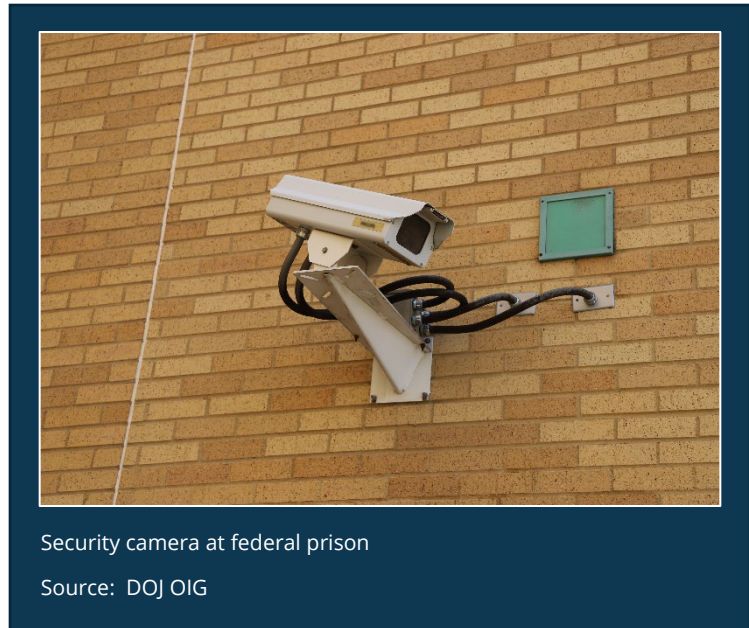
Contraband

The introduction of contraband into correctional facilities, whether weapons, drugs, mobile phones, or otherwise, creates a safety risk to BOP staff, inmates, visitors, and the public, and it remains one of the BOP's biggest challenges. Over the past decade, the OIG has examined the pervasive problem of contraband on several occasions. In a [2016 report](#), the OIG found significant issues with the BOP's contraband interdiction efforts, including deficiencies in the BOP's staff search policies and the need for an upgraded security camera system. Some OIG recommendations from that review remain outstanding as contraband-related problems continue to plague BOP facilities. Specifically, for example, in August 2021,

following an OIG investigation involving the introduction of contraband at a BOP facility, the OIG issued a [MAM](#) to the BOP identifying urgent security concerns involving staff entering BOP facilities without being searched. Additionally, over 700 cell phones, numerous hard contraband items, and illegal drugs were found inside [USP Atlanta](#) in July 2021.

Security Cameras

As noted above, the long-standing weaknesses in the BOP's security camera system represent a significant and ongoing risk to BOP staff and inmates. In an October 2021 [MAM](#), the OIG found that despite the BOP's progress in implementing selected camera upgrades, the BOP still must transition to a modern, fully digital system. We noted that the BOP continued to face many of the same challenges observed by the OIG in our 2016 contraband interdiction report, including an insufficient number of cameras to capture alleged misconduct, poor-quality video, inoperable cameras, and inadequate video storage. While the BOP requested \$15.6 million in its [FY 2023 budget request](#) for camera system upgrades, to begin implementing its



Security camera at federal prison

Source: DOJ OIG

strategic plan, it is imperative that the BOP prioritize the expeditious expansion and modernization of its security camera system to mitigate security risks. In addition to being essential to the BOP's ability to accomplish all aspects of its mission, congressional stakeholders concur that this must be a significant priority for the BOP, as indicated by the introduction of a bipartisan bill, the [Prison Camera Reform Act of 2021](#), that, if enacted, would require the BOP Director to make necessary upgrades to security camera and radio systems. The Act specifically references the OIG's 2016 [finding](#) that deficiencies in security camera systems affected the OIG's ability to secure prosecutions in contraband cases, as well as adversely impacted the availability of evidence to support administrative or disciplinary action against staff and inmates.

Institutional Infrastructure

Aging facilities is another challenge that the OIG has previously identified and that looms larger for the BOP with the passage of time. Currently, about 30 percent of the [BOP's 122 institutions](#) are over 50 years old, and 50 percent are over 30 years old. Further, [most BOP institutions](#) have not undergone major renovations from the time they were constructed or acquired and converted to prison use. Among the serious consequences of BOP's failure to adequately address infrastructure issues, as the OIG found in a 2015 [report](#), is the significant impact it has on aging inmates.

The BOP has represented that its current backlog of major modernization and repair projects has dramatically increased in recent years. Specifically, in July 2022, former BOP Director Michael Carvajal testified that the [backlog](#) of major modernization and repair projects was approximately \$2 billion, a significant increase from the BOP's FY 2017 estimate of [\\$542 million](#). Strong management, and strategic

planning and budgeting, will be critical to addressing this backlog. As noted above, the OIG has an [ongoing audit](#) that will evaluate the acquisition and construction of new BOP institutions, as well as the expansion and maintenance of existing BOP institutions. Upon completion of this audit, the OIG expects to provide recommendations to help the BOP contend with the issues presented by its aging facilities and infrastructure in a strategic manner.

Staffing Shortages

Since 2015, the OIG has repeatedly identified staffing shortages as one of the most significant challenges facing the BOP. For example, the OIG has previously found that insufficient health services staff increased the BOP's reliance on outside health providers and that a shortage of medical staff was one of the BOP's biggest obstacles in mitigating Coronavirus Disease 2019 transmission in its facilities. Insufficient staffing remains a substantial challenge at a number of institutions despite the BOP's recent efforts to address staffing shortages. The BOP has hosted hiring events across the country and has offered recruitment incentives for many positions and [locations](#). By June 2021, the BOP [reported](#) that it had filled over 94 percent of its "Line" Correctional Officer positions, the highest in recent years, and that by October 2021, 92 percent of these positions remained filled. However, in July 2022, in a [hiring announcement](#), the BOP noted that while the BOP had made staffing gains, staffing levels were again trending downward. To address these concerns, the BOP has [awarded](#) a contract to a consulting firm to assess staffing levels, a step that should guide the BOP's strategic planning related to staffing. The BOP has also started paying salaries to psychiatrists, physicians, and dentists that are competitive with other federal agencies, and, in some locations, the private sector.

Addressing its staffing challenges are central to the BOP's ability to safely and securely manage its institutions, and to protect the health, safety, and welfare of its staff and inmates. The BOP must redouble its efforts to address this critical challenge.

Management of Healthcare Services: Quality of Care, Planning, and Billing

Providing quality, cost-effective healthcare to inmates remains a significant challenge for the BOP. In FY 2021, the BOP spent [\\$1.3 billion](#) on inmate medical care, and between 2010 and 2019, the BOP paid approximately [\\$1.2 billion](#) to nine medical service contractors to supplement the BOP's in-house medical services, as we reported in a February 2022 [MAM](#) concerning potential BOP overpayment for inmate health care services. The cost of these contracts highlights the importance of adequate oversight and management of healthcare services. The OIG identified that the BOP has not effectively managed these resources or adequately assessed whether inmates are receiving quality of care at an appropriate price. In September 2022, the OIG issued a separate [MAM](#) that highlighted concerns identified through several audits or reviews conducted since 2012 that related to the BOP's strategy for comprehensive medical service contracts (Medical Services MAM). As described further below, in this MAM we highlighted several recurring issues, including weaknesses in the BOP's acquisition planning and contract administration, as well as the absence of a performance monitoring framework.

Quality of Care

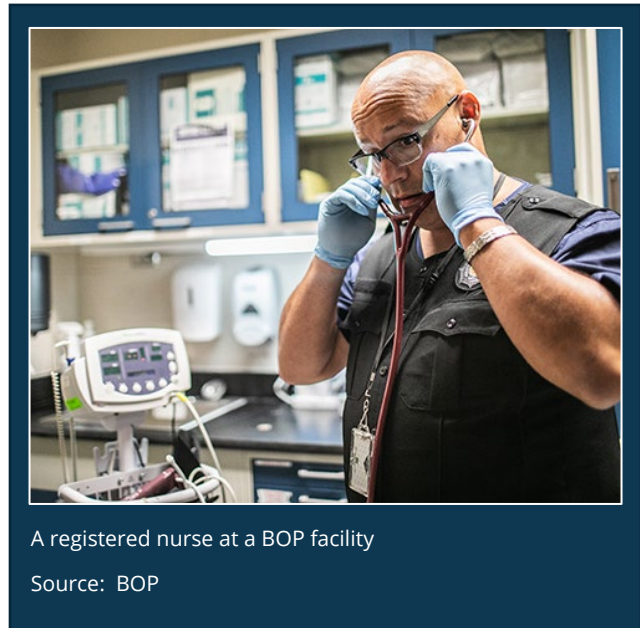
The BOP is challenged with providing [medically necessary care](#), which requires constant review of evidence-based prevention and treatment practices, and delivery of services that balance efficacy of care and quality of life, both during incarceration and in preparation for release into the community. Given the BOP's significant spending on medical contracts, it is critical that the BOP monitor performance to ensure that quality healthcare services are provided to inmates. However, the [Medical Services MAM](#) highlights that the BOP often did not adequately monitor the performance of medical contracts. The OIG's March 2022 [audit report](#), which focused on over \$304 million the BOP awarded to a university medical school for comprehensive medical services also noted that the BOP did not monitor the quality of healthcare services. This audit report found that the BOP did not have a consistent process in place to evaluate timeliness or quality of these services.

Additionally, the OIG observed in our September 2022 [audit report](#) relating to the BOP's procurements awarded to a medical services contractor that the BOP did not adequately monitor and assess the services received by the contractor, increasing the risk that inmates are not receiving quality healthcare. The OIG recently [awarded](#) a contract to a vendor that will assist the OIG in its efforts to evaluate the quality of care delivered to inmates at prison and detention centers operated by or under contract with the BOP.

It is imperative that the BOP take steps to address this challenge by implementing OIG recommendations and ensuring that healthcare providers are delivering the medical services for which the BOP has contracted, and that the services provided meet inmate care needs.

Planning for Medical Costs

In the [Medical Services MAM](#), the OIG found that the BOP has significant weaknesses in acquisition planning and attributed many of these weaknesses to inadequate communication and collaboration between the BOP's acquisition office and its institutions. The OIG noted this problem in its February 2022 [MAM](#) related to the BOP's acquisition and administration of procurements awarded to a medical services contractor and addressed in the September 2022 [audit report](#) referenced above. Specifically, the OIG found that the BOP grossly underestimated the costs of its awards to the contractor. The OIG's audit detailed several examples of this underestimation of costs. For instance, the audit noted that while the BOP initially issued a 3-year purchase agreement to the contractor with a \$3.75 million ceiling for FYs 2017 to 2019, the total cost over this period was nearly \$50 million. Additionally, between FYs 2017 and 2022, the BOP's total spending on the contractor's contracts was approximately \$121 million, despite the BOP initially awarding the contractor approximately \$92 million. In evaluating these costs, the OIG determined that the structure of the BOP's contracts to the contractor provided little incentive to reduce or control medical costs. The OIG recommended that, in order to better control costs, the BOP should implement a strategy that considers multiple cost-saving opportunities such as incentivizing contractors to reduce medical claims. Additionally,



A registered nurse at a BOP facility

Source: BOP

the OIG recommended that, to better plan for medical costs, the BOP should enhance its policies and procedures to ensure that adequate acquisition planning and market research is conducted for medical service awards. Addressing this challenge of adequately planning for healthcare costs is one of the most basic steps that the BOP can take to ensure that it can meet the healthcare needs of its inmates.

Medical Billing

Additionally, in the [Medical Services MAM](#), the OIG identified the BOP's inadequate contract administration to be a significant challenge, particularly as it relates to oversight of medical billing. The OIG noted this issue in our March 2022 [audit](#) referenced above, which found that the BOP did not have a consistent process to review billings, and, in some instances, did not verify charges at all. Similarly, the OIG's September 2022 [audit](#) referenced above found that the BOP did not review providers' medical claims, instead relying on the contractor to conduct these reviews. The BOP's failure to review these claims is particularly concerning in light of the contractor's [2021 settlement](#) with DOJ related to its submission of medical claims falsely representing medical services provided to inmates.

In addition to these audits, the BOP's inadequate oversight of medical billing was also evident in the OIG's February 2022 [MAM](#) related to the BOP's potential overpayment for inmate health care services. The OIG concluded that the BOP potentially paid higher amounts for similar medical services due to inconsistent practices related to the submission of reimbursement codes.

One of the fundamental responsibilities of any government agency is to ensure that it is efficiently and effectively managing taxpayer funds. The concerns identified by the OIG in these reports regarding the BOP's management of its medical billings reflect the importance of the BOP addressing this ongoing challenge.

Policy Implementation

To accomplish its mission of confining offenders in safe, humane, cost-efficient, and appropriately secure facilities, the BOP needs to periodically issue policies governing the actions, conduct, and conditions of employment for its workforce. The BOP, however, has faced significant challenges in implementing policies required by legislation, specifically the FSA, as well as amending policies more generally. In November 2021, as part of the OIG's then-ongoing evaluation of the BOP's policy development process, the OIG issued a [MAM](#) to address a 20-month period during which formal policy negotiations did not occur between the BOP and its national union. The OIG found that the lack of formal negotiations disrupted the BOP's implementation of the FSA and further delayed other policy changes needed to address OIG recommendations. In response to the MAM, the BOP resumed formal negotiations with its national union in December 2021. These negotiations ultimately facilitated the BOP's publication and implementation of the [FSA Time Credits rule](#), published on January 19, 2022, which codified the BOP's procedures regarding the earning and application of time credits as authorized by the FSA. By [April 2022](#), more than 6,100 eligible inmates had been transferred to supervised release or prerelease custody following the BOP's application of the FSA Time Credits rule.

Additionally, in September 2022, the OIG released its [evaluation](#) of the BOP's policy development process. The evaluation noted that over the past 2 decades, the OIG has observed recurring challenges in the BOP's ability to timely update its national policies governing the actions, conduct, and conditions of employment

for its nearly 35,000 staff. The report stated that as of May 2022, the BOP had 94 program statements that had not been updated in at least 20 years, and 24 OIG recommendations that, as of August 2022, have remained open for an average of more than 3 years due to policy development challenges. The OIG found that the BOP's policy development process was hindered by a policy negotiation process that did not sufficiently address the need for new and revised policies, and that the BOP did not develop effective policy negotiation practices. We also found that the BOP does not collect and track sufficient data necessary to evaluate its policy development and negotiation performance and determine whether it is applying best practices. The OIG made five recommendations to assist the BOP in improving its policy development process. The development of comprehensive, timely, and updated policies is critically important to addressing the many challenges facing the BOP.

Strengthening Public Trust in the U.S. Department of Justice

At its core, [public service is a public trust](#). The U.S. Department of Justice (the Department or DOJ) earns public trust through transparency and its impartial administration of justice. Eroded public trust represents a significant and concerning challenge that weakens the Department's ability to fulfill its [mission](#) to uphold the rule of law, to keep our country safe, and to protect civil rights. Ensuring that decision making adheres to established Department policies and practices, is free from inappropriate influences, and complies with conflicts of interest rules are key elements to meeting this challenge. In addition, DOJ should be attentive to addressing perceived disparities in law enforcement responses to significant events, consistency and objectivity in the use of sensitive law enforcement authorities, and demonstrating honesty and integrity in the performance of duties.

Ensuring that Decision Making is Free from Inappropriate Influences and Considerations

The quintessential statement of the Department's independence and objectivity is "Justice is blind." In the polarized environment of the day, DOJ leadership and all of its employees must be vigilant to give credibility to this guiding principle, which is critical to maintaining the public's trust.

Independence from Political Influence and the Appearance of Political Influence

The Department is often involved in high-profile, politically sensitive investigations and prosecutions. Recent examples include cases arising from the events at the U.S. Capitol on January 6, 2021, and the prosecution of Roger Stone for obstruction and related offenses. In these and other matters, it is critical that the judgments of DOJ personnel are impartial and insulated from political influence and partisan consideration. For that reason, among others, the Department has long maintained [policies](#), and Attorneys General have consistently issued [guidance](#), to establish standards for DOJ operations and for personnel to follow. Actual or perceived deviation from longstanding practices and norms undermines public trust in the Department, and therefore faithful compliance to them is central to meeting this challenge.

In the [2021 Top Management and Performance Challenges report](#), we emphasized the importance of adhering to these established policies and practices in our discussion of the Office of the Inspector General's (OIG) reviews of certain actions taken by the Department and the Federal Bureau of Investigation (FBI) in connection with the "[Midyear](#)" and "[Crossfire Hurricane](#)" investigations. The resulting reports highlighted the potential harm—to the Department and its representatives and to the public's confidence in the underlying investigations—that may result when the actions of agents or prosecutors suggest that political biases or other improper considerations may have impacted investigative decisions.



Lady Justice

Source: Sebra/stock.adobe.com

More recent OIG investigations also have underscored how actions by DOJ officials have the potential to undermine confidence in the Department's independence from partisan influence. For example, in February 2022, the OIG issued an [investigative summary](#) regarding its finding that a then U.S. Attorney exercised poor judgment and sought to undermine the professional reputation of a subordinate. The OIG found that, contrary to advice from a Department official, the former U.S. Attorney made public remarks inappropriately suggesting that a career Assistant U.S. Attorney was motivated by partisan political considerations in joining with numerous district election officers in sending a letter to then Attorney General William Barr that was critical of the Attorney General's revisions to DOJ's policies regarding election fraud. The U.S. Attorney's statement, which wrongly implied that the Assistant U.S. Attorney acted unethically by signing the letter and improperly suggested partisan motivation by a career prosecutor, served to harm the public's perception of the Department.

Alleged politicized hiring of Immigration Judges within the Executive Office of Immigration Review led members of Congress to ask the OIG to investigate whether Immigration Judge and Board of Immigration Appeals positions were withdrawn, delayed, or favored for political or ideological reasons. The OIG did not find evidence of systemic politicized hiring. However, in March 2022, we issued a [Management Advisory Memorandum \(MAM\)](#) recommending that the Executive Office for Immigration Review update its hiring process to clarify that candidates are evaluated and selected without regard to perceived political affiliation or ideology. Such steps will help to ensure transparency and accountability in these processes.

Compliance with Conflicts of Interest Rules

Principles of fairness and impartiality also demand that Department employees comply with [rules](#) and [regulations](#) requiring them to avoid or mitigate actual or perceived conflicts between their professional obligations and their personal interests. Recent OIG investigations have revealed that some Department employees have not scrupulously adhered to these requirements. For example, this past year, the OIG released an [investigative summary](#) finding that a senior FBI official engaged in misconduct by participating in the vetting and hiring process of the FBI official's former spouse.

Separately, in the course of our investigative work, we noted that the FBI did not have guidance to ensure the impartiality of agents conducting internal investigations of other FBI personnel. In February 2022, the OIG issued a [MAM](#) recommending that the FBI adopt policies or practices to prevent actual and perceived conflicts of interest in such circumstances. The FBI immediately adopted the OIG's recommendation and implemented a new standard operating procedure that requires FBI personnel assigned to internal investigations to formally attest that they do not have any actual or potential conflicts of interest, and prevents the assignment of investigators to matters in which the subject is in the investigator's chain of command or is someone with whom the investigator has a personal or professional relationship. These examples highlight how adherence to and enforcement of rules and regulations regarding conflicts of interest both promote the impartiality and integrity of decision making by Department personnel and help enhance public trust in the institution.

Consistency in the Treatment of Attorney Professional Misconduct Allegations

Another means of strengthening confidence in the Department is ensuring that attorney professional misconduct matters are handled no differently than misconduct allegations made against law enforcement agents or other DOJ employees. 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 Inspector General Act of 1978, as amended, grants exclusive investigative authority to the Department’s Office of Professional Responsibility. 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, a distinction not made in other federal agencies and a limitation not imposed on any other OIG. This duality presents a challenge to the Department as well as to the OIG because of the effect it has on stakeholders’ and the public’s confidence in the Department’s ability to treat its personnel evenhandedly.

Consistency and Objectivity in the Use of Sensitive Law Enforcement Authorities

Federal investigators and prosecutors wield tremendous power and discretion, particularly when securing evidence using certain sensitive law enforcement tools and techniques. In this context, adherence to applicable procedural and substantive legal requirements and policy considerations is critical to assuring the public that the Department is exercising this authority in a consistent and objective manner.

One particularly sensitive law enforcement tool is the issuance of a subpoena or other legal process to obtain communication records of members of the news media. The prospect of using such legal process may arise in the context of an investigation of unauthorized disclosures by a DOJ or other government employee of highly sensitive or classified national security information. First Amendment considerations require caution and deliberation about the propriety and necessity of using this tool. In recognition of these sensitivities, in July 2021, Attorney General Merrick Garland issued a [memorandum](#) modifying DOJ policy by prohibiting, with limited exceptions, federal prosecutors from using “compulsory legal process for the purpose of obtaining information from or records of members of the news media acting within the scope of newsgathering activities.” Before issuance of this memorandum, the OIG initiated a [review](#) of DOJ’s use of subpoenas and other legal authorities to obtain communications records of members of the news media and members of Congress, for whom there are also constitutional considerations, in connection with recent investigations of alleged unauthorized disclosures of information to the news media by government officials. The need for the OIG’s review arose from concerns about the circumstances in which these authorities were used and to enhance accountability and transparency about such past use. The scope of this ongoing review includes the Department’s compliance with then applicable DOJ policies and procedures, and whether any such uses, or the underlying investigations, were based upon improper considerations.

Related concerns arise from the collection of foreign intelligence information, which largely is shielded from the public’s awareness because of its classified nature, thus requiring that federal investigators collect this information in a manner that appropriately balances national security interests with constitutional protections and other legal requirements. To that end, the OIG’s 2019 Crossfire Hurricane [review](#) triggered additional oversight efforts, including an OIG advisory [memorandum](#) and [audit](#) of the FBI’s compliance with procedures designed to ensure the accuracy of Foreign Intelligence Surveillance Act applications. The resulting memorandum and audit report, issued in March 2020 and September 2021, respectively, identified some of the same types of accuracy deficiencies noted in the 2019 review and included a combined 12 recommendations, 2 for the National Security Division and 10 for the FBI. At the request of former Attorney General Barr, the OIG conducted an [audit](#) of the FBI’s Office of the General Counsel’s roles and responsibilities in national security matters. The OIG’s audit revealed a relationship between the FBI’s Office

of the General Counsel and the National Security Division that historically has been strained and hindered by overlapping or undefined responsibilities and miscommunication in national security matters, thereby affecting coordination needed to ensure the effectiveness of the FBI's national security program. DOJ as a whole has an essential responsibility to carry out its critical investigative and national security duties in an effective manner and to do so with efficient coordination while maintaining focus on adhering to the rule of law and upholding the public's confidence.

Perceived Disparities in Law Enforcement Responses to Significant Events

Objectivity is equally important in the Department's exercise of its law enforcement authorities. The law enforcement responses to protests in the spring and summer of 2020 at Lafayette Square in Washington, D.C.; Portland, Oregon; and elsewhere, following the deaths of Breonna Taylor, George Floyd, and others, have been contrasted with the treatment of rioters at the U.S. Capitol on January 6, 2021. The Department faces a significant challenge in ensuring that its law enforcement authority is wielded responsibly and without improper consideration or bias. Public [accountability](#) and transparency about its actions is necessary to address perceived disparities in law enforcement responses to these events.

To that end, the OIG has an [ongoing investigation](#) into use of force allegations involving DOJ law enforcement personnel in Portland, Oregon, in July 2020; and an [ongoing review](#) to examine DOJ's and its law enforcement components' roles and responsibilities in responding to protest activity and civil unrest in Washington, D.C., in June and July 2020. In April 2022, the Department's Civil Division [settled](#) four civil cases arising from the law enforcement response by non-DOJ agencies to demonstrations in Lafayette Square on June 1, 2020. Pursuant to the settlement agreement, the U.S. Park Police, a U.S. Department of Interior (DOI) agency, and the U.S. Secret Service, a U.S. Department of Homeland Security (DHS) agency, will update, clarify, and implement policies governing demonstrations to require visible identification for officers; limitations on the use of non-lethal force, including the utilization of de-escalation procedures and clear protocols for safe dispersal of demonstrators; and on-site coordination among responding law enforcement agencies.¹



DOJ is actively investigating the events surrounding the U.S. Capitol breach to hold accountable those who committed crimes. According to the U.S. Attorney's Office for the District of Columbia, as of [October 2022](#), the government has charged more than 880 people with offenses relating to their participation in the U.S. Capitol breach, and approximately 280 people have been convicted and sentenced.

¹ Prior to this settlement, the DOI's OIG issued a [report](#) that found the U.S. Park Police did not provide effective dispersal warnings to the protestors, and that deficiencies in communication between the U.S. Park Police and the U.S. Secret Service contributed to on-site confusion and the use of tactics that were inconsistent with the operational plan. The DOI OIG recommended that the U.S. Park Police develop a detailed policy for responding to protests and other similar events.

To provide additional transparency, the OIG is conducting an [ongoing review](#) that will examine the roles and activities of DOJ and its components in preparing for and responding to the events at the U.S. Capitol on January 6, 2021.²

Demonstrating Honesty and Integrity in the Performance of Duties

As a basic obligation of public service, federal personnel must put forth [honest efforts](#) in the performance of their duties. While the overwhelming majority of Department personnel meet their obligations, each year OIG agents determine that many do not, resulting in criminal indictments and findings of administrative misconduct. For example, in the OIG's most recent semiannual report to Congress, the OIG [reported](#) that OIG investigations had resulted in 49 arrests, 47 indictments and informations, 34 convictions and pleas, and 73 administrative actions during the 6-month reporting period.

The OIG has numerous ongoing investigations involving the Federal Bureau of Prisons (BOP) that are examining whether Department personnel have performed with honesty and integrity their essential obligation to ensure the health and safety of inmates in federal custody. For example, in addition to the matters described in the challenge regarding the BOP, the OIG is evaluating whether personal or procedural failures contributed to the non-natural deaths of inmates, including Jeffrey Epstein, while in the custody of the BOP.³ In part because these cases raise significant concerns about the BOP's capabilities and impair the public's trust in the Department, the OIG is also conducting a more comprehensive [review](#) of non-natural inmate deaths at BOP institutions during Fiscal Years 2014-2021.

As detailed in the [2021 Top Management and Performance Challenges report](#), the FBI's handling of allegations of sexual abuse by former USA Gymnastics physician Lawrence Nassar caused the public to question the FBI's commitment to pursuing investigations with honesty and integrity. The OIG's 2021 [report](#) exposed gross deficiencies in the FBI's investigation and detailed numerous failures by FBI officials, which the OIG found were exacerbated by false statements made by two now former FBI Special Agents.

The Department can strengthen public trust and help address this challenge by ensuring that its personnel have the training, experience, and supervision necessary to faithfully perform their duties and by providing greater transparency and accountability when they fail to do so. The OIG has found that these instances of wrongdoing are not representative of the diligent commitment of the overwhelming majority of DOJ employees. Nevertheless, the actions of the few affect the many and undermine the public's trust in the Department.

² Other federal agencies have assessed their respective roles and responsibilities. In March 2022, the DHS OIG [found](#) that DHS had identified specific threat information as early as December 21, 2021, but did not issue intelligence products about these threats in a timely manner. The U.S. Capitol Police OIG issued 8 [reports](#) concluding that the U.S. Capitol Police was not appropriately vigilant on January 6, 2021, and making over 100 recommendations to improve future preparedness. The U.S. Government Accountability Office issued four reports, including one that [found](#) that U.S. Capitol Police officers lacked of sufficient guidance before and during the attack and another [concluding](#) that several agencies, including the FBI, were aware of potential violence planned for that day.

³ Epstein was found dead as a result of suicide inside his cell on August 10, 2019, at Metropolitan Correctional Center New York.

Safeguarding and Promoting National Security

Countering increasingly volatile and sophisticated domestic and foreign threat actors who pose a significant risk to the national security interests of the United States remains one of the most important challenges for the U.S. Department of Justice (the Department or DOJ). The Department's [Fiscal Year \(FY\) 2023 budget request](#) reflects emerging challenges it is facing to keep pace with rising and evolving terrorism threats. For example, the budget request includes enhancements to the Department's technical capabilities to identify, assess, and respond to terrorist threats. The budget request also includes enhancements to the Department's ability to process crucial and necessary classified information remotely during times of mandated social distancing, natural disasters, and events preventing employees from accessing sites in-person. These enhancements are a part of an additional \$35.3 million requested to its already \$558.9 million budget for ensuring public safety against threats foreign and domestic.

Countering Acts of Terrorism

Domestic Terrorism

According to the June 7, 2022 U.S. Department of Homeland Security (DHS) [National Terrorism Advisory System Bulletin](#), the U.S. remains in a heightened threat environment. As DOJ explained in its FY 2023 budget request, the Federal Bureau of Investigation (FBI) estimates that more domestic terrorism investigative activity occurred in the United States in 2020 than in any of the previous 25 years. Several recent violent attacks by individuals against houses of worship, minority communities, mass transit, and other public areas have demonstrated the dynamic and complex nature of the domestic terrorism threat environment within the United States and the challenges facing the Department. The [Interim](#) National



Security Strategic Guidance, which was issued by President Joseph R. Biden in March 2021, concluded that domestic violent extremism (DVE) challenges core principles of democracy and demands innovative policies that strike a balance between protecting public safety, promoting democratic values, and upholding the rule of law.⁴ Further, part of the [National Strategy for Countering Domestic Terrorism](#) (National Strategy), which was issued by the President in June 2021, is to prevent recruitment and mobilizations to violence and confront long-term contributors to domestic terrorism. As has long been the case in this arena, the significant hurdle to this strategy is preserving individuals' First Amendment right to free speech or activity while protecting against the threat to national security.

⁴ According to DOJ officials, domestic violent extremists are [defined](#) as individuals who seek to commit violent criminal acts in furtherance of social or political goals stemming from domestic influences, such as racial or ethnic bias, anti-government, or anti-authority sentiments.

As specified in the National Strategy, the federal government continues to augment and improve its analyses and understanding of the domestic terrorism threat. The Office of the Inspector General's (OIG) [review](#) examining the role and activities of DOJ and its components in preparing for and responding to the events at the U.S. Capitol on January 6, 2021, which remains ongoing, will address important issues emphasized in the National Strategy. This review includes an evaluation of what information concerning the January 6 events was available to DOJ in advance of January 6; the extent to which DOJ shared such information with the U.S. Capitol Police and other federal, state, and local agencies; and the role of DOJ personnel in responding to this event. The OIG's review is also assessing whether there are any weaknesses in DOJ protocols, policies, or procedures that adversely affected DOJ's ability to effectively prepare for and respond to the events at the U.S. Capitol.

Domestic Violent Extremism and Hate Crimes

In February 2021, the Office of the Director of National Intelligence [designated](#) DVE as one of the most significant terrorism-related threats to the United States. Given the importance of the Department's efforts in countering threats posed by DVE and the importance of the challenge that is facing the Department, the OIG is conducting an [audit](#) of DOJ's strategy to address the DVE threat. This audit is evaluating the Department's efforts to develop a comprehensive strategy to address the DVE threat in the United States to determine if the Department is effectively coordinating among Department stakeholders on the implementation of the strategy.

Hate crimes continue to be on the rise, including bias-related incidents and violent attacks against minority communities. The FBI's Crime Data Explorer [site](#) shows a 13 percent increase in reported hate crimes between 2019 and 2020. Additionally, the Coronavirus Disease 2019 pandemic triggered a [significant surge](#) in the number of anti-Asian hate crimes and prompted the May 2021 passage of the [COVID-19 Hate Crimes Act](#). Since then, the Department has taken [steps](#) to implement the Act's provisions, including improving incident reporting, increasing law enforcement training and coordination, and prioritizing community outreach. The Department also [released](#) \$10 million to fund state and local reporting and data collection efforts and to support community-based approaches to prevent and address hate crimes and bias-related incidents. In addressing this challenge, it is important that the Department continue its efforts to keep communities safe from bias-motivated acts of violence by [committing](#) the necessary resources to confront and prevent unlawful acts of hate and to hold perpetrators of such violence accountable.

International Terrorism

Alongside the DVE threat, countering international terrorism threats remains among the highest priorities for the Department and one of its biggest challenges. Adversaries designated as foreign terrorist organizations or nations, operating both in and outside the United States, look to inspire and incite violence and criminal acts in our country. Successful identification and disruption of such threats without compromising investigative integrity or infringing on civil rights requires the Department to rigorously execute and oversee its operations and programs.



FBI Director Christopher Wray at the October 7, 2020, press conference announcing charges against ISIS militants

Source: FBI

The OIG's ongoing oversight work provides accountability, identifies challenges, describes weaknesses, and recommends enhancements for the Department's programs and operations countering international terrorism. During FY 2021, the OIG continued its work related to national security. In September 2022, the OIG issued an [audit report](#) addressing the roles and responsibilities of the FBI's Office of the General Counsel (OGC) in overseeing compliance with applicable laws, policies and procedures relating to the FBI's national security activities. This audit identified several instances of ineffective coordination between the FBI OGC and the National Security Division (NSD) and uncertainty in the delineation of their roles that negatively impact important workflows between them—including varying interpretations by the FBI OGC and the NSD of key legal principles. The audit made five recommendations to the FBI and DOJ to improve oversight of the FBI's national security activities that without action by DOJ, will allow these issues to persist and affect the efficiency and effectiveness of the FBI's national security program. Additionally, the OIG has an [ongoing audit](#) of the FBI's National Security Undercover Operations, which is evaluating the FBI's oversight of national security-related undercover operations as well as the FBI's efforts to recruit and train agents for these undercover operations.

Additionally, the OIG has provided the Department with information from our reviews to assist in preventing the potential radicalization of inmates within the federal prison system. For example, the OIG's 2020 [audit report](#) regarding the Federal Bureau of Prisons' (BOP) monitoring of inmate communications to prevent radicalization found that the BOP had not identified all terrorist inmates in its custody and thus did not adequately monitor their communications. Several important recommendations to improve the Department's efforts in this area remain open, such as establishing controls that mitigate the risk of inmates communicating with unknown and un-vetted parties and working with the BOP to ensure all terrorists entering its custody are properly identified. The Department is actively working to close these recommendations. The OIG has also continued working with the BOP to address the five recommendations included in the 2021 [audit report](#) regarding the BOP's management and oversight of its chaplaincy program. The mission of the BOP's chaplaincy program is to accommodate the free exercise of religion for inmates by providing pastoral care and facilitating the opportunity for inmates to pursue their individual religious beliefs and practices in accordance with the law, federal regulations, and BOP policy. One major finding from this audit was that the BOP allowed inmates with known ties to terrorism to lead religious services, a practice that could enhance the threat of radicalization through misuse of such services. The OIG's recommendations to the BOP aim to improve the delivery of religious services to the inmate population and to help diversify and alleviate shortages in its chaplain staff. The BOP continues to work toward fully responding to these recommendations.

U.S. Election Security and Countering Foreign Influence of U.S. Elections

The U.S. electoral process is the foundation of our democratic system of government and one of the challenges facing the Department is ensuring election security and countering illegal foreign efforts to influence our elections. Over the last several years there has been a rise in threats against election workers, administrators, officials, and others associated with the electoral process. The Department, along with state election officials, faces the challenge of accomplishing their critical role in protecting the integrity of the electoral process while operating objectively and lawfully in order to maintain public trust. To this end, in July 2021, the Department launched the [Election Threats Task Force](#) to address the rise in threats against election workers, administrators, officials, and others associated with the electoral process. Organized and led by the Deputy Attorney General, the task force includes the Criminal Division, Civil Rights Division, NSD,

and FBI, in addition to other interagency partners. The task force receives and assesses allegations and reports of threats against election workers and the electoral process, and supports U.S. Attorneys' Offices and FBI field offices throughout the country to investigate and prosecute these offenses, where appropriate. In the past year, DOJ has investigated and charged individuals with making threats to election workers in [Colorado](#), [Texas](#), [Nevada](#), and [Arizona](#). Additionally, the Department has updated [guidance](#) to grant recipients that permits certain funding to be used to deter, detect, and protect against threats of violence against election workers, administrators, officials, and others associated with the electoral process.



Ballot box

Source: Alcorn Imagery/stock.adobe.com

As the Department continues to [prioritize safeguarding elections](#), it also has a role in the interagency challenge of addressing the complex and evolving problem of countering foreign attempts to influence elections. This hybrid intelligence and law enforcement threat includes thwarting adversaries attempting to influence by way of cyber attacks against voting infrastructure and computer intrusions targeting elected officials. As the lead federal investigative agency of foreign influence operations, the FBI Director [established](#) the Foreign Influence Task Force to identify and counteract foreign malign influence operations targeting the United States. DOJ's investigative and prosecutorial efforts face unique challenges arising from the cyber landscape in which these adversaries often operate. The anonymity of the Internet not only makes detecting and disrupting adversaries difficult, but it also has allowed for a far-reaching platform to spread misinformation intended to create divisiveness and distrust in our electoral process. The OIG is conducting a [review](#) of the Department's efforts to coordinate the sharing of information among DOJ components related to foreign malign influence directed at U.S. elections. The objectives of this review are to (1) assess the effectiveness and resilience of the Department's information sharing system related to foreign malign influence on elections; (2) assess the Department's oversight, management, and coordination of its activities to respond to foreign malign influence on elections; and (3) identify any gaps in, or duplication of, its information sharing efforts.

Safeguarding DOJ Research and Development from Undue Foreign Influence, Espionage, and Theft

In January 2022, the National Science and Technology Council [guidance](#) for implementing [National Security Presidential Memorandum 33](#) identified that some foreign governments are working vigorously to acquire U.S. government-funded research and technology, through both licit and illicit means. Specifically, the guidance stated that there have been efforts to recruit American scientists to secretly conduct research programs on behalf of foreign governments or to inappropriately disclose non-public results from research funded by U.S. government sources. Investigating and prosecuting individuals who engage in the inappropriate transfer of knowledge or technology developed from taxpayer-funded research abroad to foreign governments or non-state actors who act counter to U.S. national security interests is an ongoing challenge for the Department. The Department's [China Initiative](#), which formally ended in February 2022,

also highlighted the importance of striking a balance between research security concerns and upholding the civil liberties of the U.S. scientific enterprise. Addressing this challenge through an approach that promotes equal and impartial justice also remains an ongoing priority for DOJ, as demonstrated by the [launch](#) of the NSD's Strategy for Countering Nation-State Threats.

The Department regularly offers [grant funding opportunities](#) to support, among other things, research. The National Institute for Justice (NIJ), the Department's research, development, and evaluation agency, [funds](#) "physical and social science research, development and evaluation projects about criminal justice through competitive solicitations." For FY 2023, the Department's budget request includes over [\\$88 million](#) in funding for research, evaluation, and statistics. In December 2020, the U.S. Government Accountability Office [recommended](#) that federal agencies develop agency-wide conflict of interest policies to help them assess risks of undue foreign influence. As a participant of the U.S. federal research enterprise, the Department should continue to strengthen its protections of longstanding and new DOJ research and development grants against undue foreign influence in a consistent and coordinated manner that preserves the open and collaborative nature of the U.S. research enterprise while providing robust measures to protect taxpayer funded research and development projects.

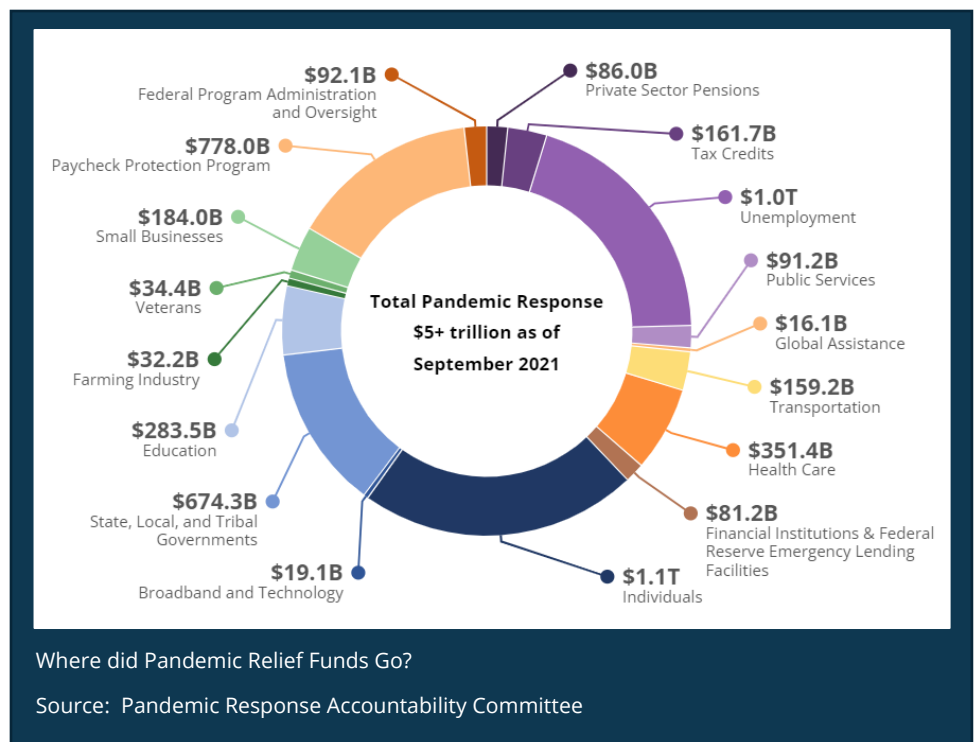
An OIG [audit report](#) issued in September 2022 found that five publications, which were partly researched and developed under a grant NIJ awarded to develop a prototype law enforcement system that detects opioid trafficking participants on the dark web, listed co-authors with affiliations to foreign research institutions on the U.S. government's Entity List. The [U.S. Entity List](#) identifies entities or individuals that the U.S. government has determined have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States. Although the OIG did not find evidence of any wrongdoing, potential inappropriate knowledge transfers, or undue foreign influence stemming from these co-authorships, underscores the significant risks DOJ must protect against to ensure that the knowledge gained, or technology developed from taxpayer-funded Departmental research is not at risk of being exported to support foreign governments or non-state actors with interests adversarial to the United States. In [response to the report](#), NIJ said it will determine the scope and nature of foreign activities and individuals that merit research grant recipient disclosure, based on federal statute, direction, policy, and guidance, relevant to fundamental research.

Managing the Post-Pandemic Impact on U.S. Department of Justice Operations

The Coronavirus Disease 2019 (COVID-19) pandemic continues to pose unique challenges for the U.S. Department of Justice (the Department or DOJ) and the continuity of its operations. For example, with over \$5 trillion in [pandemic relief funds](#) being distributed in a relatively short time frame, the Department faces a daunting task of responding to the magnitude and gravity of fraud-related cases. In addition, many immigration and federal court proceedings and the Federal Bureau of Prisons' (BOP) operations remain modified due to health and safety concerns. This challenge addresses post-pandemic issues stemming from the Department's litigation-related operations and its responsibilities in connection with providing safe and secure conditions of confinement for inmates and pre-trial detainees. We address post-pandemic workforce management issues, among other things, in the Managing Human Capital challenge.

Coordinating the Response to Pandemic-Related Fraud

The COVID-19 pandemic presented the country with not only a health crisis, but an economic one as well. Congress passed six laws authorizing federal emergency relief totaling over [\\$5 trillion](#) to individuals, state and local governments, businesses, and various programs and organizations. The distribution of an unprecedented amount of federal disaster response funds in a relatively short time frame has significantly increased the risk of fraudulent activities, which presents a novel aspect of pandemic-related challenges for the Department because of its investigative and prosecutorial responsibilities.



Concurrent with the increase in pandemic-related funds, the [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#), enacted into law in March 2020, established the [Pandemic Response Accountability Committee \(PRAC\)](#), a committee of the Council of Inspectors General on Integrity and Efficiency that is composed of Inspectors General from over 20 different federal agencies. As set forth in its [2020-2025 Strategic Plan](#), one of the PRAC's goals is to prevent and detect fraud, waste, abuse, and mismanagement of federal COVID-19 relief programs. Even with the PRAC's cross-agency support structure, DOJ faces a daunting task of responding to the multitude and magnitude of fraud-related cases. DOJ has taken various steps to address the issue of pandemic-related fraud, including [appointing](#) a Director for COVID-19 Fraud

Enforcement and establishing a [Task Force](#) and multi-agency [Strike Force Teams](#), which operate in select locations to combat COVID-19 fraud. As of September 2022, those efforts had [resulted](#) in criminal charges against over 1,500 defendants with alleged losses exceeding \$1.1 billion; the seizure of over \$1.2 billion in relief funds; and civil investigations into more than 1,800 individuals and entities for alleged misconduct in connection with pandemic relief loans totaling more than \$6 billion. DOJ enforcement efforts will be assisted by recent bipartisan legislation that established a 10-year statute of limitations for criminal and civil enforcement efforts relating to fraudulent [Paycheck Protection Program](#) loans and [Economic Injury Disaster Loans](#).

Despite these efforts to date, the identification of pandemic-related fraud continues to grow. As discussed in the PRAC Chair's March 2021 [congressional testimony](#), bad actors exploited key relief programs such as the Paycheck Protection Program, Economic Injury Disaster Loans, unemployment insurance (UI), and healthcare programs. Fraud has been estimated to be in the tens of billions of dollars for these programs. For example, in September 2022, the U.S. Department of Labor's Office of Inspector General (OIG) issued an [alert memorandum](#) noting that since February 2021 an estimated \$45.6 billion in potentially fraudulent UI pandemic benefits were paid in four identified high-risk areas.⁵ Further, the Federal Trade Commission reported a [3000 percent increase](#) in reports of identity theft involving public benefits from 2019 to 2020, and since April 2021, 17 states have reported to the PRAC an estimated total of [\\$46.2 billion](#) in fraudulent payments for the UI program alone. To help counter this fraud, the DOJ OIG has assigned nine Special Agents to PRAC's Fraud Task Force on a part-time basis, in addition to their regular case load. The DOJ OIG also conducted an [audit](#) that examined the Criminal Division's and the Executive Office for U.S. Attorneys' management and coordination of pandemic-related fraud allegations and referrals. As a result of that audit, the DOJ OIG made recommendations on how the two components can enhance tracking of fraud allegations, expand guidance on managing pandemic-related fraud cases, and improve communication for matters under investigation and information shared with coordinating bodies.

Compounding the task of countering pandemic-related fraud is the issue of data gaps. A PRAC-commissioned [study](#) revealed key gaps in data completeness and accuracy across multiple government reporting platforms. Without reliable data from agencies managing pandemic programs, the Department's ability to identify fraud trends and target suspects for criminal, civil, and administration enforcement will be hampered.

Impact of the Pandemic on DOJ Litigation- and Incarceration-Related Operations

The COVID-19 pandemic substantially impacted the work of DOJ litigating attorneys, immigration courts, and the BOP. At the outset of the pandemic, the OIG shifted a significant portion of its oversight efforts toward assessing various DOJ components' responses to the emerging public health emergency. The OIG's pandemic-related work has highlighted both best practices and the need to improve aspects of DOJ's response to the pandemic and other emergencies.

⁵ The alert memorandum identified the high-risk areas as composed of payments to individuals with Social Security numbers (1) filed in multiple states, (2) belonging to deceased individuals, (3) used to file UI claims with suspicious email accounts, and (4) belonging to federal inmates.

Litigating Components and Immigration Courts



COVID-19 impacted court operations

Source: Moodboard/stock.adobe.com

The COVID-19 pandemic's impact on court operations impaired the Department's ability to litigate its already-filed criminal and civil cases, which presents a challenge to the Department as courts have reopened and the backlog of pending matters are now moving forward along with the new cases that are being brought. Due to the pandemic, the summoning of jurors for both petit and grand jury service had to be suspended to protect the health and safety of personnel. As a result, numerous courts tolled the time period for filing an indictment, delayed all bench and jury trials, and adopted the use of video and audio conferencing technology for oral arguments. The CARES Act authorized federal courts to conduct certain criminal proceedings by video or audio conference. [Federal courts](#) continue to coordinate with state and local health officials regarding their response to COVID-19 and its impact on court operations. Additionally, individual courts have issued [orders](#) related to court business, operating status, and public and employee safety during the pandemic.

Another challenge facing DOJ was how to effectively train litigating attorneys during the pandemic. Training efforts of the Executive Office for U.S. Attorneys, which are coordinated through the Office of

Legal Education (OLE), were significantly impacted by the pandemic. DOJ's training facility, the National Advocacy Center, was closed to residential training for the entirety of Fiscal Year 2021. In 2020, OLE quickly pivoted to alter a large number of residential training courses into distance education, a trend it continued in 2021. Newly hired Assistant U.S. Attorneys, who had to receive important training on trial advocacy skills, writing skills and criminal discovery practice, were able to do so virtually. However, the need for in-person training still exists, especially in the area of mock trials and national security training. OLE plans to capitalize on the success of the distance education program and use the lessons learned and advancements made during the pandemic to provide the optimal mix of residential and distance training, while maintaining high standards for training quality and effectiveness.

The Executive Office for Immigration Review (EOIR) operates the nation's immigration courts. As described in the OIG's April 2021 [limited-scope review](#), EOIR had to balance difficult and sometimes conflicting challenges during COVID-19, including the need to ensure due process while also mitigating the risk of infection. Operationally, EOIR suspended certain dockets to reduce the number of individuals in EOIR office space and immigration courts, but its limited ability to accept filings electronically required some personnel to report to EOIR space. With certain exceptions, EOIR continued its docket of cases involving detained individuals throughout the pandemic. However, by regulation, Immigration Judges have independent discretion to make procedural decisions in the cases over which they preside, such as waiving in-person appearances or granting continuances. The OIG found that those decisions, because they were made by individual Immigration Judges, were inconsistent and were not always communicated in a timely manner. According to a U.S. Government Accountability Office [report](#), between March and October 2020, EOIR delayed about 600,000 hearings due to court closures. The interruption in court operations and corresponding backlog of cases presents a significant post-pandemic challenge for the Department.

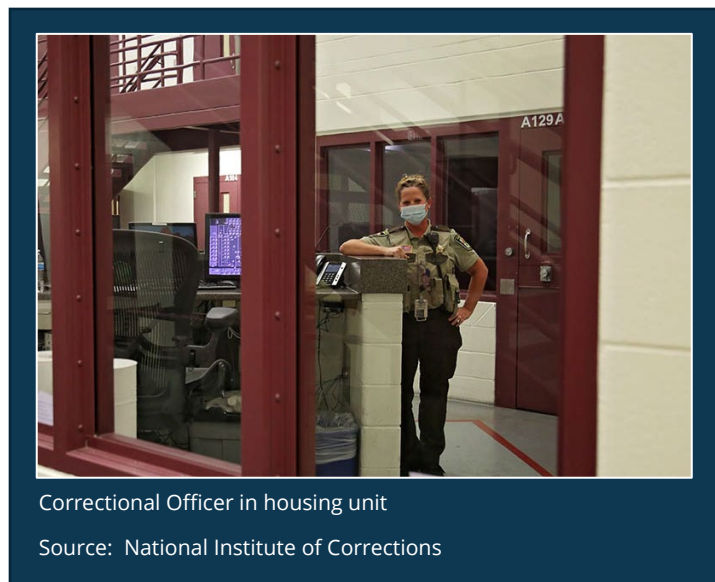
One of the drivers of the anticipated EOIR caseload increase is Immigration Judges' limited ability to conduct hearings remotely. It was not until August 2021 that [all immigration courts](#) had the capability for parties to attend proceedings remotely outside of government facilities. Even then, most Immigration Judges could not conduct remote hearings from home because they did not have the tools to record the hearings for an official transcript, as legally required. The OIG identified additional issues with EOIR's use of video teleconference (VTC) for immigration hearings in a June 2022 [limited-scope review](#). Specifically, the OIG found that the video feed in three-way hearings was often of poor quality. In the VTC limited-scope review, the OIG also found that the use of VTC raised fairness considerations given that it was potentially difficult for some participants to understand the hearing and the participants' roles, and that EOIR could improve efforts to ensure that hearing participants have adequate access to information about their rights in the immigration process.

Post-pandemic, the Department faces the challenge of being adequately resourced and prepared to continue operations, while affording litigants due process, in the event that in-person proceedings are disrupted due to future emergencies and catastrophic events.

The Federal Bureau of Prisons

Although we address challenges confronting the BOP more broadly in a separate challenge, we highlight here continuing issues for the BOP arising from the pandemic. Throughout the pandemic, the BOP needed to implement procedures or modifications to operations to prevent the spread of infection in accordance with the BOP's COVID-19 Response [protocols](#). Procedures to mitigate the risk of COVID-19 transmission inside facilities include the use of home confinement, social distancing, quarantine, disease screening and testing, cloth and medical grade face coverings, personal protective equipment, medical isolation, and promotion of vaccination usage among inmates and staff to protect at-risk populations. The pandemic has impacted BOP operations, and currently all institutions continue to operate under varying [modified operational levels](#), as determined by local conditions.

The OIG's substantial oversight work concerning the BOP's response to the COVID-19 pandemic found that BOP measures designed to minimize the spread of COVID-19 were not uniformly implemented or effective. For example, our remote inspection of [Federal Correctional Institute Milan](#) revealed that BOP staff did not consistently use appropriate personal protective equipment to prevent the spread of infection when escorting inmates with COVID-19 symptoms. Also, our remote inspection of [Federal Correctional Complex Lompoc](#) found that the facility's initial COVID-19 screening of staff was not fully effective. Additionally, in a February 2021 OIG [survey](#) of BOP staff working in institutions, 85 percent of respondents reported that their institution



followed COVID-19 communication and guidance on wearing cloth face coverings.⁶ Yet, in another finding, only 44 percent of respondents reported observing other staff members always wearing appropriate face and nose coverings, and only 30 percent of respondents reported observing inmates always doing so. Less than half of respondents reported it was easy to understand guidance on using leave for COVID-19 reasons and quarantining staff following temporary duty assignments. The OIG's inspections and survey results are consistent with a January 2022 U.S. Government Accountability Office [report](#), which found that BOP staff were confused about how to implement the BOP's COVID-19 guidance. All of these findings demonstrate that one of the challenges facing the BOP is ensuring that it has effective procedures for communicating and enforcing its health and safety protocols and guidance.

To assist the BOP in responding to the pandemic, the OIG conducted an array of oversight work to assess the BOP's operations, including issuing [15 remote inspection reports](#) of facilities housing BOP inmates and publishing a collection of [interactive dashboards](#) with data related to COVID-19 in BOP facilities. We discussed the results of the remote inspection reports in the [2021 Top Management and Performance Challenges report](#). To further understand the impact of COVID-19 on BOP operations, the OIG is completing a [capstone report](#), which will analyze the findings of the published remote inspection reports and the BOP's remaining challenges during the pandemic and beyond.

The BOP faces the challenge of incorporating lessons learned from the pandemic into planning for future public health emergencies. One aspect of this challenge is to effectively reconcile emergency-related policies with mental health considerations. OIG remote inspections found that the BOP's modified operations resulted in prolonged reductions in, or suspension of, inmate programming, recreation, social visitation, and commissary. Another important challenge is the BOP's implementation of early release authorities during public health emergencies. The capstone report will address further a recurring topic in our remote inspection reports, that is, the BOP's use of CARES Act and Attorney General authorities for inmates with enhanced vulnerability to COVID-19 and for inmates potentially eligible for home confinement based on limited time remaining on their sentences. Additionally, the OIG has a separate [ongoing review](#) that will assess the BOP's processes for implementing the CARES Act and Attorney General authorities, considering eligibility criteria, and evaluating wardens' recommendations regarding home confinement of inmates who did not meet eligibility criteria.

Finally, the BOP faces the challenge of planning for the impact of future public health emergencies on its persistent staffing shortages, a long-standing issue the OIG has [highlighted](#) since 2015. According to the OIG's February 2021 [survey](#), 66 percent of BOP staff respondents said they were required to perform tasks outside their normal duties, 28 percent were required to work longer shifts, and 23 percent took leave to recover from increased work demands. To provide further insight on the BOP's provision of medical services during emergency conditions, the OIG, in partnership with the PRAC, is completing an [ongoing review](#) of efforts to provide telehealth services to federal inmates and detainees in BOP and U.S. Marshals Service custody.

⁶ The overall response rate to this survey was 19 percent.

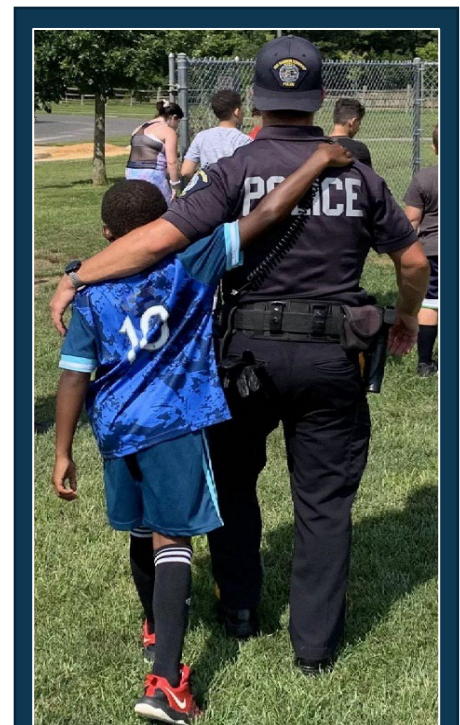
Strengthening Police-Community Partnerships and the Response to Violent Crime

As the nation's chief law enforcement agency, the U.S. Department of Justice (the Department or DOJ) has consistently considered combatting violent crime a significant priority. This priority has taken on new urgency given that, as Attorney General Merrick Garland noted in his [congressional testimony](#), the murder rate increased nearly 30 percent in 2020, and 77 percent of homicides were committed with a firearm. With the increase in violent crime and gun violence, the challenge for the Department is identifying effective solutions to address this serious problem. Enhancing police-community relationships, effectively responding to gun violence, and improving crime data collection are three ways in which the Department can make progress in meeting this challenge.

Enhancing Police-Community Partnerships

The Department recognizes that a constructive relationship between law enforcement agencies and the communities they serve is crucial to addressing the rising tide of violent crime. In May 2021, DOJ [announced](#) a comprehensive strategy for reducing violent crime that rests on, among others, the core principle that the Department must foster community trust, treat people with dignity and respect, and build meaningful partnerships with community leaders. These principles were reiterated and reinforced by [Executive Order 14074](#), which, among other things, established the federal government's policy "to increase public trust and enhance public safety and security by encouraging equitable and community-oriented policing."

To help carry out this policy, in March 2022, the Department [announced](#) an expansion of technical assistance services offered to state, local, and tribal law enforcement partners through the [Collaborative Reform Initiative](#), a program managed by the Office of Community Oriented Policing Services (COPS Office). Another tool used to enhance community policing is the [COPS Hiring Program](#), a competitive grant program that is designed to help law enforcement agencies increase their community policing capacity through the hiring or rehiring of additional officers. In May 2022, the Congressional Research Service [reported](#) that for Fiscal Year (FY) 2022 the COPS Office announced that it would give additional consideration to grant applicants who intended to use funding to recruit officers from the communities they serve, or who would be willing to relocate to high-crime areas or communities that have strained police-community relationships. The COPS Hiring Program, however, requires oversight to ensure that the funding is used to attain the program's objectives. In November 2021, the Office of the Inspector General (OIG) issued an [audit report](#) of two COPS Hiring Program grants totaling over \$4 million. The report found that the recipient did not adequately manage the financial activities of the grants or have adequate policies related to grant administration, which caused the



Community Policing Officer and local youth walking off the field together after a game of dodgeball

Source: Community Oriented Policing Services Photo Contest; Image by Officer Edward Bertino, Courtesy of Egg Harbor Township (New Jersey) Police Department

OIG to question whether the grant funds were used for the intended purposes. Effective use of this grant program to enhance community policing requires responsible administration of federal funds. The importance of oversight and responsible stewardship of the use of grant funds as a tool to quell violent crime cannot be overstated, particularly in view of the Department's [announcement](#) in December 2021 that it would be awarding \$1.6 billion in grants designed to reduce violent crime and strengthen communities.

Increased transparency and accountability are necessary to improve the relationship between communities and law enforcement agencies. In December 2021, the U.S. Government Accountability Office (GAO) issued a [report](#) that found that DOJ did not consistently publish annual summaries of excessive force data in FYs 2016-2020, which the GAO noted was both required by law and vital to reduce instances of excessive force. Implementing the GAO's recommendations on collecting, reporting, and sharing this data will help DOJ display a commitment to accountability and community partnership.

Another means of enhancing police accountability and the public's trust in law enforcement is the use of body worn cameras (BWC) to record law enforcement interactions with the public. Historically, DOJ law enforcement components, including the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and U.S. Marshals Service (USMS) have not used BWCs and have not had policies for their use. In February 2021 the OIG provided a [memorandum](#) to incoming Department leadership describing DOJ's posture on this issue, and in June 2021, the OIG released an [audit report](#) recommending, among other things, that DOJ's law enforcement components reassess the lack of BWC use and pursue actions that would prepare DOJ for the implementation of a BWC program. On June 7, 2021, shortly in advance of the issuance of the OIG's audit report, Deputy Attorney General Lisa Monaco [directed](#) "the ATF, DEA, FBI and USMS to develop individualized comprehensive policies that require agents to wear and activate BWC recording equipment for purposes of recording their actions during: (1) a pre-planned attempt to serve an arrest warrant or other pre-planned arrest, including the apprehension of fugitives sought on state and local warrants; or (2) the execution of a search or seizure warrant or order." In September 2021, DOJ [announced](#) the launch of the first phase of its BWC program. By January 2022, each component developed interim BWC policy for its law enforcement officers and completed a forecast of costs associated with equipment purchase, video storage, and other resources, including staffing.

The Department has taken additional steps to improve law enforcement accountability by [updating](#) its use-of-force policy to include a requirement that law enforcement intervene to prevent or stop any officer from engaging in excessive force and to render medical aid, and in [announcing](#) a prohibition on the use of chokeholds and carotid restraints unless deadly force is authorized and limitations on when DOJ law enforcement agents can use unannounced entries.

Responding to Gun Violence

The number of firearms and firearms-related violence has significantly increased in recent years. According to ATF's [National Firearms Commerce and Trafficking Assessment](#), between 2000 and 2020, the number of Gun Control Act firearms and National Firearms Act weapons that were domestically manufactured, exported by U.S. manufacturers, or imported into the United States increased by 187 percent, 240 percent and 350 percent, respectively. A Centers for Disease Control and Prevention (CDC) [report](#) found that from 2019 to 2020, coinciding with the onset of the Coronavirus Disease 2019 pandemic, the firearm homicide

rate increased nearly 35 percent, reaching its highest level since 1994.⁷ In 2021 alone, the FBI [designated](#) 61 incidents as active shooter events in which 103 people were killed and 140 more were wounded. Recent events, including the mass shootings in Buffalo, New York; Uvalde, Texas; and Highland Park, Illinois, have highlighted the elevated firearm-related homicide rate. A [study](#) of U.S. mass shootings from 1966 to 2019 showed that 20 percent of the 167 mass shootings in that period occurred in the last 5 years of the 53-year review period. The FBI [reported](#) a 33 percent increase in active shooter incidents from 2019 to 2020, and a 52.5 percent increase from 2020 to 2021. CDC [data](#) also showed that 37,516 people aged 19 or younger were killed from 2001 to 2020 as a result of firearm-related homicide, and the Center for Homeland Defense and Security [reported](#) that school-based shootings from January 2021 through June 2022 resulted in the death or wounding of 192 children ages 6 to 18.



Firearm

Source: Maslaum/stock.adobe.com

The Department's [FY 2022-2026 Strategic Plan](#) identifies the need to reduce gun-related violent crime as a priority agency goal. DOJ has identified several [strategies](#) to achieve this priority goal, including addressing gun violence through the Department's comprehensive violent crime reduction program, enhancing partnerships with all levels of law enforcement, and investment in community-based programs to prevent violence. DOJ has also made efforts to address gun violence by [proposing](#) a new firearm rule and model legislation regarding short-barreled rifles and "red flag" laws and by [modernizing](#) the legal definition of a firearm in response to the proliferation of "ghost guns." The Department also provides technical support to local law enforcement. For instance, the

Department's COPS Office is conducting a [critical incident review](#) of the law enforcement response to the Uvalde mass shooting. In addition, DOJ continues to enforce federal firearms laws, exemplified by its [investigation](#) of the Buffalo mass shooting, which resulted in a federal grand jury returning a 27-count [indictment](#) charging the alleged perpetrator with firearms offenses as well as hate crimes.

In addition to these efforts, ensuring that federal firearms licensees (FFL) (i.e., those authorized under law to commercially sell firearms) are complying with existing federal laws and addressing new firearms technology (e.g., privately made firearms or "ghost guns") are important aspects of the challenges associated with countering gun violence. Oversight of FFLs is one important step in enhancing gun safety and potentially reducing gun violence. The OIG has an [ongoing audit](#) of ATF's risk-based inspection selection processes and administrative actions issued to FFLs. The audit will examine ATF's risk-based approach for managing FFL inspections, certain activity related to the referral of FFL-related information for criminal investigation, and the processing of FFL license revocations. Additionally, in September 2022, the OIG issued an [audit report](#) that examined ATF's firearm disposal practices, which found that ATF needs to implement additional controls to safeguard firearms approved for disposal from loss or theft while in the custody of

⁷ The CDC also found that the increase in firearms homicides were not evenly distributed across the population, but rather young people, males, and black or African American individuals had the highest firearms homicide rates and experienced in the largest increases in 2020.

ATF's National Destruction Branch facility. The OIG made 10 recommendations that will help ATF better ensure that all firearms sent to its disposal facility are ultimately destroyed and protected from loss or theft.

In June 2022, Congress enacted the [Bipartisan Safer Communities Act](#). Among other things, this law designated [\\$1.5 billion](#) in funding for DOJ grant programs to help address various aspects of gun violence. The OIG's oversight work in response to the evolving trends related to gun violence, as well as the Department's administration of these funds, can assist DOJ with addressing these challenges.

Improving Data Collection

Timely, complete, and accurate data is critically important to investigating crimes and developing strategies to prevent future crimes. For example, in December 2021, the OIG released an [audit report](#) regarding ATF's monitoring of 3-D firearm printing technology. We noted in this report that ATF relies on information provided by local law enforcement to monitor 3-D firearm printing technology but lacks a method to collect meaningful 3-D printed firearms data. The report made a recommendation to enhance data collection to help ATF comprehensively analyze trends involving use of this technology in crimes.

Similarly, in a July 2021 [audit report](#), the OIG determined that the FBI's National Instant Criminal Background Check System does not automatically confirm that out-of-state residents who purchase firearms from an FFL meet the legal age requirements in their state of residence, which increases the risk that FFLs will improperly sell firearms to individuals who are prohibited under law from purchasing them. The OIG's report detailed one such instance in 2019 in which an individual who did not meet the age requirement of the individual's home state of Florida nevertheless managed to purchase a firearm in Colorado and subsequently issued threats of violence against schools, leading the state of Colorado to order its schools closed. It is key that all DOJ-managed crime data is critically evaluated to ensure limitations are mitigated and the data is reliable for investigative and crime prevention purposes.



Across DOJ, components compile and share data that impacts multiple elements of crime response approaches. DOJ faces challenges in the timeliness and completeness of this data. For example, the [National Incident-Based Reporting System \(NIBRS\)](#), the FBI's incident reporting system, still has [31 states](#) that are only partial data reporters. And in September 2022, the FBI was unable to release data trends by region and aggregate population group in its [Quarterly Uniform Crime Report](#) because agency participation was below the required 60 percent threshold. In an effort to provide comprehensive crime data, DOJ's Bureau of Justice Statistics (BJS) and the FBI are working to develop reliable methods of [estimating crime statistics](#) based solely on data submitted by state and local law enforcement agencies through NIBRS. The BJS also administers the [National Crime Victimization Survey \(NCVS\)](#), an official estimate of criminal

victimizations involving nonfatal violent and property crimes, both reported and not reported to police. The BJS has leveraged [data](#) from NIBRS and the NCVS to augment the available crime data and provide a more complete picture of crime in the United States. Recognizing that data gaps remain, DOJ has also been working on new crime data initiatives, such as [Justice Counts](#), which brings partners together to develop up-to-date, actionable criminal justice data. Although Justice Counts will not produce official national crime data statistics, the [Department](#) intends that it will provide another source of information, which—along with NIBRS and the NCVS—will help states make smarter policy and budget decisions.

DOJ has also faced long-standing challenges to developing accurate crime data in Indian country and increasing tribal access to law enforcement databases. We first discussed DOJ's efforts to meet its responsibilities of crime data collection pursuant to the Tribal Law and Order Act of 2010 in a 2017 [report](#), and have continued to encourage improvements, such as in last year's [Top Management and Performance Challenges report](#). While DOJ has made progress, including holding [consultation meetings](#) with tribal leaders, more work remains to be done. For example, the GAO found in an October 2021 [report](#) that the number of missing and murdered Indigenous women is unknown because federal databases do not contain comprehensive national data. The Department [announced](#) several initiatives geared towards addressing the issue of [missing and murdered Indigenous persons](#) in May 2022, but it has not yet developed the data set that GAO noted was missing. The OIG identified other data gaps that impact Native communities in a July 2022 [report](#) on the Department's National Sexual Assault Kit Initiative grant program. This program provides money to local, state, and tribal agencies to inventory, track, and test unprocessed sexual assault kits to identify the potential assailants and establish links to serial sex offenders. Among other things, the OIG found that tribal agencies were underrepresented in the grant program despite the fact that American Indian and Alaska Native women are three times more likely to experience sexual assault. Implementing the recommendations from this report will help DOJ improve crime data collection and analysis efforts and ensure that more victims have an opportunity for justice.

Effective Management of U.S. Department of Justice Contracts and Grants

In Fiscal Year (FY) 2021, the U.S. Department of Justice (the Department or DOJ) awarded over \$9.6 billion in contracts and \$3.9 billion in grants. Effective management of contract and grant awards to ensure financial accountability and mitigate the risks of fraud or misuse is an ongoing challenge for the Department. Some of those challenges include complying with laws, regulations, and policies that govern contract workers' rights and protections, acquisition planning, and contract oversight and administration. Additionally, monitoring grants and ensuring the functionality of the Department's grants management system have remained pressing challenges for DOJ.

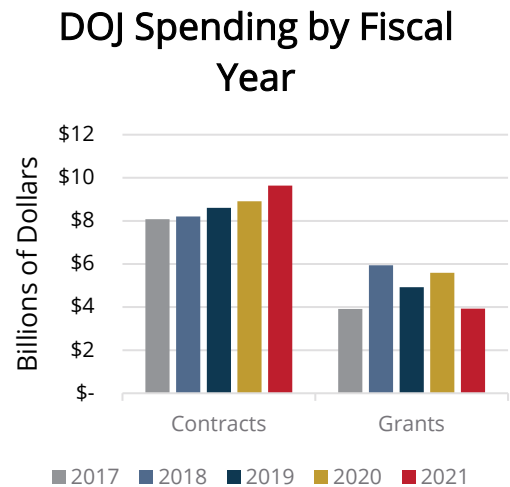
Challenges to Proper Contract Management

In July 2020, the Office of the Inspector General (OIG) issued a [Management Advisory Memorandum \(MAM\)](#) concerning DOJ's administration and oversight of contracts to highlight systemic issues identified in multiple OIG audit reports. The MAM concluded that between FYs 2013 and 2019, the Department experienced significant issues linked to inadequate contract solicitation, award, administration, and oversight. Although the Department has made progress in addressing some of these issues, the OIG's audits, reviews, and investigative activities have found that deficiencies in various aspects of DOJ's contract management have persisted.

Compliance with Laws, Regulations, and Policies

Administering contracts while adhering to laws, regulations, and policies, such as the Federal Acquisition Regulation (FAR), is necessary to ensure that the Department procures goods and services at the best value while maintaining the public's trust. Multiple OIG reports and MAMs have revealed DOJ's continuing difficulties with this issue, particularly in areas designed to ensure important contract worker rights and protections. For example, the OIG has repeatedly found that Department components have failed to incorporate contract clauses regarding whistleblower rights and reprisal protections that are mandated by federal law, an issue the OIG identified in a [MAM](#) issued in February 2021 and noted as an ongoing challenge in last year's [Top Management and Performance Challenges report](#). While the Department has implemented supplemental policies and processes designed to remedy concerns identified in this MAM, the OIG has found gaps in how DOJ has addressed this issue. For example, a February 2022 [audit report](#) examining Executive Office for U.S. Attorneys (EOUSA) labor hour contracts found that contracting officials did not include the mandatory whistleblower clause, contrary to applicable laws, regulations, and policies. Further, the audit revealed that EOUSA's contractor and its subcontractor did not pay personnel the required minimum wage, health and welfare rates established by the U.S. Department of Labor, and that EOUSA did not incorporate the most current U.S. Department of Labor wage information when it exercised

Figure 1



Source: OIG analysis of data from Office of Justice Programs, Office of Violence Against Women, and Office of Community Oriented Policing Services (as of August 31, 2022); USASpending.gov (as of September 20, 2022).

contract options. These findings are concerning because they indicate a persistent lack of focus by the Department on legal requirements in contracting, and insufficient attention to the importance of worker rights regarding whistleblower protection and wage determinations.

Additionally, the Department has faced difficulties in ensuring its contracting officials are adequately trained to understand relevant laws, regulations, and policies governing contracts and, when appropriate, to coordinate with knowledgeable officials in areas outside their expertise. The FAR prescribes a multi-faceted approach by forming a team of key stakeholders such as contracting, fiscal, legal, and technical personnel before awarding a contract. However, recent OIG work demonstrates DOJ can improve its efforts incorporating this integrated approach into its contracting activities. For example, in an April 2022 [MAM](#) issued to the Federal Bureau of Prisons (BOP), the OIG found that certain Federal Prison Industries, Inc. staff did not adequately understand laws and regulations governing foreign procurements. Despite this lack of understanding, the Federal Prison Industries, Inc. staff entered into contracts for foreign goods without seeking legal advice or guidance from its attorneys. This resulted in the risk that contracts were not in compliance with laws intended to favor contracting with domestic entities over foreign-affiliated entities. Additionally, a February 2022 [audit report](#) of a Federal Bureau of Investigation's (FBI) information technology (IT) purchase order found that the FBI did not fully leverage its internal Office of the Chief Information Officer for IT expertise, which would have helped contracting officials mitigate risks regarding quality assurance and controlling cost. The OIG made recommendations to the BOP and the FBI to increase training and coordination to address these issues. The recommendation regarding the BOP's training on this issue has been closed, but other recommendations remain open. The Department should consider ways in which the Justice Management Division can work with components to avoid the continued occurrence of these contracting deficiencies.

Acquisition Planning

Appropriate acquisition planning promotes full and open competition and helps ensure the Department meets its procurement needs in the most effective, economical, and timely manner. The OIG's work has revealed that DOJ continues to face challenges in required acquisition planning steps necessary to ensure it receives a fair and reasonable price for goods and services. For example, in a September 2021 [audit report](#), the OIG identified that the Tax Division's expert witness service contract files did not contain written acquisition plans, documented market research, or adequate price reasonableness determinations, as required by the FAR, which increased the risk that the government's financial interests may not have been appropriately safeguarded. As of September 2022, the three recommendations from this report pertaining to the preceding issues remain open.

An important strategy to aid the Department in its procurement process is to begin acquisition planning as soon as the agency need is identified. However, the Department often relies upon procurement processes that are largely rushed and driven by expediency rather than by procedures that would be expected commensurate with the size and complexity of the acquisition. Failure to secure adequate lead time to prepare for an acquisition can create an overreliance on non-competitive procurement methods that hinder the Department's ability to acquire goods and services in the best interest of the government. For example, in a February 2022 [audit report](#), the OIG found that the FBI did not take several substantive pre-award steps, such as finalizing the contract requirements, until a week before the prior contract was set to expire. The FBI's inability to plan adequately for the procurement led to the improper use of a long-term noncompetitive purchase order, rather than a procurement vehicle more appropriate for the complex high dollar IT services purchased.

Over the past year, the OIG has continued to identify similar concerns in the planning and procurement of BOP medical services contracts, an issue identified in last year’s [Top Management and Performance Challenges report](#). Specifically, in a February 2022 [MAM](#) and a March 2022 [audit report](#), the OIG found the BOP did not secure adequate lead time for its procurements or encountered delays in the acquisition process that may have been avoided with improved collaboration, training, and communication. Due to this inadequate acquisition planning, the BOP relied upon sole-source procurements for contracts and short-term purchase orders to two vendors totaling over \$170 million, instead of full and open competition. These planning deficiencies limit the BOP’s ability to effectively control contract costs and increases the risk for waste and misuse of federal funds. Addressing these issues remains an important challenge for the BOP.

Contract Administration and Oversight

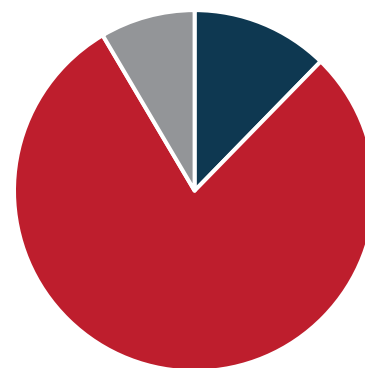
Thorough documentation and performance monitoring are essential to ensuring DOJ complies with all applicable regulations and receives a fair return from its contract vendors. Deficiencies in these areas of contract administration can lead to violations of contract terms and to potential cost premiums. Recent OIG reports have shown these issues are prevalent in the procurement of medical services and IT. For example, the OIG’s March 2022 [audit report](#) regarding comprehensive medical services contracts awarded to a university medical school found that BOP officials lacked sufficient data to monitor the contracts and did not maintain adequate documentation for contract modifications in accordance with the FAR. Similarly, in a February 2022 [audit report](#), the OIG found that the contract files of an FBI purchase order with a ceiling of \$87.5 million lacked required documents and sufficient detail to support the rationale for pertinent decisions throughout the purchase order lifecycle. The OIG found that the FBI did not consistently submit complete, timely performance assessments and identified other errors in the management of the purchase order. These reports made several recommendations for improving management controls to ensure contract files comply with regulations pertaining to modifications and designing and implementing post-award performance monitoring protocols to ensure vendors meet contract requirements.

The OIG has noted that potentially excessive costs and inappropriate billing procedures are also significant challenges to DOJ’s contract administration. A February 2022 [MAM](#) highlighted a lack of administrative oversight for medical procedure billing code practices by prime contractors on behalf of the subcontracted service providers. The MAM concluded that if the prime contractor had required its subcontractors to select the service billing codes, the number of claims coded as higher cost services likely would have been lower, which would have yielded cost savings for the BOP.

Effective Grant Oversight

Each year, Congress appropriates federal funding for DOJ grant programs. In FY 2021, the Department substantially increased the amount of grant awards due to the [American Rescue Plan](#) and funds to address the Coronavirus Disease 2019 (COVID-19) pandemic.

**Figure 2
Federal Grant Funding**



- Office on Violence Against Women (OVW)
- Office of Justice Programs (OJP)
- Community Oriented Policing Services (COPS)

Source: OIG analysis of data from OVW, OJP, and the COPS Office (as of August 31, 2022)

This FY alone, DOJ has provided over \$3.9 billion in grant funding through three grantmaking components: (1) the OVW, (2) OJP, and (3) the COPS Office. Managing this funding presents a continued challenge for the Department. Through its audits and other oversight work, the OIG can help the Department ensure that it has adequate controls over the management of grant funds.

CVF Grants

Established by the Victims of Crime Act of 1984, the Crime Victims Fund (CVF) collects criminal fines and penalties, which are used to make distributions to states and territories through DOJ grants to support victim services. OJP administers the CVF by sending states and territories funding directly through victim assistance and compensation formula grants and awarding discretionary grants to state and local public and private entities.

The OIG has found that CVF grant recipients have struggled with the accuracy of state certification forms. The accuracy of these forms is important because they contain the information OJP's Office for Victims of Crime uses as the basis for determining the amount of future CVF victim compensation formula grant awards. The OIG identified issues with state certification forms in several recent audit reports, including those issued in [August 2022](#), [June 2022](#), [May 2022](#), and [December 2021](#). Other recent oversight work, such as the OIG's [August 2022](#), [June 2022](#), [March 2022](#), and [December 2021](#) audit reports, has highlighted CVF grantees' challenges with having adequate policies and procedures to ensure accurate reporting, which has impacted performance evaluation, financial management and accounting, and the sufficiency of supporting documentation for victim compensation claims. The OIG has made recommendations in these reports to help the Department more effectively administer CVF funds, therefore enhancing support for crime victims.

Other DOJ Grants

In FY 2021, DOJ awarded more than two-thirds (nearly \$2.7 billion) of its grant funds through non-CVF grant programs. The OIG continues to identify significant challenges with the management and administration of these grants. Two of the most pressing challenges for DOJ are the inadequate monitoring of grants and the functionality of its grants management system.

Grant Monitoring

Monitoring of grants is necessary to ensure that DOJ personnel are effectively providing oversight and the grant recipients are fiscally responsible with federal funds. Programmatic monitoring addresses the content and substance of the program and helps evaluate whether grant activities are consistent with the approved implementation plan and responsive to program goals and objectives. Programmatic monitoring also addresses compliance with grant special conditions or terms and conditions, reporting requirements, completeness of documentation, compliance with statutory regulations and certification requirements, and other policy guidelines. The OIG identified significant gaps in programmatic monitoring in several audits this past year. For example, the OIG found in a May 2022 [audit report](#) that, in part due to the COVID-19 2019 pandemic, the recipient of \$1.98 million in OJP grant funds could not demonstrate adequate progress toward achieving the awards' goals and objectives of providing services to human trafficking victims. The recipient also created a potential conflict of interest when it received proceeds from a business relationship between trafficking victims and a for-profit company. The OIG has also uncovered deficiencies with grantee performance monitoring, which are illustrated by a June 2022

[audit report](#) of a \$1 million Second Chance Act grant awarded by OJP. In this report, the OIG identified concerns with the management practices for progress reports, which were found to contain inaccurate data, thus impairing programmatic monitoring of the grant program.

Financial monitoring helps ensure compliance with financial guidelines, general accounting practices, and fiscal management of grant expenditures, all of which can reduce the risk of fraud, waste, and abuse. The OIG has identified several recurring issues relating to financial monitoring of DOJ grants, including significant costs that were not supported with adequate documentation. For example, a November 2021 OIG [audit report](#) examining COPS Hiring Program grants found that the grantee did not adequately manage the financial activities of the grants, which resulted in the OIG finding over \$4.06 million in unsupported costs for the federal share of the grant and over \$1.35 million for the required local match. Also troubling was the OIG's finding in a February 2022 [audit report](#) that a \$1.2 million OVW grant to provide legal assistance to crime victims resulted in over \$748,000 in unsupported costs relating to personnel, fringe benefits, and other direct expenditures.

Another key aspect of effective grant oversight, and a challenge for DOJ, is monitoring of subrecipients. The importance of subrecipient monitoring was highlighted in a May 2022 OIG [audit report](#), which found, among other things, that the recipient of \$2.34 million in OVW grant funds had not conducted any site visits on the six subrecipients and had not documented its familiarity with subrecipient financial operations. In addition, the recipient reimbursed subrecipients for costs without reviewing adequate documentation. The OIG identified similar issues relating to subrecipient monitoring and costs in a March 2022 [audit report](#), which examined \$3 million in OJP grants awarded under the Second Chance Act Reentry Initiative.

JustGrants

In addition to adequate monitoring of grants, the functionality of the Department grants management system presents a substantial challenge. In October 2020, the Department's grant-making components [launched](#) new grants management and payment management systems. JustGrants is intended to be a streamlined, end-to-end grants management system that provides applicants and grantees with an improved user experience throughout key parts of the grants management lifecycle. However, as noted in the OIG's May 2021 [Issue Alert](#), there have been significant issues transitioning to this new system. The OIG has an [ongoing audit](#) of OJP's procurement for the JustGrants system. The preliminary objectives of the audit are to assess: (1) OJP's implementation of the JustGrants transition; (2) OJP's administration of the procurement; and (3) the contractor's performance and compliance with the terms, conditions, laws, and regulations applicable to the procurement. In light of the size and volume of the Department's grantmaking programs, and in order to effectively address the issues outlined in this challenge, it is critically important that the Department have a functional and effective grant management system that serves grant recipients, as well as the Department in its management of grants.

Managing Human Capital

The U.S. Department of Justice (the Department or DOJ) faces an array of human capital challenges, including fostering a workplace that is free from sexual misconduct, sexual harassment, and inappropriate relationships; ensuring equity in hiring and advancement of employees; and identifying and engaging in successful recruitment and retention policies and practices, particularly post-pandemic, to ensure that the Department remains competitive in the market for the most capable and diverse talent.

Maintaining a Workplace Free of Sexual Harassment and Sexual Misconduct

The Department strives to be a leader in maintaining a model workplace, including one that is free from sexual harassment and misconduct. As outlined in last year's [Top Management and Performance Challenges report](#), DOJ has made significant efforts to address sexual harassment in the workplace over the past several years. For example, DOJ reaffirmed its zero-tolerance policy regarding sexual harassment in [2015](#) and, in [2018](#), established specific directives for components to follow in an effort to respond promptly and appropriately to substantiated allegations of sexual harassment. More recently, in July 2021, Deputy Attorney General Lisa Monaco [announced](#) the creation of a Steering Committee to review sexual harassment policies and practices, training, and education across DOJ "to ensure that the Department's policies are consistent, cohesive, and effective at satisfying its obligations to prevent sexual harassment and misconduct and meeting the needs of its workforce." The work of the Steering Committee is ongoing.



DOJ has a Steering Committee to review sexual harassment policies and practices, training, and education.

Source: Andrey Popov/stock.adobe.com

While these efforts to address sexual harassment and misconduct in the workplace are significant, the persistence of this issue arising across Department components, as evidenced by numerous recent Office of the Inspector General (OIG) investigations, makes clear that this is a challenge that requires the continued attention of DOJ and component leadership. For example, in the past years, the OIG has issued several reports regarding high-ranking supervisors engaging in inappropriate relationships with subordinates. In July 2021, the OIG released an [investigative summary](#) regarding its finding that a Federal Bureau of Investigation (FBI) Assistant Director had violated FBI policy by failing to report a romantic relationship with a subordinate. The OIG found that the relationship was not a

professional superior/subordinate relationship and that it disrupted the workplace by interfering with the ability of other FBI employees to complete their work. Similarly, the OIG issued an [investigative summary](#) in January 2022 regarding its finding that a U.S. Attorney had committed misconduct by engaging in an intimate relationship with a subordinate, in violation of an instruction given by a then Associate Deputy Attorney General at the U.S. Attorney's orientation that such relationships between U.S. Attorneys and subordinates would not be tolerated. Also in January 2022, the OIG released an [investigative summary](#) regarding its finding that, in violation of FBI policy, a senior FBI official had engaged in a romantic relationship with a subordinate and failed to timely report the relationship, participated in two hiring or

organizational decisions involving the subordinate without receiving prior approval, and allowed the relationship to disrupt workplace morale. Most recently, in September 2022, the OIG issued an [investigative summary](#) regarding its finding that an FBI Special Agent in Charge engaged in sexual contact with a subordinate in an official government vehicle in violation of FBI policy.

OIG investigations have also revealed instances when DOJ officials have made inappropriate sexual comments in the workplace. For example, the OIG found that in addition to the sexual contact described above, the FBI Special Agent in Charge also had sexually oriented communications with that subordinate and two other subordinate staff members in violation of FBI policy. Additionally, the OIG issued an [investigative summary](#) in March 2022 regarding its finding that an Executive Office for Immigration Review Immigration Judge had made inappropriate, sexually charged comments to a party during a court proceeding and to a private attorney in Executive Office for Immigration Review office space in violation of the Department's zero tolerance policy on sexual harassment.

Two related areas of increasing concern relate to on- and off-duty sexual misconduct by Department employees. As discussed in greater detail in the Improving Management of the Federal Prison System section of this report, the OIG has conducted a significant number of investigations into allegations of Federal Bureau of Prisons employees sexually abusing inmates, several of which resulted in criminal convictions, which are outlined on the OIG's [website](#). Additionally, in December 2021, the OIG released an [investigative summary](#) detailing its finding that multiple then FBI employees had committed misconduct when they solicited, engaged in, and/or procured commercial sex overseas in violation of DOJ and FBI policies, and that another FBI official committed misconduct by failing to report suspected violations of the 2015 Attorney General [memorandum](#) discussed previously.

While the Department continues to take significant actions to address the ongoing challenge of combatting sexual harassment and misconduct in the workplace, it remains a prevalent and deeply troubling issue. DOJ must therefore remain vigilant and continue its work to maintain a workplace that is safe for its employees, a model for other employers, and consistent with its civil rights and law enforcement responsibilities.

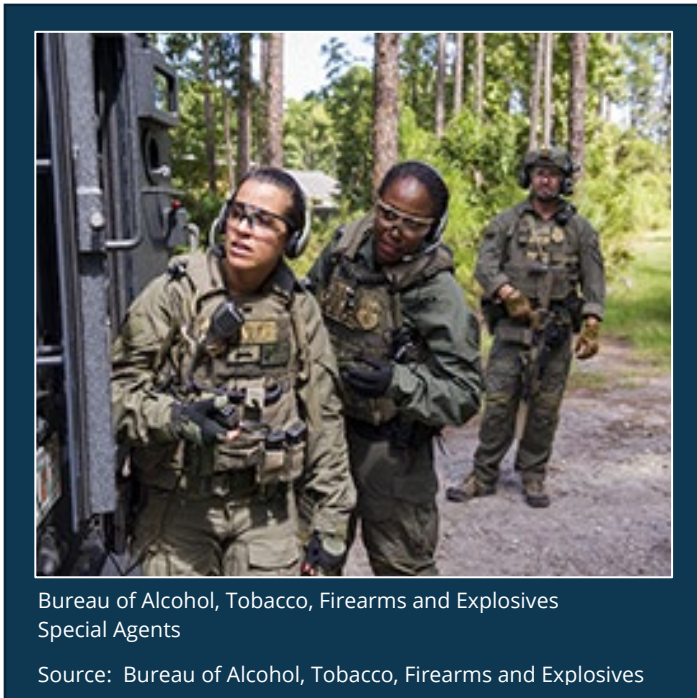
Workplace Diversity, Equity, and Inclusion

Another pressing challenge for the Department is to continue to strengthen diversity, equity, and inclusion in the workplace. The U.S. Government Accountability Office (GAO) has noted in recent reports that, while progress has been made, the federal government continues to face challenges in areas related to workplace equity. For example, a 2020 GAO [report](#) observed that the gender pay gap for federal workers had decreased considerably since 1999, but in 2017 women still earned on average just 93 cents for every dollar earned by men. This pay gap was greater for black, Hispanic/Latina, American Indian, and Alaska Native women. The 2020 GAO's findings were reaffirmed in a GAO [report](#) issued in March 2022, which found that women remain underrepresented in management positions in the U.S. workforce, earn less than male counterparts, and the pay gap was greater for black and Hispanic/Latina as compared to white and Asian women. Moreover, the Partnership for Public Service has [reported](#) that, as of October 2022, DOJ has a larger imbalance in the gender-based composition of its workforce (60.0 percent male, 40.0 percent female), compared to the entire federal government (56.2 percent male, 43.9 percent female), and that there is a

larger gender gap in the Department's Senior Executive Service (71.5 percent male, 28.5 percent female) as compared to the entire federal government (63.1 percent male, 36.9 percent female).⁸

In recognition of the importance of a diverse, equitable, and inclusive federal work environment, in June 2021, the White House issued [Executive Order 14035](#), which, among other things, established a framework for a government-wide strategic plan to promote diversity, equity, accessibility, and inclusion. This Executive Order was followed by the November 2021 [Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#), which provides more detailed guidance to federal agencies. At the close of 2022, DOJ will have completed the final year of its [2019-2022 Enterprise-wide Strategic Framework for Equal Employment Opportunity](#), and will embark on the next cycle of equal employment opportunity strategic planning and implementation. The goals of equity and inclusion will continue to factor heavily in the Department's quest to be the best employer in the federal government—and progress will continue to be measured by a variety of internal and external assessment entities including Department leadership, the Office of Personnel Management, and the OIG.

The OIG is in the process of conducting reviews that touch on several dimensions of equity and inclusion at the Department including an [ongoing review](#) of the status of equity in race, color, national origin, and ethnicity among the Department's law enforcement components. This review will assess equity by reviewing component demographics, recruitment, hiring, retention, promotions, and awards, and will also



include a survey assessing staff perceptions related to equity. Another [ongoing review](#) is assessing gender equity in the training process for new Special Agents and Intelligence Analysts at the FBI. The review will examine policies and practices, trends and patterns for male and female trainees, and perceptions of gender equity at the FBI Academy. This oversight work builds on the OIG's previous findings and recommendations, such as our 2018 [report](#) on gender equity in DOJ's law enforcement components. As a result of the OIG's 2018 report, the four law enforcement components examined potential barriers to gender equity and implemented initiatives to address the identified barriers.

The challenge for the Department, in order to fulfill its mission, is to continue to make

⁸ According to the [Partnership for Public Service](#), although not as large as the gender gap, as of October 2022, DOJ's ratio of white employees compared to employees categorized as people of color (POC) (which includes people who indicated that they were American Indian, Alaskan Native, Asian, Black/African American, Native Hawaiian, Pacific Islander, Hispanic/Latino, or more than one race) in its overall workforce and its Senior Executive Service is also less favorable than across the federal government as a whole. Overall workforce: DOJ—67.4 percent white and 32.6 percent POC, as compared to 60.9 percent white and 39.1 percent POC government-wide; Senior Executive Service: DOJ—81.4 percent white and 18.7 percent POC, as compared to 75.9 percent white and 24.1 percent POC government-wide.

improvements on these critical issues, as DOJ should strive to model equal opportunity and an equitable employment environment to present and future staff, as well as to the public.

Recruitment and Retention

The [President's Management Agenda](#), which defines government-wide priorities for all federal agencies to improve operations and performance, identifies strengthening and empowering the federal workforce as its [first priority](#). This prioritization recognizes that federal agencies, including the Department, “must attract, hire, develop, and empower talented individuals” to meet the current challenges and make the federal government “an ideal, modern, and forward-thinking employer.” The challenge for the Department is effectively recruit and retain a talented, experienced, and diverse workforce.

According to the [President's Management Agenda](#), “less than 7% of the Federal workforce is under the age of 30 and nearly 28 percent of Federal employees are eligible to retire in the next 5 years.” The Partnership for Public Service [reported](#) that, as of October 2022, DOJ's workforce has a slightly larger percentage (9.1 percent) of employees under 30 years old, but a significant percentage of its employees (31 percent), including nearly three-quarters of its Senior Executive Service (73 percent), will be eligible to retire in Fiscal Year 2025. This data reflects a risk that the Department will lose significant institutional knowledge in the coming years. The Department should proactively engage in succession planning to ensure that it identifies personnel who have the background, experience, and understanding of Department operations necessary for them to assume key leadership roles. Changes in the workplace post-pandemic accentuate the importance of this issue as many long-tenured employees are electing to retire, and the market to retain and recruit the most talented personnel is becoming more challenging as workplace flexibilities and other considerations have become important factors for employees and prospective employees.

Enhancing recruitment of new employees through Pathways Programs, a government-wide initiative to recruit and promote federal government employment opportunities for students and recent graduates, is one potential avenue for the Department to seek highly capable entry-level personnel. The OIG noted in a 2021 [Management Advisory Memorandum](#) that the Department lacked formalized DOJ-wide guidance for implementing and managing vital approaches to effective and progressive human capital administration, including the Pathways Programs. The OIG also found that deficiencies with human resource policies may have caused Department components to underutilize compensation and hiring flexibilities, such as those available through Direct Hiring Authority, Pathways Programs, and Veteran Hiring programs. In this Management Advisory Memorandum, the OIG recommended that the Department review, update, and address any deficiencies or gaps, and consolidate its human resource policies into a central location so that components are well positioned to recruit, hire, and retain a high-performing and diverse workforce. All four of the OIG's recommendations in this area remain open.

DOJ can also meet the recruitment and retention challenge by continuing to promote a flexible and agile workplace where job functions allow. As noted in the U.S. Office of Personnel Management's [Guide to Telework and Remote Work in the Federal Government](#), updated in November 2021, telework benefits both the employer and employees because it supports productivity and efficiency, thereby enhancing the agency's mission, while also enhancing employee satisfaction and wellbeing. In all, such workplace flexibility aids in recruitment and retention. As DOJ enters the post-pandemic era, it can utilize telework and remote work, and other work-life programs as assets to ensure that it remains competitive among private employers and other federal agencies.

APPENDIX 1: The Department's Response to the Draft Report

CONSOLIDATED MANAGEMENT RESPONSE TO THE OFFICE OF THE INSPECTOR GENERAL 2022 REPORT ON TOP MANAGEMENT AND PERFORMANCE CHALLENGES FACING THE DEPARTMENT OF JUSTICE

The Justice Department's mission is to uphold the rule of law, keep our country safe, and protect civil rights. In July 2022, the Department released its new Strategic Plan for Fiscal Years (FY) 2022-2026, which incorporates this mission and details the Department's strategic goals and objectives for the next four years. The new Strategic Plan also sets forth performance measures by which the Department will assess its progress and specifies the Department's agency priority goals for the coming fiscal year.

The Office of the Inspector General (OIG) plays an important role in ensuring that the Department achieves its goals and objectives effectively and efficiently. OIG holds Justice Department personnel accountable for misconduct; upholds vital protections for whistleblowers; and protects the public from waste, fraud, and abuse. As part of this work, and as required by statute, OIG annually identifies the top management and performance challenges facing the Department. This year, OIG identified nine challenges it believes represent the most pressing concerns for the Department:

- I. Enhancing Cybersecurity and Countering Cybercrime
- II. Enhancing the Department's Response to the Opioid Crisis
- III. Improving Management of the Federal Prison System
- IV. Strengthening Public Trust in the U.S. Department of Justice
- V. Safeguarding and Promoting National Security
- VI. Managing the Post-Pandemic Impact on U.S. Department of Justice Operations
- VII. Strengthening Police-Community Partnerships and the Response to Violent Crime
- VIII. Effective Management of U.S. Department of Justice Contracts and Grants
- IX. Managing Human Capital

Each of these challenges aligns with one or more objectives included in the Department's Strategic Plan. As discussed in greater detail below, the Justice Department is fully committed to addressing each challenge in the coming years.

I. ENHANCING CYBERSECURITY AND COUNTERING CYBERCRIME

The Department agrees with OIG's assessment that managing cyber-related threats and emerging technologies presents an evolving and difficult challenge. The Department's Strategic Plan includes an objective to "Enhance Cybersecurity and Fight Cybercrime." That objective recognizes that keeping our country safe requires countering cyber threats from foreign and domestic actors – whether from nation-states, terrorists, or criminals – who seek to conduct espionage, invade our privacy, attack our elections, steal our intellectual property, damage our financial and physical infrastructure, or extort ransom payments. In addition, the rise of cryptocurrencies enables criminal actors to acquire tools, collaborate, and launder their proceeds in a variety of ways that obscure their illicit activities.

The Department has taken a series of steps to enhance its own cybersecurity. Most notably, in July 2022, the Department released its Comprehensive Cyber Review (CCR) report, the result of a review process directed by the Deputy Attorney General in April 2021. A significant portion of the CCR report assesses different facets of the Department's cyber defense capabilities. The CCR Report also evaluates the Department's engagement with various governmental and private-sector partners, its preparation for challenges posed by emerging technologies, and its efforts to build and retain a cyber workforce into the future. Even before the report was completed, the Department began taking steps to enhance and expand its cybersecurity posture. For example, the Department required Department-wide encryption training for Department personnel and implemented additional technical measures to protect against phishing and related techniques. In response to OIG's recommendation to establish a supply chain risk management program, the Department developed a supply chain risk management strategy, which the Office of the Chief Information Officer has begun implementing. And the Department has sought to further bolster its cybersecurity preparedness by seeking nearly \$150 million in program enhancements in its FY 2023 budget request.

As also noted in the CCR report, the Department is working to combat cybercrime by expanding opportunities for cyber prosecutors to enter the Department's workforce. The Department has launched a new Cyber Fellowship program for entry-level attorneys, which will help develop a new generation of prosecutors and attorneys equipped to handle emerging national security threats. The first class of Cyber Fellows began in the fall of 2022. Furthermore, as noted in the OIG report, the Department announced in February 2022 that it is creating a Cyber Operations International Liaison position, which will be devoted to working with international partners to ensure more connectivity between law enforcement partners in the pursuit of top-tier cyber actors. That position was filled in October 2022 by an experienced cyber prosecutor from the Criminal Division's Computer Crimes and Intellectual Property Section.

As part of the Department's work to combat cybercrime, the Department is particularly focused on the interconnected challenges posed by cryptocurrency and other digital assets. The growing use of digital assets in the global financial system demands steps to reduce the risk that the digital assets ecosystem is used for illicit finance or other criminal purposes – such as money laundering, cybercrime, ransomware, narcotics, theft and fraud, and human trafficking – or to undermine our national security by enabling terrorism and weapons proliferation. The

Department has taken enforcement actions over the past year in response to these threats. For example, in February 2022, the Department announced a \$3.6 billion seizure of stolen bitcoin, the largest financial seizure in the Department's history. In April 2022, the Department announced the seizure of Hydra Market, the world's largest and longest-running darknet market, which accounted for an estimated 80% of all darknet market-related cryptocurrency transactions in 2021. And in June 2022, the Department announced charges in four cases involving over \$100 million in intended losses from cryptocurrency fraud offenses.

More broadly, last October the Department announced the creation of a National Cryptocurrency Enforcement Team (NCET) and has installed an experienced cyber prosecutor as its first Director. The NCET draws on the Department's established expertise in investigating and prosecuting criminal misuse of digital assets to pursue cases against digital asset exchanges, infrastructure providers, and other entities that enable criminal actors to profit from abusing digital asset platforms. NCET has worked with other Department components to make significant strides in the past year. In February 2022, the Federal Bureau of Investigation (FBI) formed the Virtual Assets Unit (VAU), which combines cross-division digital asset experts into one nerve center that can provide equipment, blockchain analysis, digital asset seizure assistance, and training to the rest of the FBI. The FBI has already used the VAU's digital asset training curriculum to train thousands of FBI employees and partners across the globe. Furthermore, the Criminal Division launched the nationwide Digital Asset Coordinators (DAC) Network earlier this year. Much like the existing National Security Cyber Specialists (NSCS) Network and the Computer Hacking and Intellectual Property (CHIP) Network, which are devoted, respectively, to countering national security and criminal cyber threats, the DAC Network is composed of designated federal prosecutors from U.S. Attorney's offices nationwide and the Department's litigating components to serve as a forum for prosecutors to obtain and disseminate training, technical expertise, and guidance about the investigation and prosecution of digital asset crimes.

The Department has provided additional detail on its efforts to combat misuse of digital assets in response to Executive Order 14067, *Ensuring Responsible Development of Digital Assets* (Mar. 9, 2022). In a June 2022 report, the Department detailed its efforts to expand cooperation with international partners to combat the cross-border threats related to digital assets. For example, the Department is launching an International Virtual Currency Initiative to combat the abuse of virtual currency by allowing for more joint, international law enforcement operations to track money through the blockchain. In a follow-on September 2022 report written in collaboration with the Department of the Treasury and the Department of Homeland Security, the Justice Department discussed the substantial steps already taken to combat the illicit use of digital assets. The Department also provided legal and regulatory recommendations to further strengthen the federal government's ability to detect, investigate, prosecute, and otherwise disrupt criminal activity involving digital assets.

The Department is also working to strengthen its management and tracking of cryptocurrency. The U.S. Marshals Service (USMS) Asset Forfeiture Division has worked to implement solutions that address OIG's recommendations and further the law enforcement objectives of the Department Asset Forfeiture Program. USMS has published several Standard Operating Procedures on the valuation, custody, management, and disposal of cryptocurrency assets, including to improve tracking and security of seized and forfeited cryptocurrency.

USMS' Asset Forfeiture Division has also implemented the use of a controlled database for cryptocurrency inventory to track all requests from investigative agencies for wallet addresses and all issued wallet addresses in a single location. In addition, USMS is working with the Justice Management Division's Asset Forfeiture Management Staff and other components in the Department Asset Forfeiture Program to enhance the Consolidated Asset Tracking System.

The Department also continues to make progress to address the threat posed by ransomware. Combating ransomware attacks is one of the Department's four agency priority goals for the coming fiscal year. In particular, the Department aims to enhance its efforts to combat ransomware attacks by: (1) increasing the percentage of reported ransomware incidents from which cases are opened, added to existing cases, resolved, or investigative actions are conducted within 72 hours to 65%; and (2) increasing the number of ransomware matters in which seizures or forfeitures are occurring by 10%. As of July 2022, the Department was investigating over 100 different ransomware variants and ransomware groups that have caused hundreds of millions to billions of dollars in estimated damages.

Central to those efforts is the Department's Ransomware and Digital Extortion Task Force, launched last year, along with the stepped-up reporting from across the Department on ransomware investigations. This initiative guides the Department's prioritization of the investigation, prosecution, and other disruptions of ransomware and digital extortion activity by ensuring that appropriate resources are devoted to tracking and dismantling the development and deployment of ransomware; identifying the cybercriminals responsible for such attacks; and holding those individuals accountable for their crimes. The Task Force facilitates the targeting of the ransomware criminal ecosystem as a whole and directs collaboration with domestic and foreign government agencies, as well as private sector partners, to combat the ransomware threat. For example, in June 2021, the Department seized and recovered a \$2.3 million ransom payment that had been made in bitcoin to the ransomware group known as DarkSide. Similarly, in November 2021, the Department seized \$6.1 million in funds traceable to alleged ransom payments received by a Russian national and member of the REvil/Sodinokibi ransomware group, who was charged with conducting ransomware attacks against multiple victims, including businesses and government entities in Texas.

Finally, the Department continues its efforts to disrupt cyber threats posed by nation state actors and their proxies. Since 2021, the Department's National Security Division (NSD) and the FBI have conducted several online operations that utilized a traditional law enforcement tool, a search warrant, in new and innovative ways. First, in April 2021, the Department announced a court-authorized effort to disrupt a People's Republic of China (PRC) intelligence service's exploitation of Microsoft Exchange Server vulnerabilities on thousands of computers. Specifically, NSD and the FBI issued a command to the actors' malware, which caused the victim computer to delete that malware. Similarly, in April 2022, NSD and the FBI announced a court-authorized disruption of a botnet controlled by the Russian Federation's Main Intelligence Directorate (GRU). That operation copied and removed the GRU's malware from victim computers that the GRU had used to control thousands of infected devices worldwide, all at a time when Russia was utilizing cyber operations to support its unprovoked invasion of Ukraine.

II. ENHANCING THE DEPARTMENT'S RESPONSE TO THE OPIOID CRISIS

As discussed in the OIG report, the Centers for Disease Control and Prevention found that opioids, including illicit fentanyl, caused over 80,000 fatal overdoses in 2021. These deaths are tragic, and the Department is determined to tackle the opioid epidemic along a number of fronts. The Department's new Strategic Plan includes an objective to "Combat Drug Trafficking and Prevent Overdose Deaths" by disrupting and dismantling drug trafficking organizations, reducing deaths and addiction driven by drug crime, and expanding access to evidence-based prevention and treatment. To further these aims, the Department's FY 2023 budget request seeks a total of \$3.10 billion for DEA's investigations, domestic and foreign counterdrug efforts, and diversion control. The FY 2023 budget request also seeks more than \$500 million in opioid-related grants, including funding for drug courts and locally driven responses to opioids and substance use disorders.

The Department's agents and prosecutors are working to dismantle the dangerous cartels that bring deadly fentanyl into our communities. The Department is investigating, arresting, extraditing, and prosecuting individual members of dangerous transnational criminal organizations, including those in command and control of those organizations. The Department is also continuing to investigate precursor chemical suppliers from the PRC and elsewhere, and will continue to target illicit internet distributors, especially on the Dark Web. In September 2021, the Department announced the One Pill Can Kill enforcement effort and public awareness campaign to combat the fake pill threat and educate the public about the dangers of fentanyl pills being disguised and sold as prescription medications. As part of that effort, in September 2022, the DEA and its law enforcement partners concluded a four-month operation that resulted in the removal of 36 million lethal doses of fentanyl from American communities.

As the OIG report notes, DEA launched Operation Engage in 2021 to spur community-based efforts to combat the opioid crisis. Operation Engage facilitates conversations and collaborations with communities and partners focused on the most challenging drug threat in each DEA Field Division. To ensure that its community engagement strategy is effective, DEA has adopted several performance measures that it is using to identify successes and failures in its outreach efforts. The DEA has also created a new resource, "What Every Parent and Caregiver Needs to Know About Fake Pills," as part of its ongoing efforts to educate the public and encourage parents and caregivers to talk to teens and young adults about the dangers of fake pills and illicit drugs.

The opioid crisis has also had ramifications relating to discrimination in employment, healthcare, and participation in state and local government services. The Civil Rights Division has taken an active enforcement role in this area, including securing settlement agreements with a homeless services provider and a state nursing board to resolve claims that their policies barring participation by individuals who take medication for opioid use disorders discriminated on the basis of disability. The Division also filed a lawsuit against a state's judicial system challenging its limitations on participants in court supervision programs taking medication to treat opioid use disorder. Finally, the Division issued guidance concerning the Americans with Disabilities Act's protections for people with opioid use disorders.

The Department also recognizes that prescription opioids continue to be a significant problem. As noted in the OIG report, in October 2022, the DEA Administrator approved the Diversion Control Division's "Controlled Prescription Drug Enforcement Strategy," which includes prescription opioids. The Strategy focuses on three areas: (1) identifying, investigating, and pursuing administrative, civil, and/or criminal actions against those engaging in diversion; (2) collaborating with partners through data sharing and education to more efficiently and effectively address diversion; and (3) identifying other opportunities to improve the efficiency and effectiveness of the Diversion Control programs. The DEA is also using advanced data analytics to determine the effectiveness of its approach, and is committed to using all of its available resources to combat the illicit diversion of prescription opioids.

The DEA is aided in these efforts by strike forces that the Criminal Division has launched. The Criminal Division's Appalachian Regional Prescription Opioid (ARPO) Strike Force continues to tackle healthcare fraud and the opioid epidemic in parts of the country that have been particularly harmed by addiction. This Strike Force is a joint effort between the Department's prosecutors, its law enforcement agencies, the Department of Health and Human Services Office of the Inspector General, and state and local law enforcement. Since April 2019, ARPO has charged over 110 defendants – and convicted over 70 defendants – with crimes related to the unlawful distribution of prescription opioids and health care fraud. Together, the charged defendants have allegedly issued prescriptions for over 115 million controlled substance pills. Based on the demonstrated success of the ARPO Strike Force, in June 2022, the Criminal Division launched the New England Prescription Opioid Strike Force (NEPO) in New Hampshire, Maine, and Vermont. The NEPO Strike Force continues the Department's mission to combat the opioid epidemic by prosecuting medical professionals who illegally prescribe opioids and commit patient harm in another of the hardest hit regions of the country. Last month, the NEPO Strike Force announced its first arrest and charges.

In addition, the Department awarded millions of dollars in grants to address substance use disorders and fight the overdose epidemic. For example, in October 2022, the Office of Justice Programs announced grant awards totaling more than \$340 million to address the opioid crisis by investing in drug and treatment courts, residential treatment programs, prevention and harm reduction services, recovery supports, services for opioid-affected youth, and community-based strategies that improve continuity of care and align treatment and public safety. These awards reflect the Department's broader commitment to making prevention, treatment, and recovery part of a unified response to ensure public safety and advance the overall health of our communities.

Finally, the Department agrees with OIG that collaboration between DEA and the Department's grantmaking components is important to identify the jurisdictions most in need of resources. The Community Oriented Policing Services (COPS) Office reports that it already collaborates with DEA, the Office of National Drug Control Policy, the Substance Abuse and Mental Health Services Administration, the Executive Office of United States Attorneys, and the Office of Justice Programs to avoid overlap among recipients and unnecessarily duplicative awards. The COPS Office also provides solicitation information about its Anti-Heroin Task Force (AHTF) program to U.S. Attorney's offices to improve state and local task force coordination and to facilitate partnerships and case referrals. The COPS Office further reports that it makes use of a range of memoranda, manuals, and program-specific award guides in

managing its grants and awards throughout their lifecycle, which avoids gaps in the COPS Office's administration of the AHTF program and ensures COPS Office staff can successfully perform their assigned duties.

III. IMPROVING MANAGEMENT OF THE FEDERAL PRISON SYSTEM

OIG's oversight has greatly assisted the Department in carrying out its responsibility to provide a safe, secure, and humane environment for all individuals in Bureau of Prisons (BOP) custody. The Department's new Strategic Plan includes an objective to "Maintain a Safe and Humane Prison System," with a focus on ensuring the health, safety, and well-being of incarcerated individuals and correctional staff; fully implementing the First Step Act (FSA) and easing barriers to successful reentry; and ensuring transparency, accountability, and effective oversight of all federal prisons and detention centers. In addition, the Department is focused on ensuring adequate staffing in BOP facilities—even in facilities where recruiting staff is difficult.

The Department recognizes its fundamental obligation to provide facilities that are safe for all 159,000 individuals in BOP custody. The Department is committed to combating sexual abuse in confinement and welcomes OIG's request for additional funding from Congress to expand efforts to investigate reports of sexual abuse in BOP facilities and provide additional support to victims of sexual assault allegations. The Department has prioritized prosecuting criminal misconduct at BOP facilities and has convened senior officials to examine the issue of sexual abuse at FCI Dublin and elsewhere in the federal prison system. The working group identified a need for immediate actions to address the Department's approach to sexual misconduct perpetrated by BOP staff, as well as the importance of further review to consider longer-term – and more systemic – changes. The working group outlined over 50 specific recommendations to better protect the safety and well-being of those in BOP custody and better hold accountable those who abuse positions of trust, including by enhancing prevention, reporting, investigations, prosecutions, and employee discipline. The Deputy Attorney General has directed implementation plans from relevant components within 30 days. The Office on Violence Against Women, along with the Bureau of Justice Assistance, has also recently funded a project to assess current research, literature, and practices related to preventing and responding to sexual abuse in correctional facilities, which will culminate in a blueprint for a national service line for people who are victimized while in confinement.

With respect to contraband, BOP has worked to address the recommendations in the 2016 OIG report regarding BOP's contraband interdiction efforts, including by reviewing all potential areas of contraband interdiction. BOP reports that it is conducting assessments to determine the extent of contraband cell phone use at more than twenty facilities across the agency. The Criminal Division has also pursued several cases focused on addressing corruption in the federal prison system. For example, the Public Integrity Section has obtained convictions of former North Carolina prison officials who smuggled contraband (including illegal narcotics) into Caledonia Correctional Institution in Tillery, North Carolina, and convictions of several federal prison officials for smuggling contraband into Leavenworth Detention Center in Leavenworth, Kansas.

The Department also recognizes the importance of a functional CCTV system at each institution. BOP has mandated an audit of camera inspection procedures in place at each facility and has developed a systemwide plan for camera upgrades in response to OIG's 2021 Management Advisory Memorandum recommendation. The Department's FY 2023 budget request seeks more than \$15 million in enhancements to upgrade BOP's security camera system. And with respect to healthcare services and quality of care, BOP is committed to providing quality, cost-effective healthcare to incarcerated individuals. BOP has responded to OIG's September 2022 audit report regarding medical services by identifying processes in place to review referrals to specialists in the electronic medical record, and by developing a dashboard report for executive staff and regional staff to monitor due dates of referrals.

Furthermore, the Department is working to ensure that all BOP facilities have appropriate staffing levels. As the OIG report notes, in March 2021, the U.S. Government Accountability Office identified BOP as an emerging issue on its High Risk List, due in large part to sixteen outstanding recommendations and concerns relating to BOP staffing and management. Since that time, BOP has addressed all but four of the initial recommendations, and has taken significant steps regarding staffing and management, including through the ongoing work of an outside vendor to assess augmentation, overtime, the Bureau's incentive payment system, and through the development of an automated staffing tool. The Department's FY 2023 budget request would permit BOP to hire more than 700 new correctional officers. And BOP has worked with the Office of Personnel Management to use accelerated promotions, Direct Hire Authority, and a 25% retention incentive to aid its hiring efforts at seven facilities facing staffing shortages.

Finally, BOP remains committed to providing rehabilitative programming for incarcerated individuals and facilitating reentry into the community. The First Step Act, passed by Congress in 2018, provides for new rehabilitative programming. BOP now offers more than 85 structured evidence-based recidivism reduction programs. The Department's FY 2023 budget request seeks funding to hire more than 600 new FSA Staff. In January 2022, BOP published and implemented the FSA Time Credits Rule, which provides eligible individuals with time credits based on successful participation in evidence-based recidivism reduction programs. In August 2022, BOP implemented an auto-calculation application for FSA time credits. And the Department has revalidated its PATTERN risk assessment tool with regard to predictive validity and dynamic validity, and is continuing to evaluate the tool to ensure that it mitigates racial disparities to the greatest extent possible under the law.

IV. STRENGTHENING PUBLIC TRUST IN THE U.S. DEPARTMENT OF JUSTICE

As Attorney General Garland has repeatedly reaffirmed, upholding the rule of law is the Justice Department's foremost priority. That priority is rooted in the recognition that, to succeed and retain the trust of the American people, the Justice Department must adhere to norms of independence from improper influence, of the principled exercise of discretion, and of treating like cases alike. Reflecting the seriousness of that obligation, the Strategic Plan lists "Upholding the Rule of Law" as its first strategic goal.

The Department continues to take steps to reaffirm, update, and strengthen policies that further public trust. For example, in July 2021, the Department strengthened its policy governing communications between the Justice Department and the White House. That policy is designed to protect the Department's criminal and civil law enforcement decisions and its legal judgments from partisan or other inappropriate influences. In March 2022, the Attorney General issued comprehensive new Freedom of Information Act guidelines that strengthened the federal government's commitments to transparency in government operations and the fair and effective administration of FOIA. And in October 2022, the Department codified into regulation its new policies to better protect the freedom and independence of the press. The new regulations prohibit seeking compulsory legal process for the purpose of obtaining information from, or records of, members of the news media acting within the scope of newsgathering except under limited, specified circumstances.

The Justice Department agrees with OIG that strengthening public trust requires that the Department's law enforcement components remain objective, impartial, and independent from all improper influences. As noted in last year's Management Response, in response to OIG's work reviewing the Department's use of the Foreign Intelligence Surveillance Act, the FBI has undertaken a variety of auditing, assessment, and compliance-related measures applicable to a range of national security authorities. In addition, the Department continues to implement its June 2021 policy requiring ATF, DEA, FBI, and USMS agents to use body-worn cameras during pre-planned arrests and the execution of search or seizure warrants. And in May 2022, the Department released updated guidance for law enforcement agencies on investigating sexual assault and domestic violence by identifying and preventing gender bias in response to these crimes. That guidance outlines eight principles law enforcement agencies can integrate into their policies, procedures, training, supervision, and resource allocation to enhance how they handle cases of gender-based violence.

The Department's commitment to ensuring that its attorneys maintain the highest ethical standards is unwavering, and the Department continues to support and encourage independent and robust oversight of employee misconduct to foster accountability and public trust. With respect to allegations of attorney professional misconduct, however, oversight and accountability are best pursued through the Department's Office of Professional Responsibility (OPR). Complex legal and ethical standards apply to Department attorneys conducting investigations, litigating cases, and providing legal advice. OPR has significant experience and expertise, gained over 47 years, in applying those standards in reviewing attorney professional misconduct allegations. Because OPR is independent of the prosecutors whose conduct it reviews and does not conduct criminal investigations, the public can be assured that OPR's investigations are not influenced by any relationship with prosecutorial offices. And because OPR maintains an effective system for investigating attorney professional misconduct and conducts its work independently, the Department does not believe that additional legislation is needed.

Finally, strengthening public trust in the Justice Department requires that we protect our democratic institutions. The Justice Department's investigation into the January 6th attack on the Capitol is one of the largest and most expansive investigations in its history. The violence we witnessed that day was an intolerable assault, not only on the Capitol and the brave law enforcement personnel who sought to protect it, but also on a fundamental element of our

democracy: the peaceful transfer of power. The Department's leadership has great confidence in the prosecutors who are undertaking these cases. And the Department appreciates OIG's ongoing review of the Department's preparation for and response to the attack.

V. SAFEGUARDING AND PROMOTING NATIONAL SECURITY

The Justice Department investigates, prosecutes, and otherwise disrupts threats to America's national and economic security. These threats include not just espionage efforts, but also foreign influence operations, economic espionage, and critical infrastructure attacks. In response to these wide-ranging threats, the Department, together with counterintelligence partners and other federal law enforcement, seeks to identify the potential assets targeted, engage the entities who possess those assets, and protect them.

The Department's new Strategic Plan details the Department's lines of work to protect national security and counter foreign and domestic terrorism. The Department will work to combat foreign malign influence; counter foreign espionage; prevent the theft of technology and intellectual property; protect sensitive assets; deter, disrupt, and prosecute terrorist threats; and strengthen federal, state local, Tribal, and international counterterrorism partnerships. In all its efforts, the Justice Department is guided by its commitment to protecting civil liberties. Espousing an extremist ideology, expressing hateful views, or associating with hateful groups is not itself a crime. But when someone tries to promote or impose an ideology through acts of violence, those acts can be among the most dangerous crimes we confront as a society. Regardless of the motivating ideology, the Department will use every appropriate tool at its disposal to deter and disrupt such acts and to bring their perpetrators to justice.

With respect to nation-state threats, China, Russia, Iran, and North Korea are becoming more aggressive and more capable in their malign activity than ever before. Defending American institutions and values against these threats is a national security imperative and a priority for the Department. Over the past seven months, the Justice Department has taken a series of actions in response to Russia's unprovoked continued invasion of Ukraine. In March 2022, the Department launched Task Force KleptoCapture, which is staffed with prosecutors, agents, analysts, and professional staff from across the Department who are experts in sanctions and export control enforcement, anticorruption, asset forfeiture, anti-money laundering, tax enforcement, national security investigations, and foreign evidence collection. Task Force KleptoCapture has already taken several actions to seize the assets of sanctioned Russian oligarchs and indict individuals for violations of U.S. sanctions. In addition, the Department has launched a War Crimes Accountability Team to centralize and strengthen the Department's ongoing work to hold accountable those who have committed war crimes and other atrocities in Ukraine. The Department will be relentless in its efforts to identify, find, and bring to justice those who evade sanctions to enable the Russian regime or who commit war crimes.

In February 2022, the NSD announced its broader strategy for countering nation-state threats. That strategy is threat-driven, focusing on the areas where the Department's authorities can have the most impact in combating the greatest threats to our national security, including transnational repression, foreign malign influence, cyber threats, and espionage and export control. In the course of this work, the Department continues to address the threats posed by the

PRC government and its agents—not the Chinese people or those of Chinese descent, who are often the victims of these crimes. The Department has taken steps to target transnational repression, including efforts by the PRC to suppress dissenting voices within the United States. And in cases involving academic integrity and research security, the NSD will take an active supervisory role in the investigations and prosecutions, working with the FBI and other investigative agencies to assess the evidence of intent and materiality, as well as the nexus to our national or economic security.

The Justice Department also remains vigilant in the face of the continuing danger of attacks by foreign terrorist organizations. We continue to face the threat of terrorist attacks on the homeland by foreign terrorist groups, especially ISIS, and are taking actions to disrupt and deter those who would provide them with material support. In October 2022, the Department announced that the global building materials manufacturer, Lafarge S.A, and its Syrian subsidiary pleaded guilty to engaging in criminal conduct that constituted material support to terrorism by authorizing millions of dollars in illicit payments to ISIS and al-Nusrah Front in Syria—two of the world’s most notorious terrorist groups. The country also faces threats from homegrown violent extremists. Individuals across the Department, including within the FBI and the NSD, work across the intelligence community every day to identify and disrupt foreign terrorist plots and bring to justice those who would do us harm. In addition, each U.S. Attorney’s office coordinates a group of federal, state, and local officials in its district, which works in close partnership with Joint Terrorism Task Forces in the FBI to promote training and information-sharing among our law enforcement partners on both foreign and domestic terrorism matters.

A significant focus of the OIG report is the Department’s preparedness and response to domestic violent extremism and hate crimes. In May 2022, the NSD stood up a Domestic Terrorism Unit within its counterterrorism section. This unit will prosecute and coordinate domestic terrorism cases; develop training and policies on domestic terrorism matters; and support the work of the Department in implementing a whole-of-government strategy on countering domestic terrorism. With respect to hate crimes, the Justice Department will continue to use every resource at its disposal to confront unlawful acts of hate and to hold accountable those who perpetrate them. The Department is investigating the Buffalo, New York shooting at a grocery store as a hate crime and an act of racially-motivated violent extremism, and has filed a criminal complaint charging the perpetrator with multiple counts of committing a hate crime resulting in death, committing a hate crime involving an attempt to kill, and for using a firearm to commit murder.

As noted in the OIG report, the Department has also taken a range of additional actions over the last eighteen months to combat and prevent hate crimes. In May 2021, Attorney General Garland issued a memorandum outlining the Department’s efforts to combat hate crimes and hate incidents. The Department also awarded \$10 million in grants to states and localities to support the transition of state and local law enforcement agencies to the National Incident-Based Reporting System (NIBRS) and to support state-run reporting hotlines for victims of hate crimes, as well as to support community-based organizations and civil rights groups with implementing comprehensive approaches to promote community awareness, preparedness, and reporting. The Department announced its first-ever Language Access Coordinator, within the Office for Access

to Justice, who will work to remove the language access barrier to the reporting of hate crimes. And the Department piloted a new outreach training called United Against Hate to help improve the reporting of hate crimes by teaching community members how to identify, report, and help prevent hate crimes.

Finally, the Department is committed to ensuring the security of our elections and countering foreign influence in our electoral process. In July 2021, the Department launched its Election Threats Task Force, which includes the Criminal Division, the Civil Rights Division, NSD, FBI, and other interagency partners. Since that time, the Department has prosecuted several individuals who have threatened election workers. In addition, the Department has authorized grant funding to be used to combat unlawful threats of violence against public officials involved in election administration. And last month, consistent with longstanding Justice Department practices and procedures, the Department provided information about its efforts, through the Civil Rights Division, Criminal Division, and NSD, to help ensure that all qualified voters have the opportunity to cast their ballots and have their votes counted free of discrimination, intimidation, or fraud in the election process, and to ensure that our elections are secure and free from foreign malign influence and interference.

VI. MANAGING THE POST-PANDEMIC IMPACT ON U.S. DEPARTMENT OF JUSTICE OPERATIONS

The Department takes seriously its obligation to investigate and prosecute pandemic-related fraud. The Department's Strategic Plan includes an objective to "Protect the Public Fisc from Fraud on Government Programs," and specifically lists combating pandemic fraud as one of its agency priority goals for the coming fiscal year. In particular, the Department aims to enhance its efforts to protect the public fisc from fraud, waste, and abuse by successfully resolving COVID-19 related fraud cases and seeking restitution to make victims, including taxpayers, whole.

Among other actions, the Department established a COVID-19 Fraud Enforcement Task Force to prosecute those who have tried to defraud the government of money intended for the most vulnerable among us. This Task Force brings together key Department components, such as the Criminal and Civil Divisions, the Executive Office for United States Attorneys, and the FBI, as well as interagency partners, such as the Department of Labor, the Department of the Treasury, the Department of Homeland Security, and the Small Business Administration. The Department's efforts have focused on cases relating to the Paycheck Protection Program, the Economic Injury Disaster Loan program, unemployment insurance programs, and COVID-19 health care fraud enforcement. As the OIG report notes, the Department's work as of September 2022 has resulted in criminal charges against more than 1,500 defendants and the seizure of over \$1.2 billion in relief funds. Also in September 2022, the Department announced the creation of COVID-19 Fraud Strike Force teams based in Los Angeles, Sacramento, Miami, and Baltimore to enhance existing efforts to combat and prevent COVID-19 related fraud.

The Department also appreciates OIG's efforts to assess the Department's own adaptation to the global COVID-19 pandemic, including with respect to the Department's immigration courts and correctional facilities. Going forward, the Department will leverage the

skills gained and lessons learned from the pandemic to both prepare for future work disruptions and enhance the effectiveness of its daily operations. For example, USMS is awaiting the final report of the Pandemic Response Accountability Committee’s “Review of Telehealth Services in Selected Federal Healthcare Programs.” Once received, USMS will evaluate any opportunities to strengthen the use of telehealth services as a medical option. OIG’s audits and reviews on this topic contain helpful recommendations that the Department is evaluating as it continues to develop policies and operational plans.

VII. STRENGTHENING POLICE-COMMUNITY PARTNERSHIPS AND THE RESPONSE TO VIOLENT CRIME

The Department is committed to strengthening community engagement and protecting our communities from violent crime and gun violence. Promoting trust and accountability in law enforcement is an agency priority goal, and the Department has set specific benchmarks in the Strategic Plan to measure its progress over the coming year. These efforts build on a range of existing efforts to strengthen police-community partnerships. As previously noted, in June 2021, the Department’s federal law enforcement components were instructed to develop plans specific to their unique missions to expand the use of body worn cameras. In September 2021, the Department issued the first ever Department-wide directive limiting the use of chokeholds and no-knock warrants. Under the new policy, the Department’s law enforcement components may not use “chokeholds” and “carotid restraints” unless deadly force is authorized, and law enforcement components are generally limited to using “no knock” warrants only in situations where an agent has reasonable grounds to believe that knocking and announcing the agent’s presence would create an imminent threat of physical violence to the agent and/or another person.

The Justice Department is also dedicating substantial resources to support state and local law enforcement accountability. Every day, dedicated law enforcement officers put themselves in harm’s way to protect others and do so honorably and lawfully. Such officers welcome accountability because accountability is an essential part of building trust with the community. The Justice Department has initiated pattern-or-practice investigations into police departments in Minneapolis, Louisville, Phoenix, and Mt. Vernon (New York), the Louisiana State Police, and the New York Police Department Special Victims Division. These investigations focus on whether the departments engage in systemic violations of the Constitution or federal law. The Department has also taken a series of actions to ensure that the remedies for pattern-or-practice violations, including consent decrees, are fair, transparent, and effective.

Community-led efforts are vital to prevent violence before it occurs. That is why the Department is strengthening Project Safe Neighborhoods, a cornerstone initiative that brings together law enforcement and community stakeholders to develop solutions to pressing violent crime problems. The Department is also committed to investing in community-based programs to prevent violence. The Department has announced \$100 million in community violence intervention grants to help communities across the United States. These resources will develop and expand the infrastructure needed to build community safety through cross-agency collaborations, the expansion of community-based organizations, and technical assistance. In addition, in September 2022, the Department announced a new violent crime initiative in

Houston, Texas, including prosecutors from the Criminal Division's Organized Crime and Gang Section and the U.S. Attorney's Office for the Southern District of Texas, as well as agents, analysts, and forensic experts from the FBI, ATF, USMS, and other federal, state, and local law enforcement agencies. This initiative will include efforts to invest in prevention, intervention, and reentry. And last month, the Department announced more than \$370 million in grant awards to fund state, local, and Tribal crime and violence reduction efforts and evidence-based strategies that support law enforcement operations, improve officer safety, and build trust with communities. The Department (through its COPS Office) continues to provide communities with resources to keep our streets safe, including by helping them hire and train additional local law enforcement officers for accountable community policing.

The Department is also committed to addressing the rise in violent crime that began in 2020. According to the FBI's 2021 Crime in the Nation Summary, released in October 2022, violent crime in the United States has remained at or near the 2020 level, with the estimated number of murders increasing by 4.3% and the robbery rate decreasing by 8.9%. Responding to gun-related violent crime is an agency priority goal in the FY 2022-2026 Strategic Plan, and the Department has established metrics for the coming fiscal year regarding the percentage of urgent firearm trace requests completed within 48 hours, the percentage of firearms cases that target traffickers or other large-scale enterprises, and the number of inspections of federal firearms licensees.

As the OIG report notes, in May 2021, the Justice Department launched a comprehensive violent crime strategy that included directing each U.S. Attorney's office to develop a district-specific violent crime strategy. In July 2021, the Department launched five cross-jurisdictional strike forces to reduce gun violence by disrupting illegal firearms trafficking in key corridors across the country. In February 2022, the Department announced the next phase of its violent crime reduction strategy, which included directing each U.S. Attorney's office to prioritize resourcing their district-specific strategies; launching a national ghost gun enforcement initiative to train a national cadre of prosecutors on enforcement issues specific to the use of ghost guns in crimes; and enhancing the Department's enforcement against unlawful firearms traffickers. In April 2022, the Department finalized its frame or receiver rule, which makes it harder for criminal and other prohibited persons to obtain untraceable firearms. In May 2022, the Department announced the publication of the first volume of the National Firearms in Commerce and Trafficking Assessment, which provides critical insights on firearms commerce and technology trends that will assist agents, prosecutors, and policymakers tackle modern criminal gun trafficking enterprises. And the Department is currently working to implement the Bipartisan Safer Communities Act, enacted in June 2022, which gives the Department additional authorities and funding to address gun violence.

The Department is also working to increase data collection. For example, in August 2022, the Bureau of Justice Statistics (BJS) and the FBI released *Estimation Procedures for Crimes in the United States Based on NIBRS Data* and the *NIBRS Estimation Summary*. These reports document BJS' collaboration with the FBI to continue to increase NIBRS participation and establish new estimation techniques that produce reliable national estimates of crime, including for non-reporting and partially reporting agencies. NIBRS will provide a more complete and in-depth profile of reported crime than was previously available. In October 2022,

BJS released the *National Crime Victimization Survey and National Incident-Based Reporting System: A Complementary Picture of Crime in 2021*, which describes how crime recorded by law enforcement agencies and from interviews with crime victims together provide a more comprehensive picture of crime in the United States.

VIII. EFFECTIVE MANAGEMENT OF U.S. DEPARTMENT OF JUSTICE CONTRACTS AND GRANTS

The Justice Department awards billions of dollars in grants each year and is committed to ensuring these awards are managed effectively. The Department is working to address the challenges to proper contract management that the OIG report flagged, including by installing a Deputy Senior Procurement Executive within the Justice Management Division to strengthen oversight of the Department's acquisition portfolio, and by seeking additional resources for JMD's Office of Acquisition Management. The Department is also taking steps to ensure compliance with laws, regulations, and policies, including by implementing a systematic process that ensures the mandatory whistleblower clause is included in all applicable Department contracts and that collects verification from the vendors that they have fulfilled the associated notification requirements to their employees.

As for effective grant oversight, the Department's grantmaking components view their fiduciary responsibility to effectively administer grants as a top priority. All three grantmaking components work to continuously improve and strengthen their policies and procedures, risk management strategies, and oversight and monitoring efforts. The Department fulfills its grant oversight duties through direct communication with grantees, the review of progress and financial reports, programmatic and financial monitoring, grantee audit resolution, training and technical assistance, and targeted outreach to higher risk grantees.

OJP consistently exceeds its statutory requirement to conduct comprehensive monitoring of not less than 10 percent of total award dollars. In FY 2022, OJP completed in-depth programmatic monitoring of over 1,000 grants totaling \$2.63 billion, approximately 57 percent over the amount required by law. In addition, OJP's Office of the Chief Financial Officer carried out financial monitoring for approximately \$2.47 billion in grants across the Department's entire grants portfolio. And OJP continuously assesses audit and monitoring results, which are used to improve processes, enhance internal controls, and inform training and technical assistance efforts for internal staff and/or funding recipients each year.

The Department's new grants management system, JustGrants, is currently supporting 40,000 users and about 15,000 active grants totaling \$17.6 billion. Since the system went live in October 2020, programmatic improvements and focused system stabilization efforts have been made to improve user satisfaction. This included ensuring a successful FY 2022 award making season. In FY 2022, OJP continued to focus on customer service and training opportunities, which has resulted in a 40% reduction of service desk calls over the last year. In FY 2023, the Department will focus on building out additional system functionality in the areas of performance management and monitoring to complete full life-cycle processing, as well as making incremental improvements to user experience, consistency, and efficiency throughout the system.

The Department is also committed to ensuring that the grants it offers are directed to their intended purposes. Regarding oversight of the COPS Hiring Program, the COPS Office reports that it uses the Department's existing pre-award risk rating process to assign each applicant a risk rating based on data related to its past performance and its financial capability. If an applicant poses a heightened risk, steps are taken to mitigate those risks, such as imposing additional conditions on funding. For example, if an applicant has weak or missing financial controls, the COPS Office may require the applicant to complete financial management training before it can receive the funds.

In addition, throughout the grant implementation period, the COPS Office collects program and financial data through semi-annual performance reporting and quarterly financial reporting, with grant managers reviewing all performance reports. The COPS Office also conducts annual desk reviews of all recipients. During annual desk reviews, grant managers and financial managers review documentation submitted by the recipients, including performance and financial reports, and assess the overall performance of recipients. This information is used in addition to an annual risk assessment to determine whether a recipient's award should undergo in-depth monitoring during the fiscal year.

All in-depth monitoring consists of enhanced programmatic desk reviews or site visits and is completed for at least 10 percent of COPS Office open award portfolios. The COPS Office develops its annual monitoring plan based on an annual risk assessment, which is updated periodically during the fiscal year. COPS Office grants management and financial monitoring staff check for indications of misuse of funding during in-depth monitoring. For example, if a recipient reports no activity or performance during a period but reports significant financial activity, or if the recipient's budget proposal does not match the activities listed in its general ledger, an explanation or additional documentation would be requested from the recipient.

IX. MANAGING HUMAN CAPITAL

The Justice Department recognizes that it can only accomplish its mission of upholding the rule of law, keeping our country safe, and protecting civil rights if it has a dedicated, high-skilled, and diverse workforce. The new Strategic Plan includes objectives to "Achieve Department Management Excellence Through Innovation" and to "Foster a High-Performing Workforce that Represents the Public We Serve." The Department intends to update internal guidance, best practices, and policies related to outreach, recruitment, and hiring, and use data to help ensure diversity and equity at each step of the recruitment, application, and hiring processes. The Department will also work to ensure equal pay for equal work within positions and across similarly situated components, and identify workplace flexibilities that will allow us to recruit and retain the best employees.

This work has already begun. The Department is implementing Executive Order 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (June 25, 2021) and the Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce. The Department has also revised its workplace flexibility policies, both centrally and at the component level, to provide employees with job-appropriate flexibilities as the pandemic-related emergency ends. And the Department is committed to ensuring a

workplace free from misconduct. As the OIG report notes, the Department is tackling the problem of sexual misconduct through the Deputy Attorney General's Steering Committee to review sexual misconduct policies. The Steering Committee is reviewing the current policies and practices across the Department, as well as existing training, education, and awareness efforts. The Steering Committee is also developing recommendations to ensure that the Department's policies are consistent, cohesive, and effective to satisfy our obligations to prevent sexual misconduct.

The Department appreciates OIG's work in helping to improve our transparency, productivity, and effectiveness. Components across the Department are addressing the numerous findings, conclusions, and recommendations contained in the specific reports and audits that the OIG report discusses. The Department looks forward to continuing its cooperative relationship with the Inspector General on those matters and on future investigations.