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Considering its responsibilities and the number of people the U.S. Customs Service deals with, some complaints are inevitable. However, Customs could handle the complaints it receives better than it has. Findings/Conclusions: Review of 148 complaints from two districts showed that while actions on the 21 complaints handled by the Regional Offices of Internal Affairs were well supported, the documentation and treatment of the other 127, handled at the district level, could have been better. Only 63 of the 127 complaint cases were documented to show that some type of investigation had been made and in most cases the documentation was not sufficient to evaluate the need for corrective action. Since Customs does not routinely summarize and analyze complaints agencywide, some complaints may not be registered, and charges that its officials are not complying with specific standards of conduct may not surface. Since there are no instructions or guidance to the public on how to lodge a complaint, some persons may have been unhappy but unaware of how to communicate this to the proper Customs officials. Recommendations: The Commissioner of Customs should establish a system for complaint receipt and handling compatible with the Department of the Treasury's Consumer Representation Plan, providing, among other things, instructions and guidance to the public on the type of information needed in making a complaint and where it should be sent; procedures to district offices for investigating complaints and taking corrective actions; and procedures for summarizing and analyzing complaints agencywide. (Author/SC)

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# *REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES*

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## **The Customs Reception: Relatively Few Complaints But They Could Be Handled Better**

**U.S. Customs Service  
Department of the Treasury**

Considering its responsibilities and the number of people the U.S. Customs Service deals with, some complaints are inevitable. However, Customs could handle the complaints it receives better than it has.

Customs needs to make sure that complaints are investigated, corrective actions are taken, appropriate responses are made to complainants, and accurate information is provided management for use in forming or revising policies and procedures.



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-140168

The Honorable Abraham Ribicoff  
Chairman, Subcommittee on  
International Trade  
Committee on Finance  
United States Senate

Dear Mr. Chairman:

As requested in your March 30, 1976, letter this report discusses the way the U.S. Customs Service handles complaints about employee conduct and procedures.

As arranged with your office, we are sending copies of this report to the Director, Office of Management and Budget; the Chairmen, House Committee on Government Operations, Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the Subcommittee on Trade of the House Committee on Ways and Means; the Secretary of the Treasury; the Commissioner, U.S. Customs Service; and Congressman Lloyd Meeds. These copies will be released 2 days from the date of this letter.

Sincerely yours,

A handwritten signature in black ink that reads "James B. Stacks".

Comptroller General  
of the United States

COMPTROLLER GENERAL'S REPORT  
TO THE SUBCOMMITTEE ON INTER-  
NATIONAL TRADE, SENATE  
COMMITTEE ON FINANCE

THE CUSTOMS RECEPTION:  
RELATIVELY FEW COMPLAINTS BUT  
THEY COULD BE HANDLED BETTER  
U.S. Customs Service  
Department of the Treasury

D I G E S T

The nature of U.S. Customs Service activities--examining and clearing carriers, persons, and merchandise--is likely to evoke complaints about employee conduct and procedures. After reviewing how Customs responds to complaints, GAO concluded that improvements are needed. The public should be encouraged to submit any complaints and these should be summarized and analyzed agencywide. Also, investigations of complaints and actions taken on them should be documented more fully.

Customs' standards of conduct for employees are designed to:

- Promote and maintain Customs' efficiency in enforcing laws and regulations.
- Promote and maintain public confidence in the integrity of Customs.

These are fundamental, interrelated objectives of Customs policy.

The standards of conduct prohibit Customs employees from engaging in criminal, immoral, or disgraceful conduct and instruct employees to be courteous and businesslike in their official contacts.

About 270 million people entered the United States in fiscal year 1976. In response to a GAO questionnaire, Customs reported receiving 1,480 written complaints in that time period, but this data does not appear reliable. GAO checked complaints in two districts and found that the numbers reported were overstated. (See pp. 8 and 9.)

Further, the number of complaints may not accurately portray the extent employees comply with the standards of conduct. There are no instructions or guidance to the public on how to lodge a complaint. Therefore, some persons may have been unhappy but unaware of how to communicate this to the proper Customs officials.

Customs does not routinely summarize and analyze complaints agencywide. Hence, some complaints may not be registered and charges that its officials are not complying with specific standards of conduct may not surface.

GAO reviewed 148 complaints from two districts. Actions on the 21 complaints handled by the regional Offices of Internal Affairs were well supported; however, the documentation and treatment of the other 127, handled at the district level, could have been better.

--Only 63 of the 127 complaint cases were documented to show that some type of investigation had been made.

--In most cases, documentation was not sufficient to evaluate the need for corrective action.

--In some cases responses to complainants contained hostile, antagonistic comments.

In September 1976 the Department of the Treasury published its Consumer Representation Plan. That Plan requires agencies to, among other things,

--solicit public opinion,

--review complaints to determine accountability and provide for prompt responses, and

--tabulate and analyze complaints as aids in formulating or changing policy.

In April, Customs established a Consumer Services Branch within its Office of Administration to be the focal point for implementing the plan.

### RECOMMENDATIONS

The Commissioner of Customs should establish a system for complaint receipt and handling, compatible with Treasury's Consumer Representation Plan, and providing, among other things,

- instructions and guidance to the public on the type of information needed in making a complaint and where it should be sent,
- procedures to district offices for investigating complaints and taking corrective actions, and
- procedures for summarizing and analyzing complaints agencywide.

Customs advised GAO that the matters discussed in this report are of concern and pointed out actions that have been taken to improve them. (See app. II.)

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## CHAPTER 1

### INTRODUCTION

The Chairman, Subcommittee on International Trade, Senate Committee on Finance asked us to review the U.S. Customs Service's management and investigation of complaints. (See app. I.)

### THE CUSTOMS MISSION

Customs' principal mission is to enforce the Tariff Act of 1930 and numerous other statutes and regulations which govern international traffic and trade. To accomplish this, Customs

- examines and clears carriers, persons, and merchandise;
- detects and prevents smuggling;
- assesses and collects import duties and taxes; and
- administers and enforces more than 500 laws and regulations relating to international traffic and trade for some 60 Government agencies.

During fiscal year 1976 Customs employed an average of

- 3,900 inspectors, who inspect and examine merchandise, persons and vessels entering the country;
- 1,300 import specialists, who classify and appraise merchandise for duty purposes;
- 1,200 patrol officers, who patrol between and around ports of entry;
- 800 agents, who perform criminal and personnel investigations; and
- 5,800 headquarters and regional personnel, who perform directive, legal, and support functions.

### FIELD ORGANIZATION

Customs has nine regions with offices in Boston, Mass.; New York, N.Y.; Baltimore, Md.; Miami, Fla.; New Orleans, La.; Houston, Tex.; Los Angeles and San Francisco, Calif.; and Chicago, Ill. A Regional Commissioner and two Assistant

Regional Commissioners (Operations and Administration) direct Customs activities in each region. Regional Commissioners report directly to the Commissioner of Customs.

Three other principal officers in each region--a Regional Director of Internal Affairs, Regional Director of Investigations, and Regional Counsel--report directly to their respective Assistant Commissioner or the Chief Counsel at Customs headquarters.

There are 45 district/area offices within the 9 regions. A typical district headquarters is comprised of a District Director; a Director, Classification and Value; a Director, Inspection and Control; and a Director, Patrol. The District Director and staff supervise Customs activities at ports of entry and throughout their districts.

### STANDARDS OF CONDUCT

Customs' standards of conduct for employees are designed to

--promote and maintain Customs' efficiency in enforcing laws and regulations and

--promote and maintain public confidence in the integrity of Customs.

These are fundamental, interrelated objectives of Customs policy.

The standards for employee conduct contained in chapter 735 of the Customs Personnel Manual follow:

"Employees will not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct prejudicial to the Government."

\* \* \* \* \*

"Employees will be courteous and businesslike in every official activity involving contact with others. 'Courteous', for the purposes of this provision, means being pleasant, polite, respectful, considerate, helpful and patient. This requirement must be adhered to even under difficult conditions and in times of personal stress, and in the face of provocation that does not involve a violation of law.

"a. In this regard, employees will not make any abusive, derisive, threatening, profane, obscene, or other insulting, offensive or provocative statement or gesture to or about another person in his presence.

"b. In the face of unlawful conduct or extreme provocation, employees will deal with the situation in a firm, professional manner, within the scope of their authority. Where that is deemed insufficient to resolve the problem encountered, employees will request whatever assistance is necessary under the circumstances, including local law enforcement assistance when appropriate, to properly bring the situation under control."

In a 1974 circular to all employees, the Commissioner of Customs reemphasized the need for courtesy and tact. He wrote:

"Professionals in all vocations may be readily identified by their courteous, businesslike manner in dealing with people while doing their job. The importing and traveling public will recognize and appreciate a professional Customs Officer, and the favorable impression formed will be a lasting one. A professional officer is courteous, tactful, and civil; moreover, professionalism is an enforcement tool which will aid the Customs Service in accomplishing its mission. \* \* \*

"While continuing to discharge our responsibilities with firmness and the highest degree of professionalism, we fully expect and shall continue to insist on the highest degree of courtesy, tact and civility on the part of every Customs Officer.

"Customs Officers who fail to perform in accordance with this policy will be held accountable for their actions."

### HANDLING OF COMPLAINTS

Complaints concerning Customs employees are received from travelers, employees, and importers. Some are oral. Written complaints about employees are addressed to the President, Members of Congress, the Secretary of the Treasury, mayors, and governors. These officials may refer the complaint to Customs for action. Complaints are also addressed to various Customs officials at the ports, districts, regions, and headquarters.

A complaint which alleges criminal or immoral conduct by a Customs employee is investigated by the Regional Director of Internal Affairs. The Office of Internal Affairs' investigative standards require a thorough and objective inquiry, including interviews with all persons who may know about the incident. If possible, the Internal Affairs agent is to take affidavits. An Internal Affairs report summarizes the facts but does not contain conclusions or recommendations. The report is submitted to the regional official (usually the Regional Commissioner) who takes disciplinary or corrective action.

Customs has no written procedures for handling other complaints, such as rude or discourteous treatment. The district office usually investigates these complaints. In some cases, an employee's supervisor investigates the complaint. After the investigation, a report is submitted to the District Director.

Letters in response to complainants may be signed by one of several officials. A headquarters official or Regional Commissioner usually signs responses to complaints received either at headquarters or from public officials. The Regional Commissioner normally responds to complaints sent to the region. A District Director usually responds to complaints received directly at the district or port of entry.

#### SCOPE OF REVIEW

We evaluated Customs' handling of complaints using as criteria features which we believe a reasonable system should contain:

- It should be easy to complain. A complainant should know what information management needs to investigate the complaint, and to whom a complaint should be addressed.
- Management should not wait for people to complain but should initiate steps to see that employees are treating the public properly.
- Management should promptly and thoroughly investigate a complaint, and the findings should be supported by the evidence and documented.
- The complainant should be told the outcome and appropriate corrective actions taken.

--Management should monitor the system.

Since Customs does not record, summarize, or analyze complaints, we developed a classification system for Customs complaints. Working with Customs officials, we classified the complaints as follow:

- Allegations of impropriety. Matters alleging immoral or criminal conduct by Customs employees, such as smuggling, bribery, theft, alcohol or drug abuse (including drunkenness on duty), and immoral searches.
- Service complaints. Matters concerning the way Customs' services are received; for example, complaints that an employee was rude or discourteous or impatient, abused his/her authority or violated someone's rights, damaged someone's property, conducted an unnecessary search, or improperly arrested someone; complaints of harassment by Customs employees; and complaints that Customs imposed an inordinate delay on a traveler.
- Questions about or challenges to policy. Matters concerning Customs' policy and procedures; for example, questions about how employees determine what persons or items to inspect, how merchandise is valued, what duty rate applies to an item, what authority employees have to detain or seize items, overtime, and facilities.

The Subcommittee was particularly interested in the allegations of impropriety and service complaints, and we limited our review to the adequacy of Customs' handling of complaints in these two categories.

We made our review primarily at Customs headquarters, the Chicago and San Francisco regional offices, and the Detroit and San Francisco district offices. We gathered information on complaints handled by Customs during fiscal year 1976 through a questionnaire to headquarters offices, the 9 regions, and the 45 district/area offices.

We reviewed files on allegations of impropriety and service complaints about employees in the Detroit and San Francisco districts. We interviewed headquarters, regional, and district officials and 22 complainants about the way complaints are handled.

## CHAPTER 2

### IMPROVEMENTS NEEDED IN

#### COMPLAINT PROCEDURES

The nature of Customs employees' duties is likely to evoke some complaints. Customs has received relatively few written complaints concerning employee conduct. The agency lacks a system for receiving and handling complaints, and we found several areas where Customs' procedures could be improved. Customs is implementing a consumer representation plan which should improve its responsiveness to the public.

#### COMPLAINTS IN PERSPECTIVE

Customs employees frequently have direct contact with many people in enforcement or adversary situations, and some complaints should be expected. During fiscal year 1976, Customs employees cleared more than 269 million persons arriving in the United States and processed over 3 million entries of imported merchandise valued at \$113.6 billion. In response to our questionnaire, Customs reported receiving 1,480 written complaints. (See pp. 8 and 9.)

Detroit and San Francisco district employees were the subjects of 148 written complaints during fiscal year 1976, which are compared to the workloads of these offices below.

#### Selected Customs Workload Statistics Fiscal Year 1976

<u>District</u>	<u>Persons arriving</u>			<u>Formal entries (note a)</u>	<u>Complaints</u>
	<u>By land</u>	<u>By sea and air</u>	<u>Total</u>		
Detroit	17,800,000	700,000	18,500,000	310,000	94
San Francisco	-	650,000	650,000	130,000	54
Total	<u>17,800,000</u>	<u>1,350,000</u>	<u>19,150,000</u>	<u>440,000</u>	<u>148</u>

a/Entries of merchandise exceeding \$250 in value.

Twenty-one of these complaints were serious enough to be referred to Internal Affairs.

The number of complaints may not accurately portray the extent Customs employees comply with the standards of conduct. In addition to errors in Customs' count of complaints (see pp. 8 and 9), we found the public had been provided no instructions or guidance on how to lodge a complaint. Therefore, some persons with complaints may find it difficult to register them with Customs. Also, Customs does not routinely summarize and analyze complaints agencywide. Hence, some complaints may not be registered and noncompliance with specific standards of conduct may not surface.

INFORMATION NEEDED  
ON HOW TO COMPLAIN

Customs should encourage public comment on its services. Customs does not have written procedures or guidance on how to lodge a complaint. Thus, some people may not lodge a complaint even though they were unhappy with Customs' services.

While Customs employees should be able to provide guidance, interviews with 16 persons who originally lodged oral complaints disclosed some of the problems they encountered:

<u>Type of problem</u>	<u>Number of complaints</u>	<u>Percent of complaints</u>
The complainant felt the complaint was not resolved at the time of the incident; the matter was not referred to a supervisor.	14	88
After the incident, information on where or how to complain in writing was not provided.	9	56

Because complainants may not know where to send a complaint, some are incorrectly addressed. Other travelers may be discouraged from complaining. In one district, we found a complaint originally addressed to the local police chief and another addressed to "Commissioner," and the name of the city. The Postal Service delivered this complaint to the Commissioner of Internal Revenue.

To encourage public input on employee conduct, we discussed with Customs officials the possibility of using a complaint form showing what information is needed to investigate an incident and where to send the form. Customs'

field officials expressed reservations about using a complaint form because it could encourage frivolous complaints. Also, some officials thought that if complaining were easier, their inspectors might be reluctant to perform searches and other enforcement aspects of their jobs for fear of receiving too many complaints.

We are sensitive to these concerns but believe they are insufficient reasons for not making it easier for the public to complain. The suggested complaint form need not be given to all travelers. For example, the form could be given to an individual when an incident occurs. At other times, it could be given to randomly selected travelers. If a form is used, Customs should receive more information on complaints and be able to more efficiently investigate them. Finally, the fact that management makes it easy for travelers to complain would emphasize to employees the need to be courteous, tactful, and professional.

#### COMPLAINTS NEED TO BE ANALYZED

As an aid in forming or revising agency policies and procedures and counseling employees, Customs should summarize and analyze complaint data; however, this is not done. The adequacy of Customs' investigation of complaints and resultant actions are discussed in chapter 3.

#### Written complaints

Neither headquarters nor the field routinely summarizes or analyzes complaints, and records on complaints are decentralized. A complaint file may be retained by several Customs organizations or only by a division within the organization. For complaints received directly at the district or port, the complaint file will probably be retained at the district or by the Inspection and Control Division or the Patrol Division. For a complaint initially received at headquarters or the region and then sent to the district, a separate complaint file may or may not be retained by the district, region, and headquarters.

To obtain information on the number of written complaints received during fiscal year 1976, we sent a questionnaire to headquarters and each regional and district office. The questionnaire results disclosed the following:

Allegations of impropriety	129
Service complaints	<u>1,351</u>
Total	<u>1,480</u>

We have no assurance that the above data is reliable.

We checked the Detroit and San Francisco districts' responses and found that 148 complaints were received, whereas 329 were reported. The differences were due to district employees using a different time frame, estimating rather than counting complaints, and making errors in summarizing the data. The decentralized records also contributed to the difficulty because some complaints were counted more than once.

Where complaints in one region had been summarized, the result were misleading. For example, in 1975 a Regional Commissioner wrote to a District Director about the number of complaints in that district. The Regional Commissioner instructed the district's supervisory personnel to pay more attention to how inspectors treated the public. Although a study of complaint letters received thereafter showed that this district had the lowest complaint per passenger ratio, the analysis only included complaints received at the region, ignoring complaints received at the district or ports. Such comparisons are misleading unless the analysis includes all complaints.

#### Oral complaints

While some Customs districts maintain a record of oral complaints or incidents, there was no evidence they were summarized or analyzed by supervisors.

In San Francisco, Customs employees are instructed to record oral complaints or incidents which are unusual or which may result in a complaint. These records are used primarily if a written complaint is received. By periodically reviewing these records, Customs supervisors could obtain some insight on how employees are treating the public. If an employee was involved in several incidents, some counseling or other corrective action could be taken.

#### RESPONSIVENESS TO THE PUBLIC-- IMPROVEMENTS TO BE MADE

On September 28, 1976, the Department of the Treasury published its Consumer Representation Plan. The Plan was

developed in response to a Presidential directive requiring departments and agencies to improve their responsiveness to users of Government services. The Plan directs Treasury agencies to:

- Solicit public opinion.
- Monitor complaints to determine accountability and insure prompt responses.
- Review established agency procedures and make complaining easier.
- Improve relationships with the public.
- Tabulate and analyze complaints as aids in formulating or changing policies.

In April 1977 Customs established a Consumer Services Branch within the headquarters Public Affairs Division, Office of Administration, to be the focal point for implementing the Plan.

## CHAPTER 3

### INVESTIGATION OF COMPLAINTS AND THE RESULTANT ACTIONS--CHANGES ARE NEEDED

Our review and evaluation of the investigation and resultant action taken on 26 allegations of impropriety and 122 service complaints disclosed:

- Procedures were needed for the investigation of complaints by the district offices.
- Some service complaints were not investigated.
- Decisions on whether corrective or disciplinary action was needed were questionable in most cases.
- Responses to several complaints could have been improved.

### INVESTIGATION PROCEDURES NEEDED FOR DISTRICTS

Investigation procedures have been prescribed for the Office of Internal Affairs, but no procedures exist for the district offices. The regional Offices of Internal Affairs thoroughly investigated 21 complaints. However, the Detroit and San Francisco district offices could document investigating only 63 of 127 complaints they handled.

### Conduct of investigations--regional Offices of Internal Affairs

The regional Offices of Internal Affairs thoroughly investigated 12 allegations of impropriety in the San Francisco district and 9 in the Detroit district.

The Office of Internal Affairs investigation manual states that investigation procedures should:

"\* \* \* insure that the integrity of the [U.S. Customs Service] is maintained and procedures established that will (1) clear the innocent; (2) establish guilt of offenders; (3) facilitate prompt and just disciplinary action; and (4) discover defective procedures."

The manual prescribes that investigative reports be fair and impartial and include documentary evidence.

In 15 cases, the complainant and the employee were interviewed. In 6 cases, the complainant or the employee was not interviewed because of one or more of the following conditions:

- The source of the complaint and/or the identity of the accused employee was unknown.
- The complaint source was a confidential informant.
- The employee was under surveillance during the investigation.
- Contact with the complainant was unnecessary because the employee admitted the allegation or the employee reported the incident.

These investigations took an average of 94 days. In each case, the investigation results were included in a written report.

Conduct of investigations--district offices

By contrast, no procedures are prescribed for complaint investigations performed by the districts. District officials did not thoroughly investigate complaints, if they were investigated at all.

Of the 127 complaints handled by district offices, there was evidence--a documented interview with the complainant or employee or a written report of an investigation--of some investigation in only 63 cases. These investigations were limited to:

	<u>Number of cases</u>
Interview of the complainant	1
Interview of the employee	57
Interview of the complainant and the employee	2
A report on the incident with no evidence of an interview with either the complainant or the employee	<u>3</u>
Total	<u><u>63</u></u>

Only 29 of these investigations were summarized in a written report.

Although the investigation was limited, the district responded to either the complainant or the region in 61 cases. We found no evidence of a response in two cases.

#### SOME COMPLAINTS WERE NOT INVESTIGATED

There was no evidence of an investigation for 64 complaints handled by district officials. Nevertheless, the district responded to either the complainant or the region in 60 cases. We found no evidence of a response in four cases.

When Customs seizes merchandise or assesses a penalty against an individual, Customs may be petitioned for remission or mitigation of the action. Some petitions may also contain complaints about an inspector's conduct, and these should be referred to the Inspection and Control Division for investigation.

In Detroit there was no evidence of an investigation of complaints contained in 37 petitions. The head of the office which reviews petitions for remission or mitigation said a complaint is not referred to the Inspection and Control Division if it is vague. In San Francisco, none of four such complaints was referred for investigation. District personnel said that people caught breaking the law might say the inspector was uncooperative or might make other allegations.

In several cases, Customs' response to the petitioner did not discuss the complaint. For example, one petition contained the following complaint:

"\* \* \* This man was very discourteous, uncouth and rude in the way he told me 'That's your tough luck, get lost, I'm too busy to listen to your excuses.' This is not the language of a professional law enforcement officer who deals with the public day in and day out. This man should be brought up on charges by your Department and Admonished for making this type of statement."

Customs' response to this letter addressed the penalty mitigation but was silent on the alleged discourteous conduct of the Customs employee. Another petition contained an allegation of discrimination on the part of two inspectors:

"\* \* \* I try to explain to them, I really misunderstood his meaning. But they don't listen to me and said they don't interest in what I say, all [members of my nationality] tell the same kind of lie \* \* \* I don't understand why they give me such a hard time. Maybe because I am a [member of my nationality]."

Again, the response did not address this complaint but discussed only the mitigation of the penalty.

District personnel told us that all complaints should be investigated; however, there was no evidence of an investigation for 23 complaints received by the Inspection and Control Division.

BASES OF DETERMINATIONS FOR CORRECTIVE OR DISCIPLINARY ACTIONS NEED IMPROVEMENT

Customs considered 42 of the 148 complaints valid, yet evidence of corrective or disciplinary action was found in only 21 cases.

Customs' investigations disclosed the following regarding the validity of complaints:

	<u>Validity of complaint</u>			<u>Total</u>
	<u>Valid</u>	<u>Invalid</u>	<u>Uncertain (note a)</u>	
Allegations of impropriety	12	10	4	26
Service complaints	<u>30</u>	<u>69</u>	<u>23</u>	<u>122</u>
Total	<u>42</u>	<u>79</u>	<u>27</u>	<u>148</u>
Percent	28	53	19	100

a/We were unable to determine if Customs considered the complaint valid.

Disciplinary action was taken on 21 of the 42 valid complaints. These actions included 14 oral admonishments or counseling sessions, 2 employees given closer supervision, 2 written reprimands, 1 suspension of 10 days, and 2 suspensions of 30 days. No evidence of corrective or disciplinary action was in the files for the other 21 cases.

Although Customs determined that 79 complaints were invalid, in 56 cases the complaint files did not contain the

information needed to make such a determination. Thus, the need for disciplinary action or changes in procedures may have been overlooked. For example, some complaints disclosed problems with the inspection procedures. These complaints concerned:

- Problems of communication. Travelers who do not speak fluent English or have speech defects encounter problems with Customs employees.
- Disputes over when declaration was made. Customs procedures require written declarations for merchandise valued over \$100. To speed processing, an inspector asked a traveler the value of goods being brought into the country. After responding "probably \$250 or \$300," the traveler was directed to a secondary inspection where goods exceeding that value were found. The traveler was told that his original oral statement was his declaration and the additional goods were seized. The traveler requested the opportunity to make a written declaration, but the request was denied.
- Confusion from the way questions were asked. An inspector questioned each occupant of a car about his/her citizenship; then when the inspector asked about merchandise acquired, the driver answered only for his personal purchases. The inspector took this declaration to be for all occupants, and the driver was fined for making a false declaration when a passenger's purchases were found.

Complaints of this type may be an indication of a need to change inspection procedures. Customs could not provide evidence that such changes were considered.

#### RESPONSES TO COMPLAINANTS NEED IMPROVEMENT

In some cases, the districts' responses to complaints contained hostile or antagonistic comments. Some excerpts follow:

- "Also a source of amazement is that any employee of the Customs Service would make a gratuitous remark about the veracity of a member of \* \* \* [a] profession and the low esteem in which [members of that profession] are held \* \* \*."
- "In spite of our difficulty to accept representations that defy credulity \* \* \*."

--"Your lack of proficiency in math, your assumption that information received from other travelers was correct, and your transferring blame to the Federal Government for failing in its responsibility to keep travelers informed has no basis in fact or law. First, there is nothing in your letter that demonstrates any initiative on your part to apprise yourself of your rights and responsibilities as a returning resident. Second, had you examined your passport, issued, we assume at your request on the basis of information you provided when applying for it, taking time to read the last two pages, you would have been prepared to present accurate documents to Customs."

For complaints received at regional or headquarters offices, a response normally is prepared at the district after the investigation and forwarded for review and signature. One regional office changed the tone of such correspondence from the district, as follows:

Draft response from district

"This office regrets any inconvenience you might have incurred, but your complaint should have properly been forwarded to the carrier \* \* \* U.S. Customs cannot be held responsible for architectural defects or in areas where it has no jurisdiction."

Regional response said

"Your complaint appears to be well justified, and I deeply regret the distress and inconvenience that you experienced \* \* \* I am happy to inform you that \* \* \* flights \* \* \* are now being pre-cleared \* \* \* at \* \* \* Vancouver \* \* \*. This should eliminate the problems you described \* \* \*. Thank you for writing."

District's version of the incident

"An interview with the inspector and supervisor concerned elicited the following: Both are vehement in their denial of the statements attributed to them \* \* \*. It is inconceivable that a supervisor with years of experience in dealing with the public would make the remark in question. Both employees are emphatic in their contention that no discourtesy

Regional response said

"The inspector and supervisor were interviewed by the District Director \* \* \* concerning their attitude. Neither the inspector nor the supervisor intended any discourtesy either by word or action; however, since you were left with the impression, I extend our sincere apologies."

either by word or deed was practiced."

As these examples show, responses from regions may be more conciliatory.

## CHAPTER 4

### CONCLUSIONS, RECOMMENDATION, AND

#### AGENCY COMMENTS

##### CONCLUSIONS

Given its mission and the large number of people that Customs deals with, some complaints are inevitable. However, Customs lacks a system for receiving and handling complaints, and its procedures could be improved. Customs is implementing a consumer representation plan which should improve its responsiveness to the public.

Customs needs a system which makes it easier for persons to complain. The system should summarize and analyze complaint data and be used in forming or revising policies and procedures. Customs needs to insure that complaints are investigated, corrective actions are taken, and appropriate responses are made to complainants. In establishing such a system, Customs should consider creating a complaint form.

##### RECOMMENDATION

We recommend that the Secretary of the Treasury direct the Commissioner of Customs to establish a system for receiving and handling complaints, compatible with Treasury's Consumer Representation Plan, and, among other things, providing:

- Instructions and guidance to the public on the type of information needed in making a complaint and where it should be sent.
- Procedures to district offices for investigating complaints and taking corrective actions.
- Procedures for summarizing and analyzing complaints agencywide.

##### AGENCY COMMENTS AND OUR EVALUATION

Customs agrees that the handling of complaints can be improved and is developing procedures for the field to use to insure uniformity in investigating complaints at the District Director level. Customs is also establishing a procedure for monitoring and controlling complaints on a servicewide basis. However, Customs does not see the necessity for a complaint form or instructions and guidance to

the public on the type of information needed in filing a complaint. Instead, it expresses the belief that the public should be free to register a complaint in any manner or form.

While we agree that the public should be free to register a complaint in any manner or form, we believe there is a need for some form of written instructions and guidance to the public on the types of information Customs needs to investigate the incident and where that information should be sent. Such instructions and guidance could be provided by a complaint form or incorporated in various pamphlets and other printed material that Customs publishes.



Along the same lines, it would be well for the GAO to look into the Customs Service's program for investigating complaints by the public of alleged misconduct or irregularities by Customs employees. There are repeated examples on the hearing record of a member of the importing public complaining to the Customs Service about an employee's improper or discourteous conduct with disciplinary action being unavailable or ineffective. For this reason, it would be good to have a thorough examination to show whether Customs' program for investigating complaints of alleged misconduct or irregularities is well conceived and properly organized, and whether Customs is using the appropriate means to vigorously uphold high standards on the part of all its employees. Specifically, we request that the GAO report on how such investigations are initiated, conducted, and acted upon. This study should include a description of the organization of the investigation function, indicating to whom an investigator reports through the various stages of his investigation.

The Subcommittee has developed information on the Customs Service through its hearings which may be of use to you in your studies. For access to this information and for further discussions on the nature of the studies you will undertake, we understand that you will be speaking to Mr. Michael Rowny of the Finance Committee staff.

Thank you for your attention in this important matter.

Sincerely,

  
Abraham Ribicoff, Chairman  
Subcommittee on International Trade



DEPARTMENT OF THE TREASURY  
U.S. CUSTOMS SERVICE  
WASHINGTON



JUN 8 1977

REFER TO  
AUD-5-N:IA:AS OJ  
xGAO

Mr. Victor L. Lowe  
Director, General Government Division  
U. S. General Accounting Office  
414 "G" Street, N. W.  
Washington, D. C. 20548

Dear Mr. Lowe:

In response to your proposed report, "The Customs Reception: Relatively Few Complaints But They Could Be Handled Better", we offer the following comments and suggestions.

A clearer distinction should be made in the report between investigations conducted by Internal Affairs of alleged improprieties, and those investigations (or lack thereof) made at the District level of complaints resulting from questions about or challenges to policy and service complaints about employees.

We are of the opinion that Customs should not consider printing and using some type of complaint form. Rather than burdening the Government or the public with an additional form, we believe this type of information could be provided in the various pamphlets and other printed material that Customs now publishes for the general public. Furthermore, we believe the public should not be "instructed and guided" on the type of information that is needed in filing a complaint. The public should be free to register a complaint in any manner or form.

We agree that the present system decentralizing responsibility for answering complaints can benefit from some of the suggestions offered by the report. Procedures are being developed by us for use by the field to insure uniformity in investigating complaints at the District Director level. We are also establishing a procedure in monitoring and controlling complaints on a service-wide basis.

Sincerely yours,

*G. R. W. [Signature]*  
Acting Commissioner of Customs

**PRINCIPAL OFFICIALS**  
**RESPONSIBLE FOR ADMINISTERING**  
**ACTIVITIES DISCUSSED IN THIS REPORT**

**Tenure of office**  
**From**                      **To**

**DEPARTMENT OF THE TREASURY**

**SECRETARY OF THE TREASURY:**

W. Michael Blumenthal	Jan. 1977	Present
William E. Simon	Apr. 1974	Jan. 1977

**UNDER SECRETARY OF THE TREASURY**

(note a):

Bette B. Anderson	Apr. 1977	Present
Jerry Thomas	Apr. 1976	Jan. 1977

**ASSISTANT SECRETARY, ENFORCEMENT,  
OPERATIONS, AND TARIFF AFFAIRS**

(note b):

John H. Harper (acting)	Jan. 1977	May 1977
Jerry Thomas (acting)	Sept. 1976	Jan. 1977
David R. Macdonald	May 1974	Sept. 1976

**COMMISSIONER, U.S. CUSTOMS SERVICE:**

G. R. Dickerson (acting)	May 1977	Present
Vernon D. Acree	May 1972	Apr. 1977

a/Functions and responsibilities of the Assistant Secretary were transferred to the Under Secretary on May 3, 1977.

b/This position was disestablished on May 3, 1977.