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Report to the Chairman, Caucus on International Narcotics Control

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DRUG CONTROL

INS and Customs Can Do More To Prevent Drug-Related Employee Corruption

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The Honorable Charles E. Grassley
Chairman, Caucus on International
Narcotics Control
United States Senate

Dear Mr. Chairman:

The corruption of some INS and Customs employees along the Southwest Border by persons involved in the drug trade is a serious and continuing threat. The enormous sums of money being generated by drug trafficking have increased the threat for bribery. It is a challenge that the Immigration and Naturalization Service (INS), the U.S. Customs Service, and other law enforcement agencies must overcome at the border.

This report responds to your request that we review INS' and Customs' efforts to address employee corruption on the Southwest Border. As agreed with you, our objectives were to (1) determine the extent to which INS and Customs have and comply with policies and procedures for ensuring employee integrity; (2) identify and compare the Departments of Justice's and the Treasury's organizational structures, policies, and procedures for handling allegations of drug-related employee misconduct and determine whether the policies and procedures are followed; (3) identify the types of illegal drug-related activities in which INS and Customs employees on the Southwest Border have been involved; and (4) determine the extent to which lessons learned from corruption cases closed in fiscal years 1992 through 1997 have led to changes in policies and procedures for preventing the drug-related corruption of INS and Customs employees.

Results in Brief

Both INS and Customs have policies and procedures designed to ensure the integrity of their employees. However, neither agency is taking full advantage of its policies, procedures, and the lessons to be learned from closed corruption cases to fully address the increased threat of employee corruption on the Southwest Border. These policies and procedures consist mainly of mandatory background investigations for new staff and 5-year reinvestigations of employees, as well as basic integrity training. While the agencies generally completed background investigations for new hires by the end of their first year on the job, as required, reinvestigations were typically overdue, in some instances, by as many as 3 years. Both INS and Customs said the basic training that new employees are to receive includes integrity training. Agency records for 284 of 301 randomly

selected INS and Customs employees on the Southwest Border showed that they received several hours of integrity training as part of their basic training.

The Departments of Justice and the Treasury have different organizational structures but similar policies and procedures for handling allegations of drug-related misconduct by INS and Customs employees. At Justice, the Office of the Inspector General (OIG) is generally responsible for investigating criminal allegations against INS employees. We found that the Justice OIG generally complied with its policies and procedures for handling allegations of drug-related misconduct. At the Treasury, Customs' Office of Internal Affairs is generally responsible for investigating both criminal and noncriminal allegations against Customs employees. We could not assess Customs' compliance with its procedures for handling allegations of drug-related misconduct because its automated case management system and its investigative case files did not provide the necessary information.

Some INS and Customs employees on the Southwest Border have engaged in a variety of illegal drug-related activities, including waving drug loads through ports of entry, coordinating the movement of drugs across the Southwest Border, transporting drugs past Border Patrol checkpoints, selling drugs, and disclosing drug intelligence information.

INS and Customs have missed opportunities to learn lessons and change their policies and procedures for preventing the drug-related corruption of their employees. The Justice OIG and Customs' Office of Internal Affairs are required to formally report internal control weaknesses identified from closed corruption cases, but have not done so. Our review of 28 cases involving INS and Customs employees assigned to the Southwest Border, who were convicted of drug-related crimes in fiscal years 1992 through 1997, revealed internal control weaknesses that were not formally reported and/or corrected.[1] These weaknesses included instances where (1) drug smugglers chose the inspection lane at a port of entry, (2) INS and Customs employees did not recuse themselves from inspecting individuals with whom they had close personal relationships, and (3) law enforcement personnel were allowed to cross the Southwest Border or pass Border Patrol checkpoints without inspection. Also, INS and Customs had not formally evaluated their integrity procedures to determine their effectiveness. For example, we determined that financial information

[1]In this report, if employees entered guilty pleas, we considered them to have been convicted of the crime.

required for background investigations and reinvestigations was either limited or not fully reviewed.

Background

Stretching 1,962 miles from Brownsville, TX, to Imperial Beach, CA, the Southwest Border has been a long-standing transit area for illegal drugs entering the United States. According to the Department of State, the Southwest Border is the principal transit route for cocaine, marijuana, and methamphetamine entering the United States.

INS and Customs are principally responsible for stopping and seizing illegal drug shipments across the Southwest Border. At the ports of entry, about 1,300 INS and 2,000 Customs inspectors are to check incoming traffic to identify both persons and contraband that are not allowed to enter the country. Between the ports of entry and along thoroughfares in border areas, about 6,300 INS Border Patrol agents are to detect and prevent the illegal entry of persons and contraband.

The corruption of INS or Customs employees is not a new phenomenon, and the 1990s have seen congressional emphasis on ensuring employee integrity and preventing corruption.[2] A corrupt INS or Customs employee at or between the ports of entry can help facilitate the safe passage of illegal drug shipments. The integrity policies and procedures adopted by INS and Customs are designed to ensure that their employees, especially those in positions that could affect the smuggling of illegal drugs into the United States, are of acceptable integrity and, failing that, to detect any corruption as quickly as possible.

Objectives, Scope, and Methodology

Our report objectives were to (1) determine the extent to which INS and Customs have and comply with policies and procedures for ensuring employee integrity; (2) identify and compare the Departments of Justice's and the Treasury's organizational structures, policies, and procedures for handling allegations of drug-related employee misconduct and determine whether the policies and procedures are followed; (3) identify the types of illegal drug-related activities in which INS and Customs employees on the Southwest Border have been involved; and (4) determine the extent to which lessons learned from corruption cases closed in fiscal years 1992 through 1997 have led to changes in policies and procedures for preventing the drug-related corruption of INS and Customs employees.

[2]During the 1970s, the Justice Department conducted a comprehensive investigation of corruption in INS called Operation Clean Sweep. During the 1990s, the Customs Service's Blue Ribbon Panel reviewed corruption on the Southwest Border.

We did our review in Washington, D.C., at the Department of Justice's OIG, INS' Office of Internal Audit, and the Federal Bureau of Investigation (FBI); and the Department of the Treasury's Customs Service, Office of Internal Affairs, and OIG. We also visited and/or obtained data from several offices with Southwest Border responsibilities, including the El Paso and San Antonio, TX; San Diego, CA, and Phoenix, AZ; INS district offices; the El Paso, Laredo, TX, and San Diego Border Patrol Sector offices; the Customs Management Centers (CMC) in El Paso, Laredo, San Diego, and Tucson, AZ; and Justice OIG offices in El Paso, McAllen, TX, Tucson, and San Diego.

To answer these objectives, we used various methods. We (1) interviewed appropriate agency officials, (2) reviewed documents containing relevant policies and procedures, (3) reviewed training information for selected INS and Customs employees in the above locations, (4) analyzed computerized personnel data on background investigations and reinvestigations of selected inspectors and agents in the above locations, (5) conducted structured file reviews of drug-related allegation cases, and (6) reviewed the case files for all INS and Customs Southwest Border employees who were convicted of drug-related crimes in fiscal years 1992 through 1997. For a more detailed discussion of our objectives, scope, and methodology, see appendix I.

We performed our work from January through November 1998 in accordance with generally accepted government auditing standards. We requested written comments on a draft of this report from the Attorney General and the Secretary of the Treasury. Comments from Justice, Justice OIG, and Customs are summarized at the end of this letter and are contained in appendixes VI, VII, and VIII.

INS' And Customs' Compliance With Their Integrity Procedures Varied

While both INS and Customs had various integrity-related procedures in place, their compliance with these procedures varied. Like Justice's and Treasury's other federal law enforcement agencies, both INS and Customs seek to ensure the integrity of their personnel by conducting background investigations and reinvestigations and requiring employees to undergo basic integrity training. Both INS and Customs completed nearly all background investigations for new hires by the end of their first year on the job, as required. However, reinvestigations required at 5-year intervals were typically overdue, in some cases, by as many as 3 years. For the employee files that we reviewed, INS and Customs generally complied with procedures requiring new employees to receive basic integrity training. Integrity training requirements vary among Justice and Treasury agencies. For example, the FBI, the Drug Enforcement Administration

(DEA), and the Secret Service require employees to receive basic and advanced[3] integrity training. INS and Customs provide basic and advanced integrity training but do not require employees to take the advanced training. According to the Justice OIG, INS, and Customs officials, advanced integrity training reinforces the integrity concepts presented during basic training. However, over two-thirds of the INS and almost one-quarter of the Customs employees on the Southwest Border with anti-drug smuggling responsibilities that we sampled did not elect to take advanced integrity training during the almost 2 ½ -year period we examined.

None of the five law enforcement agencies required all of their field agents to file annual financial disclosure statements or to relocate periodically for integrity assurance purposes. See appendix II for a comparison of the integrity requirements for INS, Customs, and other selected law enforcement agencies' field agents.

INS and Customs Generally Completed Background Investigations For New Hires On Time

INS and Customs follow Office of Personnel Management (OPM) regulations, which require background investigations to be completed for new hires by the end of their first year on the job. Contractors performed the investigations on behalf of INS and Customs, who made the final determinations on suitability. Prospective employees provided background information and authorization to obtain personal information to conduct the investigation. Generally, the background investigations included a credit check, criminal record check, contact with prior employers and personal references, and an interview with the prospective employee. Our review found that background investigations for over 99 percent of the immigration inspectors, Border Patrol agents, and Customs inspectors hired during the first half of fiscal year 1997 were completed by the end of their first year on the job.[4]

INS and Customs Did Not Complete Most Reinvestigations When Due

OPM also requires immigration inspectors, Border Patrol agents, and Customs inspectors to be reinvestigated at 5-year intervals from the date they enter on duty. The objective of these reinvestigations is to ensure these employees' continuing suitability for their positions. As with background investigations, contractors did the reinvestigations and INS

[3]For this report, advanced integrity training is any nonmanagerial integrity training provided to employees following their completion of basic training.

[4]We restricted our analysis of immigration inspectors and Border Patrol agents hired in fiscal year 1997 to those hired by March 8, 1997, and of Customs inspectors hired in fiscal year 1997 to those hired by March 25, 1997. This is because we received personnel data current as of March 1998, the 1-year anniversaries of those dates, and because OPM allows agencies to employ individuals in a "subject to investigation" status for up to 1 year. A background investigation should be completed during that time.

and Customs were responsible for making the final determinations on suitability. However, as shown in table 1, INS and Customs did not complete reinvestigations within the required 5-year time frame for over three-fourths of the selected Southwest Border personnel scheduled for reinvestigations in fiscal years 1995 through 1997. In many instances, reinvestigations were more than 3 years overdue. To the extent that a reinvestigation constitutes an important periodic check on an employee's continuing suitability for employment in a position where he or she may be exposed to bribery or other types of corruption, the continuing reinvestigation backlogs at both agencies leave them more vulnerable to potential employee corruption.

Table1: INS and Customs Compliance With the 5-year Reinvestigation Requirement for Selected Southwest Border Personnel as of March 1998

	Reinvestigations					
		Completed when due		Not completed when due		
Agency	Required to be completed[a]	Number	Percent	Number	Percent	Needing to be completed as of March 1998
INS	1,218	280	23	938	77	513
Customs	782	161	21	621	79	421

[a]Includes reinvestigations due in fiscal years 1995 through 1997.

See appendix V for further detail on INS and Customs reinvestigations.

Source: GAO analysis of INS and Customs Service data.

As of March 1998, INS had not yet completed 513 overdue reinvestigations of immigration inspectors and Border Patrol agents. According to the Justice OIG, INS' reinvestigation backlog has been a continuing concern, and its neglect of reinvestigations is "historic." In a September 1995 report, the Justice OIG noted that INS performed reinvestigations principally on individuals with access to national security information. Generally, this excluded INS inspectors and Border Patrol agents from reinvestigation.

As of March 1998, Customs had a backlog of 421 overdue reinvestigations. According to a Customs official, several factors contributed to this backlog. First, when reinvestigations are scheduled, employees are required to complete and return the forms needed to initiate the reinvestigation to the Office of Internal Affairs. However, the official said that inspectors had been lax in returning required information to allow the reinvestigations to proceed. According to another Customs official, Customs has revised its procedure for initiating reinvestigations to require concurrent notification of employees and their managers so that managers can help ensure timely responses. Second, in 1989 and 1992, respectively, the National Treasury Employees Union (NTEU) legally challenged Customs' designation of sensitive positions requiring reinvestigation and

the need for some medical, financial, or drug-related information from certain employees. According to Customs and NTEU officials, the litigation led Customs to temporarily suspend reinvestigations. Third, Customs officials told us that they had insufficient staff to complete the reinvestigations on time.

INS and Customs Require Basic Integrity Training and Advocate Advanced Training

Newly hired immigration inspectors, Border Patrol agents, and Customs inspectors are required to attend basic training. As part of their basic training, new employees are to receive training courses on integrity concepts and expected behavior, including ethical concepts and values, ethical dilemmas and decisionmaking, and employee conduct expectations. This integrity training provides the only required integrity training for all immigration inspectors, Border Patrol agents, and Customs inspectors. For Border Patrol agents, 7 of 744 basic training hours are devoted to integrity training. For Customs inspectors, 8 of 440 basic training hours are devoted to integrity training. INS immigration inspectors are to receive integrity training as part of their basic training, but it is interspersed with other training rather than provided as a separate course. Therefore, we could not determine how many hours are devoted specifically to integrity training.

We selected random samples of 100 immigration inspectors, 101 Border Patrol agents, and 100 Customs inspectors to determine whether they received integrity training as part of their basic training. Agency records we reviewed showed that 95 of 100 immigration inspectors, all 101 Border Patrol agents, and 88 of 100 Customs inspectors had received basic training. According to INS and Customs officials, the remaining employees likely received basic training, but it was not documented in their records.

Justice OIG, INS, and Customs Provide Advanced Integrity Training

Justice OIG, INS, and Customs officials advocated advanced integrity training for their employees to reinforce the integrity concepts presented during basic training. The Justice OIG, INS' Office of Internal Audit, and Customs provide advanced integrity training for INS and Customs employees. For example, according to officials from the Justice OIG, advanced integrity awareness training was provided to 2,552 INS employees in fiscal year 1997. In addition, officials from INS' Office of Internal Audit said that since 1995, they have provided advanced integrity training to over 3,000 INS employees on the Southwest Border. According to Customs officials, between 1996 and 1998, over 5,000 Customs employees received advanced integrity training.

While this advanced training has been available to immigration inspectors, Border Patrol agents, and Customs inspectors, they were not required to

take it nor any additional integrity training beyond what they received in basic training. Consequently, some immigration inspectors, Border Patrol agents, and Customs inspectors assigned to the Southwest Border had not received any advanced integrity training in over 2 years.

Based on random samples of immigration inspectors, Border Patrol agents, and Customs inspectors assigned to the Southwest Border, we found that during fiscal years 1995 through 1997, 60 of 100 immigration inspectors and 60 of 76 Border Patrol agents received no advanced integrity training during the almost 2 ½ – year period we examined.[5] The Customs sample showed that 24 of 100 Customs inspectors received no advanced integrity training during this period. Thus, the agencies missed an opportunity to reinforce integrity concepts with some of their employees.

Justice OIG And INS Generally Complied With Investigative Procedures, But Customs' Compliance Was Uncertain

The Departments of Justice and Treasury have established procedures for handling allegations of employee misconduct. The Department of Justice's OIG is generally responsible for investigating criminal allegations against all INS employees, as well as noncriminal allegations against INS employees above the GS-14 level. INS' Office of Internal Audit is generally responsible for investigating noncriminal allegations involving employees at the GS-14 level and below, as well as any allegations that have been reviewed and referred by the Justice OIG.

In the Department of the Treasury, Customs' Office of Internal Affairs is responsible for investigating both criminal and noncriminal misconduct allegations against Customs employees through the GS-14 level. Treasury's OIG is responsible for investigating criminal and noncriminal allegations against higher-level Customs officials and all Office of Internal Affairs staff.

The Justice OIG and Customs' Office of Internal Affairs have formal procedures for handling employee misconduct allegations. The areas covered by the procedures include (1) reporting suspected misconduct, (2) monitoring progress in the handling of allegations, (3) ensuring that allegations receive an appropriate level of attention, (4) conducting investigations, and (5) pursuing employee misconduct to an appropriate prosecutorial or administrative end.

Misconduct allegations arise from numerous sources, including confidential informants, cooperating witnesses, anonymous tipsters, and

[5] INS did not provide us with requested training data for 25 of the 101 Border Patrol agents in our sample.

whistle-blowers. For example, whistle-blowers can report alleged misconduct through the agencies' procedures for reporting any suspected wrongdoing. INS and Customs have policies that require employees to report suspected wrongdoing. If an employee alleges retaliation, he or she is referred to the Office of Special Counsel, which has specific legislative responsibility for handling retaliation cases.

Information on the funding, staffing, and the number of allegations received by the Justice OIG, INS' Office of Internal Audit, the Treasury OIG, and Customs' Office of Internal Affairs during fiscal years 1995 through 1997 is presented in appendix III.

Justice OIG and INS Office of Internal Audit Generally Complied With Their Investigative Procedures

In a majority of the cases we reviewed, the Justice OIG complied with its procedures for receiving, investigating, and resolving drug-related employee misconduct allegations. To determine compliance with investigative procedures, we randomly selected 72 of 91 cases alleging drug-related misconduct by INS employees on the Southwest Border that were opened and closed by the Justice OIG during fiscal year 1997. We selected five Justice OIG procedures to evaluate compliance with the processing of employee misconduct allegations. As shown in table 2, for example, monthly interim reports were prepared as required in 28 of 39 opened cases. In the remaining 11 cases, either some interim reports were missing or there were no interim reports in the case files.

INS' Office of Internal Audit complied with its procedures for receiving and resolving employee misconduct allegations in all of its cases. We reviewed all 37 allegations involving INS Southwest Border employees opened and closed by INS' Office of Internal Audit during fiscal year 1997. We identified five processing steps that apply to allegation processing by INS' Office of Internal Audit and determined if the 37 cases complied with applicable requirements. As shown in table 2, all 37 allegations were entered into an automated, centralized database and were evaluated for investigation, referred to local management, or referred to the Justice OIG.

Table 2: Compliance With Selected Procedures for a Sample of Allegations Involving INS Southwest Border Employees, Opened and Closed During Fiscal Year 1997 by Justice OIG or INS' Office of Internal Audit

Description of procedure	Number of sample cases	Compliance (number of cases) Yes	No	Could not determine[a]
Justice OIG:				
1. The allegation was entered into an automated, centralized database.	72	72		
2. The allegation was evaluated for investigation, referred to INS, or closed without referral.	72	72		
3. The monthly memoranda of investigative activity were prepared.	39	28	9	2
4. The final investigation report was completed and reviewed.	39	36	3	
5. The final investigation report was sent to INS for action and/or review.	3	3		
INS Office of Internal Audit:				
1. The allegation was entered into an automated, centralized database.	37	37		
2. The allegation was evaluated for investigation, referred to local management, or referred to the Justice OIG.	37	37		
3. An investigation was initiated by INS and completed within the required time period.	None			
4. A report was sent to the appropriate local management official when investigation supported administrative action, and a response was received within the required time period.	None			
5. INS determined whether the investigated case involved systemic weaknesses.	None			

[a]Information needed to determine compliance was not in the case file.

Source: GAO review of Justice OIG and INS Office of Internal Audit data.

Customs' Compliance With Investigative Processing Procedures Is Uncertain

Because Customs' Office of Internal Affairs' automated case management system did not track adherence to Customs' processing requirements, we could not readily determine if the Office of Internal Affairs staff complied with their investigative procedures.

Customs' automated system is the official investigative record. It tracks and categorizes misconduct allegations and resulting investigations and disciplinary action. The investigative case files are to support the automated system in tracking criminal investigative activity and contain such information as printed records from the automated system, copies of subpoenas and arrest warrants, and a chronology of investigative events. Based on these content criteria and our file reviews, the investigative case files are not intended to and generally do not document the adherence to processing procedures.

We selected 10 Office of Internal Affairs' procedures to evaluate their compliance with the processing of employee misconduct allegations. For example, the procedures require that allegations be recorded in the automated system as soon as feasible and approved by three supervisors, including a headquarters manager, within specified time frames. We randomly selected 51 of the 71 drug-related cases involving Customs Southwest Border employees that were opened and closed in fiscal year 1997 to determine if the Office of Internal Affairs complied with the 10 procedures. As shown in table 3, the files did not contain any data to enable us to determine whether the Office of Internal Affairs complied with six procedures. For three procedures, the Office of Internal Affairs complied with the requirements for all cases. For the remaining procedure, the Office of Internal Affairs complied for two-thirds of the cases.

Table 3: Compliance With Selected Procedures for a Sample of Allegations Involving Customs Southwest Border Employees, Opened and Closed During Fiscal Year 1997 by Customs' Office of Internal Affairs

		Compliance (number of cases)		
Description of procedures	Number of applicable cases	Yes	No	Could not determine[a]
1. The allegation was entered into an automated, centralized database within the required time period.	51	34	17	
2. Field supervisors and the responsible headquarters manager approved entry of the allegation into the automated system for tracking.	51			51
3. The alleged wrongdoing and the viability of investigative leads were assessed.	51	51		
4. The allegation was categorized on the basis of its severity.	51			51
5. Specific criteria were considered in determining whether the allegation warranted formal investigation.	51			51
6. The allegation was approved for formal investigation.	2			2
7. Field supervisors conducted periodic reviews.	2	2		

Description of procedures	Number of applicable cases	Compliance (number of cases) Yes	No	Could not determine[a]
8. A final investigation report was prepared within the required time period.	2	2		
9. Management was notified of the investigation's completion and that action was required.	2			2
10. Management notified the investigated employee of the action to be taken within the required time period.	2			2

[a]Information was not available in the automated system or the case file.

Source: GAO review of Customs data.

Opportunities to Learn Lessons From Closed Corruption Cases Have Been Missed

Despite INS and Customs integrity procedures to prevent drug-related corruption, 28 INS and Customs employees on the Southwest Border were convicted for drug-related crimes in fiscal years 1992 through 1997. By definition, these cases represented a failure of the procedures in place to prevent drug-related corruption. These cases also represented an opportunity to identify internal control weaknesses and to improve agency integrity procedures. However, the Justice OIG and Customs did not take advantage of the opportunity to learn lessons from these cases. Our analysis of the 28 cases identified several weaknesses in internal controls and integrity procedures. Appendix IV provides a summary of each of the 28 cases we reviewed.

Convicted INS and Customs Employees Had Varied Employment Histories

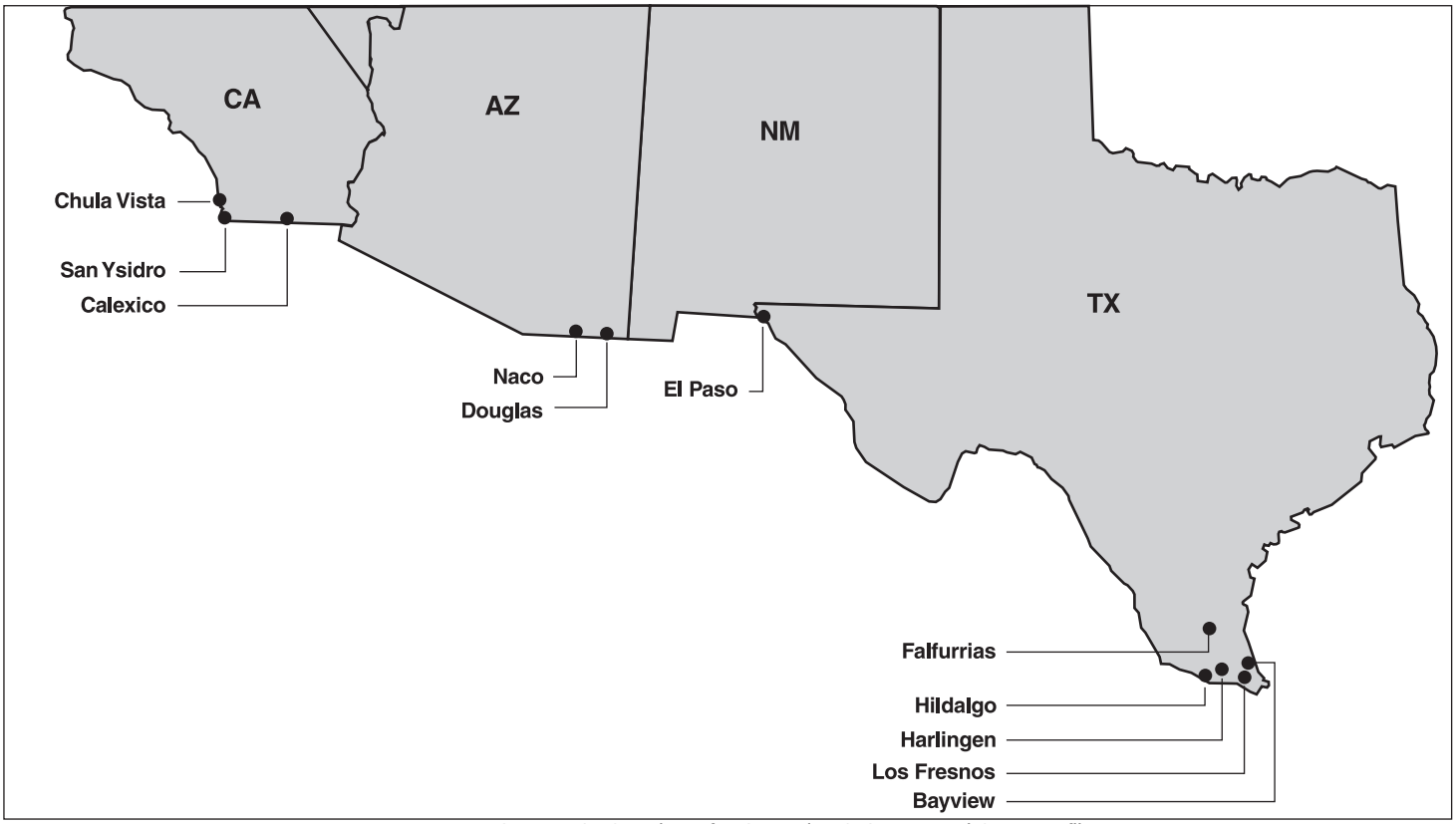
Our analysis of the 28 closed cases revealed that drug-related corruption in these cases is not restricted to any one type, location, agency, or job. Corruption occurred in many locations and under various circumstances and times, underscoring the need for comprehensive integrity procedures that are effective.

The 28 INS and Customs employees engaged in one or more drug-related criminal activities including

- waving drug-laden vehicles through ports of entry,
- coordinating the movement of drugs across the Southwest Border,
- transporting drugs past Border Patrol checkpoints,
- selling drugs, and
- disclosing drug intelligence information.

The 28 convicted employees (19 INS employees and 9 Customs employees) were stationed at various locations on the Southwest Border. Six each were stationed in El Paso, TX, and Calexico, CA; four were stationed in Douglas, AZ; three were stationed in San Ysidro, CA; two each were stationed in Hidalgo, TX, and Los Fresnos, TX; and one each was stationed in Naco, AZ, Chula Vista, CA, Bayview, TX, Harlingen, TX, and Falfurrias, TX.

Figure 1: Southwest Border Duty Stations of INS and Customs Employees Who Were Convicted for Drug-Related Crimes, Fiscal Years 1992 Through 1997.



Source: GAO review of INS, Justice OIG, FBI, and Customs files.

The 28 INS and Customs employees who were convicted for drug-related crimes included 10 immigration inspectors, 7 Customs inspectors, 6 Border Patrol agents, 3 INS Detention Enforcement Officers (DEO), 1 Customs canine enforcement officer, and 1 Customs operational analysis specialist. All but three of these employees had anti-drug smuggling responsibilities. Twenty-six of the convicted employees were men; two were women. As

shown in table 4, the employment histories of the convicted employees varied substantially.

Table 4: Selected Employment Data on INS and Customs Employees Convicted of Drug-Related Crimes, Fiscal Years 1992 Through 1997

	Range		
Selected data	**Low**	**High**	**Average**
Age at termination	26	56	38
Years with agency	1	21	10
Years at last duty station	1	15	7

Source: INS, Justice OIG, Customs, and FBI data.

In 19 cases, the employees acted alone, that is, no other INS or Customs employees were involved in the drug-related criminal activity. In the remaining nine cases, two or more INS and/or Customs employees acted together. Of the 28 cases, 23 originated from information provided by confidential informants or cooperating witnesses, and 5 cases originated from information provided by agency whistle-blowers. Prison sentences for the convicted employees ranged from 30 days, for disclosure of confidential information, to life imprisonment for drug conspiracy, money laundering, and bribery. The average sentence was about 10 years.[6]

Drug-Related Corruption Cases Were Not Used To Learn Lessons

Both the Justice OIG and Customs procedures require them to formally report internal control weaknesses identified during investigations, including drug-related corruption investigations involving INS and Customs employees. Generally, the Justice OIG and Customs Office of Internal Affairs, respectively, have lead responsibility for investigating criminal allegations involving INS and Customs employees. Reports of internal control weaknesses are to identify any lessons to be learned that can be used to prevent further employee corruption. The reports are to be forwarded to agency officials who are responsible for taking corrective action. Reports are not required if no internal control weaknesses are identified.

In the 28 cases involving INS or Customs employees who were convicted for drug-related crimes in fiscal years 1992 through 1997, no reports were prepared. We are left to conclude from this that either (1) there were no internal control weaknesses revealed by, or lessons to be learned from, these corruption cases or (2) opportunities to identify and correct internal control weaknesses have been missed, and thus, INS' and Customs' vulnerability to employee corruption has not been reduced.

[6] The average prison sentence calculation does not include two former employees sentenced to life imprisonment, and one former employee who fled the country prior to sentencing. Information is provided only on the imprisonment portion of the sentences.

Justice's OIG investigated 13 of the 28 cases. The investigative files did not document if procedures were reviewed to identify internal control weaknesses. Further, there were no reports identifying internal control weaknesses. According to a Justice OIG official, no reports are required if no weaknesses are identified, and he could not determine why reports were not prepared in these cases.

Customs' Office of Internal Affairs' Internal Affairs Handbook provides for the preparation of a procedural deficiency report in those internal investigations where there was a significant failure that resulted from (1) failure to follow an established procedure, (2) lack of an established procedure, or (3) conflicting or obsolete procedures. The report is to detail the causal factors and scope of the deficiency. The appropriate Customs manager is to be charged with developing and implementing the corrective procedures, and the Management Inspections Division is to track the corrective procedures and coordinate with the appropriate manager to ensure continuing compliance.

We identified eight cases involving Customs employees investigated by Customs' Office of Internal Affairs. No procedural deficiency reports were prepared in these cases. Further, the investigative files did not document whether internal control weaknesses were identified. A Customs official said the reports are generally not prepared.

Although the Justice OIG and Customs Office of Internal Affairs have lead responsibility for investigating allegations involving INS and Customs employees, the FBI is authorized to investigate INS or Customs employees. Of the 28 cases, the FBI investigated 7 involving 6 INS employees and 1 Customs employee. Under current procedures, the FBI is not required to provide the Justice OIG or Customs Office of Internal Affairs with case information that would allow them to identify internal control weaknesses, where the FBI investigation involves an INS or Customs employee. In addition, while Attorney General memorandums require the FBI to identify and report any internal control weaknesses identified during white-collar or health care fraud investigations, a Justice Department official told us that these reporting requirements do not apply to drug-related corruption cases. According to FBI officials, no reports were prepared in the seven cases because they were not required.

Our Review of Closed Corruption Cases Revealed Internal Control Weaknesses on the Southwest Border

The Justice OIG and Customs did not identify and report any internal control weaknesses involving the procedures that were followed at the ports of entry and at Border Patrol checkpoints along the Southwest Border. Our review of the same cases identified several weaknesses.

We identified 14 cases in which INS or Customs inspectors knowingly passed drug-laden vehicles through ports of entry. Traditionally, INS and Customs have relied on internal controls to minimize this type of corruption. These have included the random assignment and shifting of inspectors from one lane to another and the unannounced inspection of a group of vehicles. However, in the cases we reviewed, these internal controls did not prevent corrupt INS and Customs personnel from allowing drug-laden vehicles to enter the United States. In some cases, the inspectors communicated their lane assignment and the time they would be on duty to the drug smuggler, and in other cases, they did not. In one case, for example, an inspector used a cellular telephone to send a prearranged code to a drug smuggler's beeper to tell him which lane to use and what time to use it. In contrast, another inspector did not notify the drug smuggler concerning his lane assignment or the times he would be on duty. In that case, the drug smuggler used an individual, referred to as a spotter, to conduct surveillance of the port of entry. The spotter used a cellular telephone to contact the driver of the drug-laden vehicle to tell him which lane to drive through.

The drug smugglers' schemes succeeded in these cases because the drivers of the drug-laden vehicles could choose the lane they wanted to use for inspection purposes. These cases support the implementation of one or more methods to deprive drivers of their choice of inspection lanes at ports of entry. At the time of our review, Customs was testing a method to assign drivers to inspection lanes at ports of entry.

In 10 of 28 cases, drug smugglers relied on friendships, personal relationships, or symbols of law enforcement authority to move drug loads through a port of entry or past a Border Patrol checkpoint. In these 10 cases, drug smugglers believed that coworkers, relatives, and friends of Customs or immigration inspectors, or law enforcement officials, would not be inspected or would be given preferential treatment in the inspection process. For example, a Border Patrol agent relied on his friendships with his coworkers to avoid inspection at a Border Patrol checkpoint where he was stationed. In another case, an inspector agreed to allow her boyfriend to smuggle drugs through a port of entry. The boyfriend used his personal and intimate relationship with the inspector to solicit drug shipments from drug dealers. Two DEOs working together used INS detention buses and

vans to transport drugs past a Border Patrol checkpoint. In two separate cases, former INS employees relied on friendships they had developed during their tenure with the agency to smuggle drugs through ports of entry and past Border Patrol checkpoints.

INS and Customs do not have written recusal policies concerning the performance of inspections where the relationship of immigration or Customs inspectors and Border Patrol agents to the person being inspected is such that they may not objectively perform the inspection. Nor do they have a written inspection policy for law enforcement officers or their vehicles. For example, our review determined that on numerous occasions, INS DEOs drove INS vehicles with drug loads past Border Patrol checkpoints without being inspected.

INS and Customs Have Not Evaluated Their Integrity Procedures

INS and Customs have not evaluated the effectiveness of their integrity assurance procedures to identify areas that could be improved. According to Justice OIG, INS, and Customs officials, agency integrity procedures have not been evaluated to determine if they are effective. The Acting Deputy Commissioner of Customs said that there were no evaluations of the effectiveness of Customs integrity procedures. Similarly, officials in INS' Offices of Internal Audit and Personnel Security said that there are no evaluations of the effectiveness of INS' integrity procedures. According to the Justice Inspector General, virtually no work had been done to review closed corruption cases or interview convicted employees to identify areas of vulnerability.

Based on our review, one way to evaluate the effectiveness of agency integrity procedures would be to use drug-related investigative case information. For example, the objective of background investigations or reinvestigations is to determine an individual's suitability for employment, including whether he or she has the required integrity. All 28 of the INS and Customs employees who were convicted for drug-related crimes received background investigations or reinvestigations that determined they were suitable. According to INS and Customs security officials, financial information, required to be provided by employees as part of their background investigations or reinvestigations, is to be used to determine whether they appear to be living beyond their means, or have unsatisfied debts. If either of these issues arises, it must be satisfactorily resolved before INS or Customs can determine that the employee is suitable. In addition, Justice policy provides for the temporary removal of

immigration inspectors and Border Patrol agents if they are unable and/or unwilling to satisfy their debts.[7]

Our review of background investigation and reinvestigation files for convicted INS employees showed that immigration inspectors and Border Patrol agents were required to provide limited financial information on liabilities, including bankruptcies, wage garnishment, property repossession, and liens for taxes or other debts or judgements that have not been paid.[8] They were not required to provide information on their assets. In comparison, Customs inspectors and canine enforcement officers were required to provide information on both their assets and liabilities, including financial information for themselves and their immediate families on their bank accounts, automobiles, real estate, securities, safe deposit boxes, business investments, art, boats, antiques, inheritance, mortgage, and debts and obligations exceeding $200.[9]

Our review of the 28 cases involving convicted INS and Customs employees disclosed that 26 of 28 employees were offered or received financial remuneration for their illegal acts. At least two were substantially indebted, and at least four were shown to be living beyond their means. For example, one of the closed cases we reviewed involved an immigration inspector who said he became involved with a drug smuggler because he had substantial credit card debt and was on the verge of bankruptcy. Given the limited financial information immigration inspectors are required to provide, this inspector might not have been identified as a potential risk. In another case, a GS-12 Border Patrol agent owned a house valued at approximately $200,000, an Olympic-sized swimming pool in its own separate building, a 5-car garage, 5 automobiles, 1 van, 2 boats, approximately 100 weapons, $45,000 in treasury bills, 40 acres of land, and had no debt. Given the current background investigation or reinvestigation financial reporting requirements for Border Patrol agents, this agent would not have had anything to report, since he was not required to report his assets, and he had no debts to report.

[7]Justice Department policy defines debt as “lawful financial obligations that are just debts that are past due.”

[8]Immigration inspectors and Border Patrol agents are to complete a Questionnaire for National Security Positions as part of their background investigation and reinvestigation.

[9]Customs inspectors and canine enforcement officers are to complete a Questionnaire for Public Trust Positions and a Financial Statement on Customs Form 257 as part of their background investigation and reinvestigation.

Our review of Customs files for eight of the nine convicted Customs employees showed that Customs inspectors and canine enforcement officers completed financial disclosure statements that included their assets and liabilities as part of their employee background investigations and reinvestigations. However, based on our case file review, Customs does not fully use all of the financial information. For example, according to a Customs official, reported liabilities are to be compared with debts listed on a credit report to determine if all debts were reported. Thus, their current use of the reported financial information would not have helped to identify an employee who was living well beyond his means or whose debts were excessive.

Another source of evaluative information for INS and Customs could be the experiences of other federal agencies with integrity prevention and detection policies and procedures. For example, while INS' and Customs' procedures were similar to those used by other federal law enforcement agencies, several differences exist. As shown in appendix II, according to agency officials, INS and Customs did not require advanced integrity training, polygraph examinations, or panel interviews before hiring, while the FBI, DEA, and Secret Service did have these requirements. Among the five agencies, only DEA required new employees to be assigned to a mentor to reinforce agency values and procedures. Since these policies and procedures are used by other agencies, INS and Customs may want to consider their applicability to their employees.

Outcomes of Recent Anti-Corruption Efforts Are Unknown

During our review, the Justice OIG, INS, the Treasury OIG, and Customs began to review their anticorruption efforts. These efforts have not been completed, and it is too early to determine what their outcomes will be.

In May 1998, the Justice OIG established a Research and Analysis Unit to identify critical management and enforcement issues, develop and implement strategies and/or policy recommendations, and monitor and measure their impact. This unit's proposed projects include: (1) finding ways to strengthen the Justice OIG's role in controlling corruption on the Southwest Border and (2) developing a nationwide integrity awareness training program.

In February 1998, INS' Office of Internal Audit created a Special Investigations and Projects Branch, which is responsible for (1) developing and implementing integrity training programs, (2) reviewing and analyzing cases in which INS employees are arrested or indicted on drug or other corruption charges, and (3) recommending corrective action, as needed.

The Department of the Treasury has established an Office of Professional Responsibility (OPR) that was tasked with conducting a comprehensive review of integrity issues related to the potential vulnerability of Customs to corruption and to analyze the efficacy of departmental and bureau internal affairs systems.[10] According to a Treasury OPR official, these efforts are intended to identify weaknesses and to help prevent the corruption of Customs employees.

Within Customs, at the time of our review, the Acting Deputy Commissioner of Customs was heading a task force to develop an Integrity Awareness Program. This task force included representatives from several offices, including those of Field Operations, Human Resources, and Internal Affairs. The Office of Internal Affairs had initiated an Integrity Indicator Research Program that is to provide a capability to identify human behavioral indicators of integrity characteristics to prevent and investigate propensities for misconduct and corruption. One of the intended benefits of this effort is to improve policies and procedures. The Office of Field Operations has initiated an Officer Integrity Project whose goal is to develop policies and processes that prevent corruption.

These initiatives, aimed at improving integrity programs, are steps in the right direction. However, it is too early to tell what their outcomes will be and how well they will address shortcomings in both agencies' internal control procedures for preventing employee corruption.

Conclusions

Given the enormous sums of money being generated by drug trafficking, the corruption of some INS and Customs employees along the Southwest Border is a serious and continuing threat. Both INS and Customs are vulnerable to this threat. This situation exists, in part, because neither INS nor Customs has fully availed itself of opportunities to better ensure the integrity of its employees. Neither agency has (1) completed evaluation of its policies and procedures to determine what works and what improvements are needed, (2) fully complied with its integrity policies and procedures, or (3) identified and corrected internal control weaknesses that surfaced during past corruption episodes. As a result, neither agency can be sure that adequate internal controls are in place to detect and prevent employee corruption.

[10] An Assessment of Vulnerabilities to Corruption and Effectiveness of the Office of Internal Affairs, U.S. Customs Service, Department of the Treasury, Office of the Under Secretary (Enforcement), Office of Professional Responsibility, February 1999.

Neither the Justice OIG nor Customs Office of Internal Affairs documented that they used closed drug-related corruption cases to identify weaknesses and develop suitable internal controls. In addition, the FBI did not identify and report internal control weaknesses in the cases it investigated because it was not required to do so. Our review of closed drug-related corruption cases identified internal control weaknesses that allowed (1) drug smugglers to choose their inspection lanes at ports of entry; (2) law enforcement officers and their vehicles to pass uninspected through ports of entry and Border Patrol checkpoints; and (3) immigration inspectors, Border Patrol agents, and Customs inspectors to inspect individuals with whom they had close personal relationships.

INS did not require immigration inspectors and Border Patrol agents to fully report their assets and liabilities. Consequently, INS lacked financial information needed in background investigations and reinvestigations to identify individuals who may have been living beyond their means. Customs collected financial information including assets and liabilities from Customs inspectors and canine enforcement officers as part of their background investigations and reinvestigations. However, Customs did not fully use the financial information to identify employees who appeared to be living beyond their means.

Recommendations

We recommend that the Attorney General

- direct the Commissioner of INS to evaluate the effectiveness of integrity assurance efforts such as training, background investigations, and reinvestigations;
- require the Commissioner of INS to comply with policies that require employment reinvestigations to be completed when they are due;
- direct the Commissioner of INS to strengthen internal controls at Southwest Border ports of entry and at Border Patrol checkpoints by establishing (1) one or more methods to deprive drivers of their choice of inspection lanes at ports of entry; (2) a policy for the inspection of law enforcement officers or their vehicles at ports of entry and Border Patrol checkpoints; and (3) a recusal policy concerning the performance of inspections by immigration inspectors and Border Patrol agents where their objectivity may be in question;
- direct the Commissioner of INS to require Border Patrol agents and immigration inspectors to file financial disclosure statements, including a listing of their assets and liabilities, as part of the background investigation or reinvestigation process, as well as fully review this information to identify financial issues such as employees who appear to be living beyond their means;

- require the Justice OIG to document that policies and procedures were reviewed to identify internal control weaknesses in cases where an INS employee is determined to have engaged in drug-related criminal activities; and
- require the Director of the FBI to develop a procedure to provide information from closed FBI cases, involving INS or Customs employees, to the Justice OIG or Customs Office of Internal Affairs so they can identify and report internal control weaknesses to the responsible agency official. The procedure should only apply in those cases where (1) the Justice OIG or Customs' Office of Internal Affairs were not involved in the investigation, (2) the subject of the investigation was an INS or Customs employee, and (3) the employee was convicted of a drug-related crime.

We recommend that the Secretary of the Treasury

- direct the Commissioner of Customs to evaluate the effectiveness of integrity assurance efforts, including training, background investigations, and reinvestigations;
- require the Commissioner of Customs to comply with policies that require employment reinvestigations to be completed when they are due;
- require the Commissioner of Customs to document that policies and procedures were reviewed to identify internal control weaknesses, in cases where a Customs employee is determined to have engaged in drug-related criminal activities;
- direct the Commissioner of Customs to strengthen internal controls at Southwest Border ports of entry by establishing (1) one or more methods to deprive drivers of their choice of inspection lanes; (2) a policy for inspection of law enforcement officers and their vehicles; and (3) a recusal policy concerning the performance of inspections by Customs inspectors where their objectivity may be in question; and
- require that Customs fully review financial disclosure statements, which employees are required to provide as part of the background investigation or reinvestigation process, to identify financial issues such as employees who appear to be living beyond their means.

Agency Comments

The Department of Justice generally agreed with the substance of the report and recognized the importance of taking all possible actions to reduce the potential for corruption. However, Justice expressed reservations about implementing two of the six recommendations addressed to the Attorney General.

Justice expressed reservations about implementing our recommendation that Border Patrol agents and immigration inspectors file financial

disclosure statements as part of their background investigations or reinvestigations. Specifically, it noted that implementing financial disclosure "has obstacles to be met and at present the DOJ has limited data to suggest that they would provide better data or greater assurance of a person's integrity." The obstacles included obtaining Office of Management and Budget approval of a form, labor organization negotiations, and the potential need to develop financial verification procedures as part of background investigations and reinvestigations. Justice also cited Customs' experience with financial reporting and litigation involving the use of the financial disclosure reports.

We recognize that implementation of this recommendation will require some administrative actions by INS. However, these actions are consistent with the routine management practices associated with making policy changes within the agency. Therefore, the obstacles do not appear to be inordinate or insurmountable. Concerning the limited data about the benefits of financial reporting, according to OPM officials and the adjudication manual for background investigations and reinvestigations, financial information can have a direct bearing and impact on determining an individual's integrity. The circumstances described in our case studies suggest that financial reporting could have raised issues for followup during a background investigation or reinvestigation. We recognize that there may be questions on the effectiveness of this procedure; therefore, this report contains a recommendation for an overall evaluation of INS' integrity assurance efforts. Customs' experience with the effectiveness of financial reporting may have been limited by their limited analysis of the data. In that regard, this report contains a recommendation that Customs make full use of the information they already collect. Concerning Customs litigation, financial reporting by Customs inspectors and canine enforcement officers is not and has never been an issue in litigation, according to Customs officials and the President and Deputy General Counsel of the NTEU.

Justice also expressed reservations about implementing our recommendation that the FBI develop a procedure to provide information to the Justice OIG or Customs' Office of Internal Affairs on internal control weaknesses. Therefore, we clarified our recommendation to indicate that the procedure should only apply in those cases where (1) the Justice OIG or Customs' Office of Internal Affairs were not involved in the investigation, (2) the subject of the investigation was an INS or Customs employee, and (3) the employee was convicted of a drug-related crime. If internal control weaknesses in INS or Customs are known to the FBI and

not disclosed to those agencies, then the agencies are not in the best position to correct the abuses.

Because there are potential sensitivity and liability issues involved in disclosing investigative case-related information, our recommendation gives the FBI the broadest possible latitude in determining how, when, and what information it will disclose for the purpose of identifying and correcting internal control weaknesses within INS or Customs. For example, the procedure could include, as appropriate: (1) referring the case for investigation to the Justice OIG, Customs Office of Internal Affairs, or one of the corruption task forces on the Southwest Border; (2) inviting the Justice OIG or Customs Office of Internal Affairs to participate in the investigation; or (3) preparing a report that identified the internal control weakness and providing it to the agency. According to FBI officials, it routinely and regularly shares investigative case information with the Justice OIG and Customs Office of Internal Affairs from cases investigated by corruption task forces. Therefore, our recommendation is within the realm of current FBI disclosure practices.

Justice accepted our recommendation that INS evaluate the effectiveness of its integrity assurance efforts and indicated that a contractor was evaluating INS' integrity/ethics training. However, Justice's response gave no indication that it intended to evaluate its background investigations or reinvestigations. INS needs to determine empirically for its integrity assurance efforts what works and how well. The evaluation should include an assessment of the extent to which each integrity procedure achieves the objectives of preventing or identifying drug-related corruption. For example, if an INS employee is convicted of a drug-related crime, INS should determine whether the convicted employee's background investigation or reinvestigation contributed to identifying the individual. Without such assessments, INS cannot ensure that its efforts are achieving their objectives of preventing or identifying drug-related corruption.

Justice agreed with our recommendation that INS comply with policies to complete employment reinvestigations when they are due, and we believe that INS' recent efforts to eliminate its reinvestigations backlog are steps in the right direction. Once the backlog has been eliminated, INS should continue to monitor and ensure that they are done on time.

Justice agreed with our recommendation that INS strengthen controls at Southwest Border ports of entry and Border Patrol checkpoints. However, the controls cited by INS do not appear fully responsive to our recommendation because the controls INS plans to implement do not

deprive drivers of their choice of lanes at ports of entry. The cases we reviewed showed that corrupt inspectors and drug smugglers had developed numerous methods of bypassing existing internal controls, particularly those controls related to denying drug smugglers knowledge of the corrupt inspector's lane assignment and duty time. With this information, the drug smuggler could proceed directly to the corrupt inspector's lane and be passed without inspection.

The Justice OIG agreed with our recommendation concerning the need to identify and document internal control weaknesses discovered during criminal investigations of INS employees.

The Department of the Treasury provided comments from Customs that generally concurred with our recommendations and indicated that they are taking steps to implement them. However, Customs requested that we reconsider our recommendation that Customs fully review financial disclosure statements that are provided as part of the background and reinvestigation process. Customs indicated that implementing this recommendation may violate the provisions of the Computer Matching Act. The Computer Matching and Privacy Protection Act of 1988, P.L. 100-503, generally requires that agencies engaging in computer matching must do so pursuant to written matching agreements that state such things as the purpose and legal authority of the match, the justification for the matching program, its anticipated results, a description of the records to be matched, as well as other information on the program. Our recommendation expects Customs to make more thorough examination of the financial information it collects to determine if employees appear to be living beyond their means. We leave it to Customs' discretion to determine the type of examination to be performed. Since implementing the recommendation does not require electronically matching financial disclosure information with other data, there is no violation of the Computer Matching and Privacy Protection Act.

Justice's , Justice's OIG, and Customs' comments are provided in appendixes VI, VII, and VIII.

We are sending copies of this report to The Honorable Janet Reno, Attorney General; and The Honorable Robert Rubin, Secretary of the

Treasury. Copies will also be made available to others upon request. Major contributors to this report are listed in appendix IX.

Sincerely yours,

Richard M. Stana
Associate Director, Administration
of Justice Issues

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Abbreviations

CMC	Customs Management Center
DEA	Drug Enforcement Administration
DEO	Detention Enforcement Officer
FBI	Federal Bureau of Investigation
FLETC	Federal Law Enforcement Training Center
INS	Immigration and Naturalization Service
NTEU	National Treasury Employees Union
OIG	Office of the Inspector General
OPM	Office of Personnel Management
OPR	Office of Professional Responsiblity

Objectives, Scope, and Methodology

In responding to your request, we adopted the following approach to meet the objectives agreed upon with your staff.

We did our review at the Department of Justice's Office of the Inspector General (OIG), the Immigration and Naturalization Service's (INS) Office of Internal Audit, and at the Department of the Treasury's Customs Service, Office of Internal Affairs, and OIG in Washington, D.C; and at several Southwest Border locations. These included INS district offices in El Paso, San Antonio, San Diego, and Phoenix; Border Patrol Sector offices in El Paso, Laredo, San Diego, and Tucson; Customs Management Center offices (CMC) in El Paso, Laredo, San Diego, and Tucson; and Justice OIG offices in McAllen, TX, El Paso, Tucson, and San Diego.

To determine the extent to which INS and Customs have and comply with their policies and procedures to ensure employee integrity, we reviewed and analyzed agency-provided documentary and testimonial evidence and interviewed appropriate officials on agency policies and procedures, ethics and integrity training, personnel rotation, background investigations, and investigating allegations of wrongdoing. We also obtained information from INS, Customs, the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Secret Service on their mandatory integrity procedures for selected field personnel.

We took various steps to verify whether employees had received integrity training. We selected random samples of 201 INS and 100 Customs employees. Our samples included 25 employees each from 7 of the INS and the 4 Customs offices mentioned above and 26 employees from 1 of the INS offices. Due to increased hiring in INS and Customs, we stratified employee positions into two categories—those who entered on duty during or prior to fiscal year 1997. For each of INS' and Customs' offices, we selected our samples based on the percentage of inspectors or Border Patrol agents in each category. We obtained information on whether they had received the required training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. For training provided at Customs' CMCs, INS districts, and INS Border Patrol sectors, we interviewed relevant officials and obtained policies on ethics and integrity training at each of the Southwest Border locations selected. To verify whether ethics and integrity training had actually occurred, we obtained training information for the above-mentioned random samples of INS and Customs inspectors and Border Patrol agents in each location. Concerning background investigations, we analyzed INS and Customs computerized data on the most recent background investigations completed as of March 1998 for all INS and Customs inspectors and Border Patrol agents at the

above Southwest Border locations. We analyzed these data to assess the extent to which policy requirements had been followed for initial background investigations when personnel entered on duty and for reinvestigations for personnel with sufficient years of service. We did not independently verify the accuracy of the computerized personnel data provided to us by INS and Customs to hard copy files. However, we did perform some limited analyses (e.g., checked whether there were duplicate entries for the same employees and whether the values for data variables seemed generally reasonable) to determine whether the data were reliable.

To identify and compare the Departments of Justice's and the Treasury's organizational structures, policies, and procedures for handling allegations of drug-related employee misconduct and determine whether the policies and procedures are followed, we reviewed and analyzed applicable program information from the respective departments and/or agencies and interviewed relevant agency officials. In addition, we reviewed random samples of drug-related allegations. These allegations were made about INS and Customs Southwest Border personnel and were opened and closed during fiscal year 1997 by the Justice OIG, INS' Office of Internal Audit, and Customs' Office of Internal Affairs. We allowed the agencies to define a drug-related allegation. We reviewed 72 of 91 allegations about INS employees handled by the Justice OIG, all 37 allegations opened and closed by INS' Office of Internal Audit, and 51 of 71 cases handled by Customs' Office of Internal Affairs.

We developed structured data collection instruments and reviewed the case files to determine whether these organizations followed their policies and procedures. We relied on data from the agencies' official automated or hard copy case files that included processing information to determine compliance with processing requirements.

To determine what types of illegal drug-related activities INS and Customs employees on the Southwest Border have been involved in, we identified employees who were convicted of drug-related crimes in fiscal years 1992 through 1997. We were unable to identify a single source for this information. Therefore, we requested background information on previous corruption efforts in INS and Customs; performed a literature search; and requested the names of employees convicted of drug-related crimes from Customs' Office of Internal Affairs, Justice's OIG, the FBI, and the Criminal Division's Public Integrity Section. From the information provided, we developed a consolidated list of these individuals. To be included, an individual had to have been (1) an INS or Customs employee during the

time he or she was determined to have engaged in criminal drug-related activity and (2) convicted of a drug-related crime between October 1, 1991, and September 30, 1997.

We requested and reviewed investigative files, personnel files, and background investigation files for each individual in our study where they were available. INS could not locate one personnel file, and the Office of Personnel Management (OPM) had no record of a background investigation for two INS employees. Customs could not locate the background investigation file for one former employee. We collected the same information on each individual to determine the drug-related activities for which they were convicted. We also collected information on the methods used to carry out the illegal activities, their occupations, how their illegal activities were brought to the attention of investigative authorities, their lengths of agency service, their final duty stations, and the lengths of their prison sentences. We summarized the information from all of the cases.

To determine the extent to which lessons learned from corruption cases closed in fiscal years 1992 through 1997 have led to changes in policies and procedures for preventing the drug-related corruption of INS and Customs employees, we interviewed agency officials to identify what policies or procedures had been changed as a result of specific drug-related corruption cases. Agency procedures provide for the preparation of internal control weakness reports only if a weakness is identified during the criminal investigation. Because there were no reports that would have led to policy or procedural changes, we reviewed the agencies' investigative case files to determine if there were any internal control weaknesses that could have been identified from the cases involving convicted INS or Customs employees. We reviewed each case individually and then grouped cases that involved similar criminal activities and reviewed them for patterns that could identify weaknesses.

Mandatory Integrity Procedures for Selected INS, Customs, and Other Law Enforcement Agencies' Personnel

Table II.1: Mandatory Integrity Procedures for Selected INS, Customs, and Other Law Enforcement Agencies' Personnel as of June 1998

Integrity procedures[a]	INS	Customs	FBI	DEA	Secret Service
Basic training	X	X	X	X	X
Advanced integrity training			X	X	X
Management integrity training	X	X	X	X	X
Background investigation	X	X	X	X	X
5-year reinvestigation	X	X	X	X	X
Subscribe to the Federal Code of Conduct	X	X	X	X	X
Subscribe to the Federal Code of Ethics	X	X	X	X	X
Drug testing before hire	X	X	X	X	X
Random drug testing	X	X	X	X	X
Suitability or psychological testing	X	X	X	X	
Polygraph examination			X	X	X
Panel interview before hire	[b]		X	X	X
Employee certification of understanding Standards of Conduct		X	X	X	X
Whistle-blower procedures	X	X	X	X	X
Organization that receives and resolves allegations of employee wrongdoing	X	X	X	X	X
Proactive undercover operations			X	X	
Mentor program				X	

[a]The selected personnel include DEA, FBI, and Secret Service special agents, INS' immigration inspectors and Border Patrol agents, and Customs' inspectors and canine enforcement officers.

[b]The requirement applies to Border Patrol agent job applicants, but not to immigration inspector job applicants.

Source: INS, Customs, the FBI, DEA, and Secret Service information.

Resources and Workload Data For Selected Organizations

Table III.1: Resource and Workload Data for Selected Organizations Responsible for Investigating Alleged Wrongdoing by INS and Customs Employees, Fiscal Years 1995 Through 1997

Description	Fiscal Year 1997	Fiscal Year 1996	Fiscal Year 1995	Percent change from fiscal year 1995 to fiscal year 1997
INS employees:				
Justice OIG				
Funding (in millions)	$10.5	$10.4	$10.4	1.0
Staff positions	81	75	80	1.3
Allegations received	2,415	2,121	1,999	20.8
INS Office of Internal Audit				
Funding (in millions)	$2.3	$1.1	$0.9	156
Staff positions	13	7	5	160
Allegations received	2,866	1,813	1,558	84
Customs employees:				
Treasury OIG[a]				
Funding (in millions)	$4.93	$4.16	$4.91	0.4
Staff positions	33	37	39	-15.4
Allegations received	107	139	146	-26.7
Customs Internal Affairs[a]				
Funding (in millions)	$38.7	$35.4	$32.7	18.3%
Staff positions	283	290	286	-1.0
Allegations received	2,198	2,506	2,367	-7.1

[a]The data shown for the Treasury OIG and Customs' Office of Internal Affairs are for both criminal and administrative misconduct allegations handled by the agencies. Neither agency's records permitted us to reliably estimate the allocation of resource use between criminal and administrative allegations.

Source: Justice OIG, INS, Treasury OIG, and Customs data.

Summaries of Closed Cases Involving INS or Customs Employees Convicted of Drug-Related Crimes, Fiscal Years 1992-1997

This appendix summarizes each of the cases involving 28 individual INS or Customs employees assigned to the Southwest Border who were convicted of drug-related crimes in fiscal years 1992 through 1997. The cases are grouped by the type of criminal activity in which each individual was principally engaged.

Waving Drug-Laden Vehicles Through a Port of Entry Without Inspection

Case 1

A Customs inspector assigned to San Ysidro, CA, conspired to wave a load of cocaine through the port and provided sensitive law enforcement information to drug smugglers. Both prior to and during work, the inspector communicated information about his shift and lane assignments to drug smugglers by telephone and pager. The smugglers planned to use the information to ensure that the drug load passed through the inspector's lane while he was on duty. He was convicted of conspiracy to import cocaine and sentenced to 15 years and 8 months imprisonment.

Case 2

An immigration inspector assigned to El Paso, TX, was recruited by his brother-in-law to assist in smuggling marijuana and cocaine through the port of entry. For several years, the inspector provided the drug smugglers with his scheduled duty time and lane assignments using a pay telephone or cellular telephone. On occasion, the smugglers drove to the inspector's lane where the inspector would hand the driver a piece of paper giving the lanes and times he would be on duty. The smugglers drove their vehicles, loaded with up to 1,000 pounds of marijuana each, to the inspector's lane and were waved through the port of entry without inspection. The investigation established that the inspector was living beyond his means. He was convicted of conspiracy to import marijuana, importation of marijuana, and bribery. Prior to his sentencing, the inspector was released on bond. He fled and remains a fugitive.

Case 3

An immigration inspector assigned to Calexico, CA, waved drug-laden vehicles through his lane at the port of entry over a period of about 2 years. The investigation established that he paid over $25,000 cash for a new motor vehicle. The inspector pled guilty to conspiracy to launder monetary instruments and was sentenced to 6 years and 6 months imprisonment.

Case 4

An immigration inspector assigned to Calexico, CA, conspired with another immigration inspector (see case 6), a Customs inspector (see case 8) and a former INS detention enforcement officer (DEO) to smuggle drugs into the United States. Over an 18-month period, the inspector waved vehicles bearing approximately 6 tons of cocaine through the port of entry without inspection. The smugglers used spotters, radio, telephone, verbal communications, and a prearranged signaling system to guide drivers to the corrupt inspectors' lanes. The inspector was convicted of charges that included conspiracy to import cocaine and importation of cocaine. He was sentenced to 8 years and 1 month imprisonment.

Case 5

An immigration inspector assigned to El Paso, TX, waved approximately 10 shipments of marijuana through a port of entry without inspection. The inspector notified the smuggler of his lane assignments using encrypted messages. The smuggler drove to the inspector's lane and notified him which vehicle(s) that were following him contained the marijuana. The inspector allowed the marijuana-laden vehicles to pass through his lane uninspected. After his shift, the inspector met the smuggler at a local restaurant and received his payment. According to the inspector, he became involved with the drug smuggler because he had substantial credit card debt and was on the verge of bankruptcy. He was convicted of conspiracy to import marijuana and bribery and was sentenced to 7 years imprisonment.

Case 6

An immigration inspector assigned to Calexico, CA, was recruited to smuggle drugs by a woman he met while off duty. The woman's mother acted as a spotter and used a pager to relay information about the inspector's lane assignment to her daughter, who rode in the drug-laden car. When the vehicle reached the inspector's booth, he recognized his accomplice and waved the vehicle through his lane without inspection. After his shift ended, the inspector went to a prearranged location to receive payment. The inspector was also implicated in another drug conspiracy (see case 4). He pled guilty to bribery charges and was sentenced to 8 years and 8 months imprisonment.

Case 7

An immigration inspector assigned to Calexico, CA, agreed to allow her boyfriend, a member of a narcotics smuggling family, to drive a vehicle loaded with marijuana through her lane without inspection. She was arrested for conspiracy to import marijuana and pled guilty to one count of conspiracy to import marijuana. She was sentenced to 1 year and 6 months imprisonment.

Case 8

A Customs inspector assigned to Calexico, CA, conspired with two immigration inspectors (see cases 4 and 6), a former INS DEO, and six other individuals to smuggle thousands of pounds of cocaine and marijuana into the United States between 1983 and 1992. The former DEO used his friendships with the Customs inspector and the immigration inspectors to bring drugs through the port of entry. The drug smugglers used spotters, radio, telephone, verbal communications, and a prearranged signaling system to coordinate the drug movements. The Customs inspector and the immigration inspectors permitted the drug vehicles to enter the United States without inspection. The Customs inspector was convicted of conspiracy to import cocaine and marijuana and was sentenced to 24 years and 4 months imprisonment.

Case 9

A Customs inspector assigned to Douglas, AZ, was arrested after a marijuana shipment was seized from a vehicle trying to pass through the inspector's lane at the port of entry. When narcotics dogs alerted canine enforcement officers to the vehicle, the driver attempted to flee in his vehicle, but was apprehended. After the driver's arrest, the inspector admitted that he had known that the vehicle contained drugs. He also admitted that he had waved the same vehicle through his lane without inspection twice during the previous week. When the driver reached the inspection booth, he used a prearranged signal to notify the inspector that the vehicle should be passed without inspection. The inspector pled guilty to conspiracy to import marijuana and bribery and was sentenced to 5 years and 8 months imprisonment.

Case 10

A Customs inspector assigned to El Paso, TX, recruited and conspired with a second Customs inspector (see case 11) to allow drug loads through a

port of entry. Because the first inspector was not working at the port of entry, he recruited the second inspector who was assigned to the port. The two were arrested after they arrived at a local restaurant to receive payment in exchange for allowing a load of cocaine to pass through the port of entry. The inspector was convicted of conspiracy to import cocaine and three counts of bribery. He was sentenced to 24 years and 4 months imprisonment.

Case 11

A Customs inspector assigned to El Paso, TX, conspired with another Customs inspector (see case 10) to wave drug loads through his lane without inspection. The drug crossings were prearranged by telephone. The inspector used a pager and a code to notify the drug smuggler of the lane he would be working and the time to pass through the port of entry. The inspector waved all vehicles through his lane without inspecting any vehicles or referring any for secondary inspection. The inspector was arrested after he went to a local restaurant to receive a bribe for allowing a 1,000-kilogram load of cocaine through the port of entry. He pled guilty to bribery and was sentenced to 7 years and 6 months imprisonment.

Case 12

An immigration inspector assigned to the Hidalgo, TX, port of entry was arrested after he accepted bribes to wave drug loads through the port of entry uninspected. The inspector met the drug smuggler in Mexico and told him when he would be on duty. On one occasion, the smuggler parked his drug-laden vehicle in Mexico and walked half way across the international bridge that leads to the port of entry. From there, the smuggler determined what lane the inspector was assigned to work. He returned to his vehicle and drove to the inspector's lane. After the drug smuggler was arrested for smuggling marijuana, the inspector admitted he had accepted bribes to wave drug loads through the port of entry. He pled guilty to bribery charges and was sentenced to 4 years and 9 months imprisonment.

Case 13

An immigration inspector assigned to the San Ysidro, CA, port of entry was arrested for waving drug-laden vehicles through the port. A social acquaintance and drug trafficker asked the inspector to allow him to admit a small amount of marijuana through the port. The inspector agreed and over the course of a year admitted between 10 and 15 drug loads through

his lane without inspection. The trafficker would telephone the inspector at his home to determine his schedule. The trafficker would locate the inspector on the line the next workday, or meet with the inspector at a local restaurant after the inspector started his shift. At these meetings, the inspector would tell the trafficker what lanes and times he was working. After his arrest, the inspector pled guilty to conspiracy to import a controlled substance and bribery charges. He was sentenced to 30 years imprisonment.

Case 14

An immigration inspector assigned to Hidalgo, TX, assisted Mexican drug trafficking organizations by allowing thousands of kilograms of cocaine and tons of marijuana to pass through his inspection lane at the port of entry. He also obtained law enforcement information and passed it on to drug traffickers. In addition, the inspector received and attempted to sell drugs. He was arrested and charged with conspiracy with intent to distribute cocaine and marijuana. He pled guilty and was sentenced to 10 years and 1 month imprisonment.

Coordinating the Movement of Drugs Across the Southwest Border Between Ports of Entry

Case 15

A Border Patrol agent assigned to Douglas, AZ, engaged in marijuana trafficking using his Border Patrol vehicle to transport marijuana from a predetermined pickup point at the border to a different location. After he arrived at work and received his assignment, the agent coordinated the movement of drug loads by telephoning his accomplice(s) in Mexico and providing a code to indicate where the loads could be safely brought across the international boundary. Once the marijuana had been brought across the border, he picked it up and loaded it into his Border Patrol vehicle, and drove it to a predetermined location, where it was then transferred to another vehicle. The agent pled guilty to conspiracy to import marijuana, conspiracy to possess with intent to distribute marijuana, possession with intent to distribute marijuana, and bribery. He was sentenced to 12 years and 7 months imprisonment.

Case 16

A Border Patrol agent assigned to Chula Vista, CA, worked with a relative to smuggle loads of marijuana across the border. The relative would transport approximately three 250-pound loads of marijuana across the border per week. During his shift, the agent picked up the drugs and loaded them into his government vehicle. He then transferred the

marijuana to his personal vehicle and transported the marijuana to his residence. The agent was arrested after a search of his residence revealed approximately 1 pound of marijuana, drug scales, packaging material, and $16,700 in cash. He pled guilty to possession of marijuana for sale and was sentenced to 9 months imprisonment.

Case 17

A Border Patrol agent assigned to Douglas, AZ, assisted drug traffickers in transporting a shipment of cocaine across the border. He was not on duty at the time he attempted to assist the drug smugglers. Two Border Patrol agents who were on duty patrolling the border at night intercepted radio transmissions among what sounded like drug smugglers coordinating the movement of drugs across the border. One of the Border Patrol agents thought he recognized the voice of one of the drug smugglers as belonging to a Border Patrol agent whom he knew. A short time later, the agents encountered the off-duty agent dressed in black, wearing a two-way radio, and riding a bicycle along the border. At the Border Patrol agent's trial, prosecutors presented evidence that the agent had spent large sums of cash to buy cars and real estate. Convicted of 11 felonies involving narcotics smuggling and money laundering, he was sentenced to 30 years imprisonment.

Transporting Drugs Past Border Patrol Checkpoints Within the United States

Case 18

An INS DEO assigned to Los Fresnos, TX, conspired with two colleagues[1] (see case 19) and a former DEO to transport drug loads past Border Patrol checkpoints using official INS vehicles. These DEOs generally transported aliens to Houston for deportation. The former DEO, who had become a drug smuggler, recruited a former colleague, who, in turn, recruited another DEO. On at least three occasions, the DEOs transported drugs past Border Patrol checkpoints. One method the smugglers used was to load drugs in the luggage compartment of an INS bus prior to reaching a Border Patrol checkpoint. The Border Patrol agents at the checkpoint did not inspect the official government vehicles the smugglers used. After the drugs had been successfully transported past the checkpoint, they were removed from the INS vehicle. The DEO was arrested and convicted of drug conspiracy, money laundering, and bribery. He was sentenced to life imprisonment.

[1]One of the DEOs involved in the conspiracy was indicted but fled prior to trial and remains a fugitive. Because he was not convicted, his case is not included among the 28 listed in this appendix.

Case 19

An INS DEO assigned to Los Fresnos, TX, conspired with two colleagues and a former DEO to transport drug loads past INS checkpoints using INS vehicles (see case 18). The DEO was convicted of conspiracy to possess with intent to distribute cocaine and marijuana, conspiracy to launder money, and two counts of bribery. He was sentenced to 5 years and 3 months imprisonment.

Case 20

A Border Patrol agent stationed at the Falfurrias, TX, checkpoint was recruited by a DEO, who was a longtime friend, to assist in a drug-smuggling operation (see case 21). He aided the smugglers by waving drug loads through the checkpoint without inspection. In addition, he drove loads of marijuana through the checkpoint just prior to going on duty. The agent checked his work schedule to see who was working at the checkpoint during the shift preceding his own. He would only drive the marijuana through the checkpoint when certain Border Patrol agents, who he was friends with, or who he felt comfortable with, were working. He deposited the drug loads at a safe house located beyond the checkpoint. He would then return to the checkpoint to work his shift. He pled guilty to conspiracy to possess with intent to distribute marijuana and was sentenced to 2 years and 6 months imprisonment.

Case 21

An INS DEO was recruited by a narcotics smuggler to facilitate drug shipments from the Rio Grande Valley to Chicago, IL. He recruited a longtime friend, who was a Border Patrol agent, to wave loads through the Falfurrias, TX, checkpoint (see case 20). The officer was arrested attempting to drive a pickup truck loaded with 292 pounds of marijuana through the Falfurrias checkpoint. He pled guilty to bribery charges and was sentenced to 2 years imprisonment.

Selling Drugs

Case 22

A Border Patrol agent assigned to Naco, AZ, skimmed legitimate drug seizures he made from aliens and either sold the drugs to drug dealers or accepted a share of the profits from the drug dealer's sale of the drugs. One of the drug dealers was the agent's girlfriend's brother. After the brother's arrest, he testified at the agent's trial. The investigation established that the agent was living beyond his means. After the agent

was arrested, he was released on bond and fled to New Zealand. He was apprehended and extradited to the United States. He was convicted of conspiracy to possess with intent to distribute and possession with intent to distribute cocaine. The agent was sentenced to 27 years and 6 months imprisonment.

Disclosing Drug Intelligence Information

Case 23

A Customs operational analysis specialist, responsible for identifying importers who were suspected of smuggling drugs through the Rio Grande Valley, agreed to sell confidential drug-related intelligence information. He was convicted of bribery and disclosure of confidential information and sentenced to 2 years imprisonment.

Case 24

A Customs inspector assigned to Calexico, CA, was arrested after an investigation revealed that she was disclosing sensitive law enforcement information to her boyfriend, who was a drug trafficker. She pled guilty to disclosure of confidential information and was sentenced to 30 days imprisonment.

Other

Case 25

A Customs canine enforcement officer assigned to El Paso, TX, drove a drug-laden vehicle from Mexico to the United States through a port of entry. The officer relied on his friendships with coworkers at the port to ensure that his vehicle would not be inspected. In addition, he agreed to drive a load of marijuana through a checkpoint if it was closed. After his arrest, the officer pled guilty to possession of marijuana with intent to distribute. He was sentenced to 3 years and 4 months imprisonment.

Case 26

A Border Patrol agent assigned to El Paso, TX, was associated with the leader of a vehicle theft ring that stole new vehicles from dealerships and traded them for drugs. He was arrested after he traded a stolen truck's engine and transmission for a kilogram of cocaine. The agent was convicted for possession of cocaine with intent to distribute and was sentenced to 6 years and 6 months imprisonment.

Case 27

An immigration inspector assigned to San Ysidro, CA, was arrested and charged with possession of cocaine with intent to distribute. The inspector, who was a drug user, committed his crime while off duty. He pled guilty and was sentenced to 4 months imprisonment.

Case 28

A Customs inspector assigned to Douglas, AZ, was arrested, along with three coconspirators, and charged with conspiracy to possess cocaine with intent to distribute. One of the coconspirators was a former INS immigration inspector who resigned from INS after drugs were seized from a car that he had waved through the port of entry. The Customs inspector was convicted and sentenced to life imprisonment.

Completion of Employment Background Reinvestigations

Table V.1: Completion of Employment Reinvestigations Due in Fiscal Years 1995 Through 1997 for Southwest Border Customs Inspectors, INS Immigration Inspectors, and INS Border Patrol Agents

					Reinvestigations overdue					
			Total reinvestigations completed when due		Total reinvestigations overdue		Total reinvestigations completed after due date		Total reinvestigations not completed as of March 1998	
Fiscal Year	Position	Total reinvestigations due	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1997	Customs Inspector	368	99	27	269	73	25	7	244	66
	INS Immigration Inspector	103	46	45	57	55	12	12	45	44
	INS Border Patrol Agent	393	64	16	329	84	85	22	244	62
1996	Customs Inspector	294	46	16	248	84	124	42	124	42
	INS Immigration Inspector	67	29	43	38	57	8	12	30	45
	INS Border Patrol Agent	233	44	19	189	81	107	46	82	35
1995	Customs Inspector	120	16	13	104	87	51	43	53	44
	INS Immigration Inspector	78	28	36	50	64	31	40	19	24
	INS Border Patrol Agent	344	69	20	275	80	182	53	93	27

Source: GAO analysis of INS and Customs data.

Comments From the Department of Justice

U. S. Department of Justice

Washington, DC 20530

[illegible] - 9 1999

Richard Stana
Associate Director
Administration of Justice Issues Area
General Government Division
U.S. General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Stana:

On February 16, 1999, you provided the Department of Justice (DOJ) copies of a General Accounting Office (GAO) draft report entitled "INS and Customs Can Do More To Prevent Drug-Related Employee Corruption." The draft was reviewed by representatives of the Immigration and Naturalization Service (INS), the Federal Bureau of Investigation (FBI), the Office of the Inspector General (OIG), the Drug Enforcement Administration, and the Criminal Division. The DOJ generally agrees with the substance of the report, and recognizes the importance of taking all possible actions to reduce the potential for corruption by our law enforcement officers. Tighter procedures as recommended by the GAO will reduce the opportunity for an employee to commit a crime and increase the risk of that employee being caught. However, the lure of drug trafficking activities that can generate huge profits for INS and U.S. Customs Service (USCS) employees who live on more moderate incomes will remain a constant threat to maintaining the integrity of all employees. While the DOJ has a no tolerance policy, it believes that 28 instances of corruption out of 9,600 agents over about an six-year period is a commendable demonstration of the integrity of ours and USCS personnel.

The GAO report contains 11 recommendations, five to the DOJ, one to the DOJ OIG, and five to the USCS. The DOJ has already initiated action on three of the five recommendations directed to it by the GAO. The DOJ has concerns regarding the remaining two recommendations made to it in the report. These issues are addressed immediately below. Actions taken and planned on the three recommendations we have already proceeded to implement are described subsequently. The OIG actions taken on the recommendation directed to it have been addressed in a separate letter to the GAO.

Recommendation. The Attorney General should direct the Commissioner of INS to require Border Patrol Agents and Immigration Inspectors to file financial disclosure statements, including a listing of their assets and liabilities, as part of the background investigation or

Mr. Richard Stana 2

reinvestigation process. Fully review this information to identify financial issues, such as employees who appear to be living beyond their means.

Implementing a requirement to complete financial disclosure forms has obstacles to be met and at present the DOJ has limited data to suggest that they would provide better data or greater assurance of a person's integrity. Thus, the DOJ is not committing to the implementation of such recommendation at this time. The INS would require Office and Management and Budget (OMB) approval of the form if it is to be used to screen job applicants. In addition, labor organizations representing INS Border Patrol Agents and Immigration Inspectors would have the right to bargain over impact and implementation of the financial disclosure report. Finally, because the INS obtains its background investigations from the Office of Personnel Management (OPM), whose procedures do not include the provision or verification of information in a financial disclosure report as part of a background investigation, the INS would have to develop an independent mechanism for verifying an individual's claimed assets or liabilities listed in a financial disclosure report.

During the course of the GAO review, the INS did not discover any empirical data or evidence that shows that completion and review of a financial disclosure report deters corruption. The USCS has required its employees to complete a financial disclosure report since the early 1970's. However, USCS informed the INS that it has never removed an employee based solely on the information provided by the employee in a financial disclosure report. Although USCS has used assets and liabilities information provided on the form to support employment decisions based on falsification of the form, there is no evidence that the financial disclosure requirement has deterred corruption in the USCS. Further, the USCS is involved in extensive litigation over the use of its financial disclosure report, and is enjoined from using the form with respect to many USCS employees.

In addition, the INS currently obtains considerable financial data on its applicants and employees during initial background investigations and reinvestigations, and requires resolution of financial issues (including unexplained affluence) raised in the course of background investigations. Whether individuals engaged in corrupt activities would disclose their illegally obtained assets by responding truthfully on a financial disclosure form, thereby subjecting themselves to agency scrutiny and possible detection of their criminal conduct, is highly questionable.

Recommendation. The Attorney General require the Director of the FBI to develop procedures that provide information from closed FBI cases, involving INS or Customs employees, to the Justice OIG or Customs Office of Internal Affairs so they can identify and report internal control weaknesses to the responsible agency official.

Turning over closed FBI files to the INS and USCS raises sensitivity and liability questions. The sensitivity issues can be resolved by redacting case files, however, this can entail a

Mr. Richard Stana 3

significant amount of work depending on the size and content of the file. Further, the reason for closing the case must also be considered. The case may have involved an employee who was apparently guilty of a crime but the case lacked sufficient evidence to indict, or it may have involved an employee who was exonerated from any wrong doing. Only a careful review of a case file and input from both case agent and the Assistant U.S. Attorney could determine the difference. This assessment is necessary to determine which cases should be included in the selection of cases to review for internal control weaknesses. The issue of liability arises from the use or perceived use of such information for other than purposes of procedural analysis. We believe that, as an alternative, a stronger commitment to work together at the field office level to combat corruption could result in better information regarding potential procedural weaknesses. Joint investigations and task force investigations will create better cooperation and communication, and will result in internal agency methods of reporting to help identify and report internal control weaknesses to responsible agency officials to develop appropriate corrective action.

Recommendation. The Attorney General should direct the Commissioner of the INS to evaluate the effectiveness of the integrity assurance efforts, such as training, background investigations, and reinvestigations.

The INS is examining its integrity assurance efforts. The INS is currently working with a Boston, MA based organization called Facing History and Ourselves to improve the effectiveness of its integrity/ethics training. Facing History and Ourselves has an established reputation for delivering quality integrity/ethics training to law enforcement organizations. The INS background investigations and reinvestigations are obtained from the OPM. The INS requires its Officers, such as Border Patrol Agents and Immigration Inspectors, to undergo a Single Scope Background Investigation (SSBI) at the time of hire. The SSBI is the most comprehensive background investigation OPM conducts, and exceeds OPM and DOJ requirements for these positions. In addition INS requests expanded background reinvestigations that also exceed OPM and DOJ requirements for these positions. The INS operates its personnel security program under delegated authority from the DOJ, and is subject to periodic review and evaluation by the DOJ, as well as OPM and other outside agencies, including the GAO. In fact, the INS background investigation and reinvestigation programs have undergone recent extensive reviews by the DOJ OIG, the Justice Management Division, the DOJ Security and Emergency Planning Staff, and the GAO to evaluate their effectiveness.

Recommendation. The Attorney General should require the Commissioner of INS to comply with policies that require employment reinvestigations to be completed when they are due.

The INS complies with OPM and DOJ policies that require employment reinvestigations to be completed when they are due. Prior to Fiscal Year (FY) 1992, INS had a historical backlog of overdue background reinvestigations. INS began a concerted

effort to address this problem in FY 1992. At the end of FY 1997, INS achieved currency in requesting overdue reinvestigations, i.e, by the end of FY 1997 INS had requested background reinvestigations on all INS employees who were due or overdue for a reinvestigation. INS fully funded the background reinvestigation program and maintained currency during FY 1998, and expects to remain current in FY 1999. Due to this concerted effort, INS currently has a backlog of unadjudicated background reinvestigations. However, in June 1998, INS implemented a plan to eliminate the backlog. INS has targeted the backlog for elimination by March 31, 1999.

> **Recommendation.** The Attorney General should direct the Commissioner of INS to strengthen internal controls at Southwest border ports-of-entry and at Border Control checkpoints by establishing 1) one or more methods to deprive drivers of their choice of inspection lanes at ports-of-entry, 2) a policy for the inspection lanes at ports-of-entry, 3) a policy for the inspection of law enforcement officers or their vehicles at ports-of-entry and Border Patrol checkpoints, and 4) a recusal policy concerning the performance of inspections by Immigration Inspectors and Border Patrol Agents where their objectivity may be in question.

At land ports-of-entry the INS has set forth policy and guidance establishing a uniform national practice for integrity standards. Each port must choose one or more of the following four vehicle and pedestrian land scheduling options 1) agency pushes, where a Supervisory Immigration Inspector will randomly instruct officers to lane shift, 2) Compex/INTEX hits, where there is an automatic lane assignment shift any time there is a random secondary inspection referral, 3) traffic manager random lane flip-flops, where there are primary lane changes of INS and Customs staff, and 4) computer-generated random lane assignments and shift. The ports must implement the chosen options at a minimum of once per shift. Further, primary lane changes of INS staff with Customs staff are desirable. To further enhance the integrity of the inspectional process, an automatic lane push or flip flop will occur when the inspecting officer encounters a relative. The term relative includes, but is not limited to: immediate family and extended family such as in-laws, cousins, uncles, aunts, nephews, nieces, and significant others. The ports-of-entry were also reminded to reinforce the policy of 100 percent inspection of all law-enforcement personnel. Adherence to these procedures will be verified during INSpect reviews.

At Border Patrol checkpoints, INS will issue policy for integrity standards consistent with its activities at these checkpoints. Border Patrol agents may lawfully stop motorists at checkpoints located away from the border for the purpose of determining the citizenship of the vehicles' occupants. Searches are limited to a "plain view" inspection to ascertain whether there are any concealed illegal aliens; a more in-depth search requires probable cause. The primary purpose of the checkpoints is to check immigration status. Recusal is not practical or reasonable where there is no question regarding the immigration status of

Mr. Richard Stana 5

the occupants of the vehicle. Further, law enforcement emergency situations may require exceptions to a "no law enforcement officer exemption." Within these constraints, the Border Patrol will articulate and distribute to the field a policy stating that no person or vehicle is exempt from inspection procedures at a Border Patrol checkpoint. This includes other Border Patrol Agents and their families, friends, and relatives. The policy will specify that Federal, State, and local law enforcement officers and their vehicles are not exempt, except in cases where health, safety, or other exigent circumstances exist. The policy also will emphasize the importance of avoiding any appearance of impropriety by instructing officers to recuse themselves where objectivity may be perceived to be an issue.

The Department appreciates the opportunity to review the report in draft. If you have any questions concerning the Department's comments, you may contact the Audit Liaison Office on (202) 514-0469 for assistance.

Sincerely,

Stephen R. Colgate
Assistant Attorney General
for Administration

Comments From the Department of Justice, Office of the Inspector General

U. S. Department of Justice

Office of the Inspector General

February 26, 1999

Richard M. Stana
Associate Director, Administration
of Justice Issues
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Stana:

This is in response to your letter of February 16, 1999, to the Attorney General forwarding a copy of GAO's draft report, INS and Customs Can Do More To Prevent Drug-related Employee Corruption, for review and comment prior to its release.

We agree with the GAO's recommendation that the Office of the Inspector General (OIG) should identify internal control weaknesses discovered during its criminal investigations of employees of the Immigration and Naturalization Service (INS). Historically, we have attempted to identify internal control weaknesses that led to individual acts of corruption and have done so in a significant number of cases. More recently, I have advised top managers in the OIG's Investigations Division of the need to focus more attention on this issue. When a weakness is identified, we will share that finding with INS.

While we have not always identified potential internal control weaknesses in the past, the OIG has provided INS with detailed reports of investigation that described the conduct of the employees who were criminally prosecuted during the time period covered by the GAO report. Although we recognize the advantage of having the OIG identify such weaknesses, given the limited resources available to the OIG we believed that these reports provided INS with the information necessary for it to make such an assessment.

The draft report serves the useful purpose of identifying key issues relating to drug corruption along the Southwest Border. We agree with your conclusion that this corruption is a serious and continuing problem and one that requires the continuing attention of the OIG and other responsible agencies working cooperatively. As noted in the report, the OIG successfully investigated the majority of INS corruption cases that were prosecuted along the Southwest Border during the study period, and accomplished this task with minimal resources. In addition, the OIG's newly established Research and Analysis Unit will take an active role in devising strategies to detect and deter border corruption.

We appreciate the opportunity to provide information on the drug-related criminal prosecutions in which the OIG was involved. Please feel free to call upon us again if there is any additional information we can provide.

Very truly yours,

Michael R. Bromwich
Inspector General

Comments From the Customs Service

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

March 5, 1999

Mr. Weldon McPhail
Assistant Director
General Government Division
Administration of Justice Issue Area
General Accounting Office
441 G Street, NW.
Washington, D.C. 20548

Dear Mr. McPhail:

We appreciate the opportunity to review and comment on you draft report entitled "Drug Control: INS and Customs Can Do More To Prevent Drug-Related Employee Corruption, GAO/GGD-99-31."

Based on our earlier review of your "pre-draft" report, we provided to you our detailed comments and concerns in a letter dated January 14, 1999 (Enclosure #1). We request that you please review that letter and give further consideration to our suggested language changes, particularly with respect to integrity initiatives and new controls Customs has implemented in the area of integrity . While we concur with the report's findings and recommendations, we believe that GAO can give a better balance to the report by fully acknowledging the progress Customs has made in the past year. Your section Results in Brief, Page 2 for example makes no mention of the agency's achievements and provides a good opportunity to recognize that fact.

Customs views integrity as an agency priority and we have embarked on an agencywide effort to ensure that our workforce not only recognize the importance placed on integrity, but that adherence to those new and higher standards are met in the agency's day to day operations.

We are enclosing additional comments (Enclosure #2) to update you on our integrity initiatives cited in our letter of January 14, 1999. We request that these comments be considered and reflected in the issuance of your final report.

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With respect to your five recommendations, Customs has already initiated actions to implement them and will continue that effort in the near future . We are currently conducting an overall assessment of our integrity program, particularly in the area of discipline; reassessing our background investigation program and updates; and initiating a self-inspection program to enhance our internal controls and reduce areas of vulnerabilities. With respect to Recommendation 5, we reiterate our discussion on Page 3, Paragraph 2 of Enclosure #1. We request that you reconsider your recommendation before we act on it because of the constraints placed upon Customs as a result of the Computer Matching Act.

We at Customs want to thank you and your staff for the assistance provided in this review.

Sincerely,

William F. Riley
Director, Office of Planning

Enclosures

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE

Enclosure #1

January 14, 1999

Mr. Weldon McPhail
Assistant Director
General Government Division
Administration of Justice Issue Area
General Accounting Office
441 G Street, NW.
Washington, D.C. 20548

Dear Mr. McPhail:

Thank you for the opportunity to review GAO's "predraft" report dealing with Personnel Integrity along the Southwest Border. Customs has several comments that we wish considered in finalizing your report.

Our major concern in reviewing this report is that Customs efforts to address corruption are not adequately described. Due to the fact that Integrity is our highest priority, we feel that our efforts need to be mentioned in the executive summary; in the relevant sections which pertain to these initiatives and any cover letter or correspondence to the requestor. I feel the report's summary and tone slant the report's overall findings and could be stated more positively to give credit to Customs efforts in the area of Integrity.

Over the past 2 years, Customs has taken numerous actions to reduce the chance of employee corruption or impropriety in carrying out their day to day duties, particularly among the workforce along the Southwest Border. Employee integrity has recently become a paramount theme throughout the agency and is repeatedly emphasized in the agency's daily management. To that extent, we believe that your draft report should provide a better balance by including the work to date and the status of the Customs integrity program.

We are equally concerned about how your report will be received by Congress, as well as the media. As you are aware, Customs has been the subject of ongoing media scrutiny, particularly at the Southeast with materials often distorted to present Customs as an agency fraught with corruption. As a result, we are sensitive to any report which would add fuel to that perception. We strongly believe, that while your review identifies a number of areas for program improvement, corruption is not endemic in the agency.

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We understand that our comments at this point will be considered as part of your "predraft" report and that you will issue an actual draft shortly thereafter for a formal agency response. We look forward to receiving your draft report with our comments given full consideration.

If you need any clarifications regarding our comments, please call Mr. Tony Del Moral on (202) 927-0194.

Sincerely,

/S/
William F. Riley
Director, Office of Planning

Enclosure

Comments on GAO Draft Report on Personnel Integrity at the Southwest Border

Customs Management Report Comments:
Page 2: No mention was made to Internal Affair's investigations as an anti-corruption tool.

Page 7: The use of term "require" inaccurately implies that no in-service integrity training is provided. See the attached page listing all the Integrity Training the service has provided since 1990.

Page 12: Previously, IA Training Staff (IATS) oversaw annual development and implementation of basic and advanced, integrity related training for all employees of the Customs Service. Funding for this "all hands" post academy training effort was discontinued in 1993. IATS continues to develop and deliver basic integrity training at the Customs Service Academy.

Page 13: The statements about the number of inspectors or agents who received no advanced training should be restated in terms of how many *did* receive the training. For Customs, 76 out of the 100 Customs inspectors (76%), did receive advanced integrity training during this period.

One benefit of Operation Hardline was that it funded and mandated integrity training of 100% of the law enforcement and support personnel along the Southwest Border and Puerto Rico. During 1996 through 1998, more than 5000 employees received integrity training. We would like to see this reflected in your discussion.

Page 17: Mis-characterization of role of investigative file - Such files are designed for one purpose to facilitate the investigation & prosecution (administrative or criminal) of the case. Use of the file for record keeping compliance is duplicitous.

Page 20: The use of the phrase "28 employee" is inflammatory and self-serving from the perspective of erroneously portraying corruption as being systemic through out Customs. Only a parenthetical reference to the breakdown of the 28 employees reveals that less than one third, nine (9) were Customs employees. Also the term "agents" is used misleadingly.

Page 25-28: No agency can or should craft policy to direct every set of circumstances. Discretion and judgment of the individual inspector, or other law enforcement officer is the cornerstone of American law enforcement, in an urban context or on the border. Further, it is questionable as to whether any published policy would have discouraged the nine employees from violating Federal law.

Page 26: Primary lane denial, a procedure designed to deny drivers their choice of inspection lanes, is operational in a number of

- 2 -

Southwest border ports: Laredo, Tucson, Nogales, San Luis, and Douglas. This procedure was tested during Customs Operation Brass Ring Initiative.

Page 26: Other Field Operations provided additional examples:

Southwest Team Orientated Processing (STOP) has been mandated for Southwest Border ports of entry. STOP consists of a "layered" approach to vehicle processing where a vehicle may be screened multiple times. For example, a vehicle may be screened in pre-primary by a roving K-9, screened at primary by a Customs Inspector or cross designated INS Inspector then screened again during a post-primary block blitz operation. This layered approach removes the opportunity for a smuggler to be assured that a particular Inspector, from either Customs or INS, will have the complete authority to release a vehicle, unimpeded into the U.S. STOP functions consist of such things as pre-primary roving, post-primary block blitzes, post-primary roving and lane bumps. STOP Operations are clearly presented in the Passenger Operations Division Handbook and southwest ports must conduct some form of STOP operations during at least 50% of the time during each shift.

The Compliance Measurement Program (COMPEX) is designed to assist the Customs Service in measuring its mission effectiveness. To accomplish this, COMPEX generates random secondary referrals which have the integrity enhancing benefit of sending vehicles to secondary for inspection that would not have otherwise been sent. The primary Inspector is prohibited from not sending the vehicle to secondary, thus, like STOP activities, this removes the opportunity for an assured unimpeded release at primary into the U.S.

Automated license plate readers, which are currently being installed along the Southwest Border, are designed to allow Inspectors to concentrate on arriving vehicles and use their training in behavior analysis to identify high risk vehicles for secondary inspection. An added benefit of license plate readers is that the query of the license plate is removed from the primary Inspector, increasing assurance that all plates are queried and reducing the opportunity for malfeasance. In addition, correct queries result in an increase in the confidence level that records related to those queries, sometimes called "hits", will be properly displayed and subject vehicles will be referred for secondary inspection. Furthermore, automated queries result in increased assurance that random inspection programs, such as COMPEX, will be successful.

The Customs Service is aware of the importance of integrity in its workforce. The Service provides its employees with direction and offers confidential counseling, called the Employee Assistance Program, to employees who may be experiencing problems before those problems manifest themselves as integrity issues. As part of the Service's highlight on integrity, the first chapter of the Passenger Operations Division Handbook

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details the importance of this issue.

At the local level, both management and the bargaining unit have worked together to deny smugglers the opportunity for assured, unimpeded release into the U.S. by developing local initiatives which redirect approaching traffic or randomly reassign primary lane booths so that Inspectors have no fixed rotation pattern. These items can confuse smugglers and remove potential weaknesses that could be exploited.

Page 30: The Computer Matching Act and related privacy legislation severely curtail the prophylactic use of financial disclosure material to predict deviant behavior. As a matter of operational routine, whenever legally justified the federal grand jury process is used to conduct the financial investigative aspects of corruption cases. The employee submitted disclosure form is by no means the investigative panacea portrayed by GAO. Accurate and timely financial data can best be obtained on a real time basis during the conduct of actual corruption investigations via the grand jury process augmented by extensive database searching. Applying this technique prophylactically is statutorily prohibited.

Page 32: Customs evaluation of the recruitment and hiring process resulted in the development of the Quality Recruitment Program. Recruitment under this program began in August 1998. Integrity is addressed in each of 5 steps:

- automated pre-screening
- written tests (including suitability assessments)
- structured interview examinations
- selection process (including mandatory reference checks)
- pre-appointment process

Delegations for final selection authority for entry level for core occupations, supervisory positions, and higher graded positions has been redelegated to Assistant Commissioners. In addition, prior to making selections there is a critical review of an applicant's entire past record, including a review to determine if there is prior conduct/performance based actions, or relevant findings in management inspection reports and internal affairs reports.

Customs is requesting OPM approval to conduct pre-employment polygraph examinations for Criminal Investigators. In addition, expansion of polygraph examinations is being considered for all weapon carrying employees.

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Appendix. II - Integrity Requirements for Selected INS, Customs and Other Law Enforcement Agencies' Personnel - Table II.1
Includes inaccuracies:
(1) Advanced or in-service integrity training is provided though not mandatory. The chart does not reflect this reality.
(2) Psychological Testing – We understand that our suitability assessments are equivalent to the testing provided by INS. There is a distinction between psychological tests and suitability tests. We recommend that this be clarified in the table. Either INS should be dropped or Customs should be listed on the table.
(3) Panel interviews are part of the selection process for the GS-1811 series.
(4) A mentoring program while not implemented is in the design stage.

Appendix. IV: GAO's case summaries fail to sustain their overarching conclusion, that better internal controls and procedures would have prevented the nine cited acts of corruption from occurring.

The seven cases dealing with Customs inspectors "waving drug laden vehicles through..." would not have been prevented by new policy or procedures. Any act of corruption includes a disobedience to current procedures, as well as, obvious violations of law. How could a reasonable person expect to believe that a sworn officer already intent of violating the criminal law would adhere to a non-judicial policy regarding the inspection of privately owned vehicles if operated by law enforcement officers or a prohibition on the use of cell phones or pagers for other than official conduct while on duty?

Cases pairs 10 and 11 (2 Customs Inspectors), and cases 18 and 19 (4 INS DEO), and cases 20 and 21 (2 Border Patrol) overlap and involve the same agents within their agency. They should not be counted as separated cases. Therefore, that changes the number to 25 cases and the number to 35 federal law enforcement personnel. Of this 35, 10 Customs employees, less than one third of the violators, were involved in drug smuggling or corruption. Two of these 10 Customs employees were captured in an Internal Affairs sting operation, so no drugs were actually released into the economy.

This sting operation, is a good example of the proactive work performed by Internal Affairs (IA) in coordination with Office of Field Operations (OFO) and the Office of Investigations. A more recent undercover operation with cooperation between OFO, OI, and IA, was also located in El Paso, Texas. A Customs Inspector was approached by drug smugglers. The Inspector reported the contact to Internal Affairs and was instructed to pretend to cooperate with the drug smugglers. Inspector Luna successfully disrupted and brought to conviction a drug smuggling operation running out of Fort Bliss. Due to his bravery, he was awarded the Commissioner's Citation in 1998 along with a check for $10,000.

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Summary of Integrity Training in Customs Service
FY 1991-1998

1990	Commissioner Carol Hallet instituted the Customs Integrity Program (CIP), a multifaceted approach intended to address known problems and generally improve measures to combat internal corruption and disciplinary weakness in management.
1991	First round of all-hands integrity reinforcement training. Using the "Train-the-Trainer" model, Internal Affairs training staff in Glynco developed and deployed a 4-hour program of instruction for "trainers" for re-presentation to every Customs employee within one year. The program focused upon the "rules of the road" for federal and Customs employees. Primary objective was to assist Customs in overcoming employee's MSPB appeals based upon claim(s) that they "didn't know" they were violating administrative rules and policies. Over 90 percent of all employees received this training. In the same year, this program was adapted and expanded into an 8-hour presentation to all basic students (inspectors, special agents, import specialist) attending the Customs Academy. This 8-hour block of instruction continues to the present date, albeit with new content.
1992	Second iteration of the above program, with a new curriculum syllabus. Over 90 percent of all employees were reached.
1993	Customs management canceled the Commissioner's requirement that all Customs employees receive annual integrity instruction. The decision was based on the literal reading of the Government Ethics Act that only "procurement" officials were required to receive the annual 1-hour block of integrity instruction. This interpretation, while probably accurate, effectively curtailed the integrity training initiative in its third year. In 1993, fewer than 2000 employees were reached by the third iteration of the Customs Integrity Program annual training which focused only on conflicts of interest.
1994	No nationwide integrity training given.
1995	No nationwide integrity training given.

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Summary of Integrity Training in Customs Service
FY 1991-1998

1996	Operation Hardline. Internal Affairs training staff is tasked with developing and deploying integrity reinforcement training along the U.S. Southern Border and Puerto Rico. Headquarters provided $100,000 (later amended to $135,000) for a "Train-the-Trainer" model with the intent of reaching approximately 5,500 employees of all GS-series in the targeted geographical area. The Operation Hardline "Train-the-Trainer" Integrity Program was also presented in San Francisco and New York as a pilot. These trainers were available to local managers wishing to carry out the same integrity training initiative voluntarily. Due to no HQ mandate, no training was requested.
1997	Operation Hardline implementation completed.
1998	No nationwide integrity training given.

Present Integrity Training Status

Customs Academy	All basic students attending training at the Academy receive 8 hours of integrity/ethics reinforcement training with two principle foci: (1) communicating the basic statutes, policies and related Customs regulations governing employees of the federal government and the US Customs Service; and (2) equipping students with some of the ethical analysis tools required to survive a long career in federal employment. All Senior Inspectors attending training at the Academy receive a 4-hour integrity reinforcement program. All supervisory employees attending the Supervisor Seminar receive a 2-hour integrity reinforcement presentation from Internal Affairs.
Other Training	Internal Affairs is assisting the Office of Chief Counsel (our designated Ethics Officer) by delivering an integrity update to employees covered by the Office of Government Ethics Act. This requirement is for 1 hour of training annually. Approximately 1200 employees are covered by this requirement.

Enclosure #2

GAO Draft Report on Personnel Integrity

The following comments are offered:

Page 14 We recommend stating that 76 of 100 of the Customs Inspectors received advanced integrity training, rather than 24 of 100 Customs Inspectors did not receive advanced integrity training.

Page 28 In addition to indicating that Customs "was testing" primary lane denial, the report should reflect that the initiative is now in place along the southwest border.

Page 29 When the study was conducted there were a number of evaluations of processes and programs to assess personnel integrity. As a result of a study covering vulnerabilities of the personnel hiring process, the concepts for quality recruitment were approved in 1997. The program was developed in 1998 to include a 5 step process. Integrity is addressed in each of the five steps: (1) automated prescreening; (2) written tests (including suitability assessments); (3) structured interview examinations; (4) selection process (including mandatory reference checks); and (5) pre-appointment process. The first announcements for Customs Inspector and Canine Enforcement Officer under this program opened in August 1998.

There are also a number of personnel integrity initiatives that have been initiated since the study was done. If they are not included in the report, they should be addressed in the agency response. They include the changes of selection authority for entry level core occupations, supervisory positions, and higher graded positions; the changes in delegations for discipline and adverse actions; the request for authority to conduct pre-employment polygraph examinations for Criminal Investigator positions; the addition of a new integrity award in the Commissioner's Annual Award Ceremony; and all of the current changes being made to the Investigative and Discipline Programs.

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