

March 1986

JUSTICE
DEPARTMENT

Improved Management
Processes Would
Enhance Justice's
Operations





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Comptroller General
of the United States

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To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the need to strengthen the Department of Justice's management structure and management support systems. The report, which is part of a series, results from GAO's reviews of the management of major departments and agencies.

On April 26, 1985, we briefed Attorney General Meese on the results of our work. Subsequently, the Attorney General, based upon his assessment, took action to improve management within the Department. In addition to specific recommendations for improving management, the report also provides for the Attorney General's consideration three organizational options for enhancing the Department's central management.

We are sending copies of this report to the Attorney General; the Director, Office of Management and Budget; interested congressional committees and subcommittees; and individual members.

A handwritten signature in cursive script that reads 'Charles A. Bowsher'.

Comptroller General
of the United States

Executive Summary

This report on the Department of Justice is one of several that GAO is issuing on the general management of major agencies. By relating managerial problems to major programs, GAO demonstrates how improvements would enhance the Attorney General's ability to oversee program operations and more efficiently manage the Department.

Background

The Attorney General faces a formidable task in managing the Nation's principal law enforcement agency. Justice faces such important challenges as combatting illegal drug trafficking, investigating criminal violations, policing the Nation's borders, housing convicted criminals, and representing the government in a burgeoning volume of civil litigation. In fiscal year 1986, the Department received over \$3.9 billion to fund worldwide operations conducted by over 63,000 employees.

The Department's missions are accomplished by 31 offices, boards, divisions, and bureaus that traditionally have been managed as a loose confederation. Past Attorneys General have generally concentrated on legal and related law enforcement issues during their tenures, devoting less attention to management issues. There has been increasing recognition within the Department, however, that its components must work together more to achieve their interrelated missions. The Attorney General also faces continuing expectations from the Congress and OMB to manage with a total Department, or systems, perspective.

The Department has had many mission successes and a longstanding reputation for professionalism and dedication. The Department's tasks have become more complex, thus placing increasing importance on the introduction of managerial systems to support these tasks. To demonstrate how existing management systems affect the Attorney General's ability to meet these challenges, GAO reviewed seven functional areas (planning and budgeting, personnel, productivity, procurement, financial management, information resource management, and audit and evaluation) and three departmental programs: Organized Crime Drug Enforcement Task Forces, Asset Seizure and Forfeiture, and Legal Process Debt Collection. GAO also retained as consultants several former Department policy-level officials.

Results in Brief

GAO briefed Attorney General Meese on April 26, 1985, 2 months after his appointment, on management issues affecting his ability to direct, monitor, and control operations to achieve his priorities. On June 14, 1985, based upon his assessment, he established the Department

Resources Board, comprised of top level policy officials, to develop an integrated management system. The Board's mandate encompasses management issues that GAO highlighted in April. These issues include the need for

- an institutional capability to (1) set long-range goals, (2) assess component program planning and implementation, and (3) ensure proper allocation of resources;
- effective departmental planning for major investments in information systems;
- sustained attention to improving the Department's financial systems; and
- better use of available management systems and processes to identify opportunities to improve operational efficiency and effectiveness.

Responsibility for developing these management systems should be clearly assigned because (1) Attorneys General have traditionally concentrated on specific legal issues during their average 23 months in office and (2) the successful implementation of an integrated management system will require a long-term commitment.

Principal Findings

Develop Planning and Programming Processes

Justice needs an institutional process for developing long-range departmental goals to guide its program planning and budgeting decisions. The Department also needs an established entity or means for overseeing the components' program planning to ensure that Attorney General priorities are adequately addressed. The Department has typically relied on ad hoc approaches and has encountered difficulties in planning and implementing program initiatives.

For example, absent an established entity for program planning, the Attorney General turned to a small group of senior department-level officials to develop the Organized Crime Drug Enforcement Task Force Program. While this group succeeded in developing the program, the development effort limited their attention to other duties. In another area, responsibilities for overseeing the Department's debt collection activities remain unclear 4 years after OMB found the lack of central oversight to be a problem. (See pp. 28 to 35.)

Develop Stronger Information Resource Management

Justice needs to implement a departmentwide program to ensure that automated data processing and telecommunications techniques are planned for, acquired, and used effectively and economically. Strengthened control is important because this area involves more than 11 percent of the Department's fiscal year 1985 budget and investments of almost \$1.3 billion over the next 5 years. Stronger central management could have helped to achieve (1) the 8-year old objective of developing departmental litigative case management system to provide basic program data and (2) potential economies of over \$36 million through the consolidation of five telecommunications networks. (See pp. 35 to 37.)

Improve Financial Management

The Financial management systems within Justice do not properly account for and control resources and permit adequate monitoring of program performance. For example, the system that accounts for more than \$150 million in seized and forfeited assets cannot produce reliable information.

Responding to OMB requirements and to its own negative certification of accounting systems, the Department has developed a financial management plan and has embarked on a sound approach to improve its financial environment. (See pp. 37 to 40.)

Better Assess Efficiency and Effectiveness

Justice also could better use the following processes for assessing the efficiency and effectiveness of its operations:

- audit and evaluation to assess program effectiveness,
- position management reviews to identify opportunities for staffing efficiencies,
- productivity management to identify and follow-up on opportunities for efficiencies, and
- senior executive performance appraisals to set accountability for performance improvement. (See pp. 41 to 49.)

Recommendations

GAO recommends that the Attorney General clearly assign responsibility for the general management functions needed to support an integrated management system and suggests three options for his consideration. GAO also makes a number of recommendations to the Attorney General for improving the management systems used to plan, coordinate, and

direct departmental programs and assess the appropriate distribution, use, and control of resources. (See pp. 50 to 53.)

Agency Comments

The Department generally agreed with the report's conclusions and strongly supported almost all of GAO's recommendations. The Department, however, deferred endorsing GAO's organizational options for strengthening central management within the agency. Justice described several improvements, either already implemented, planned, or underway, that would help correct many of the deficiencies cited in GAO's report.

The Department disagreed with GAO's recommendation to organizationally realign Justice's Audit Staff and reiterated its opposition to the establishment of an Inspector General for the agency. GAO continues to believe that Justice can benefit from (1) placing the audit group under the Attorney General's control and (2) having an Inspector General mandated by statute. (See pp. 53 to 56.)

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Abbreviations

ADP	Automatic Data Processing
AFF	Assets Forfeiture Fund
BOP	Bureau of Prisons
CSRA	Civil Service Reform Act
DEA	Drug Enforcement Administration
DOJ	Department of Justice
DOL	Department of Labor
DRB	Department Resources Board
EOUSA	Executive Office for U.S. Attorneys
EPA	Environmental Protection Agency
FAMIS	Financial and Administrative Management Information System
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
HUD	Department of Housing and Urban Development
INS	Immigration and Naturalization Service
IRM	Information Resources Management
JMD	Justice Management Division
JTN	Justice Telecommunications Network
LAN	Local Area Networks
NASAF	National Asset Seizure and Forfeiture
OCDETF	Organized Crime Drug Enforcement Task Force
OIT	Office of Information Technology
OLP	Office of Legal Policy
OMB	Office of Management and Budget
PROMIS	Prosecutors' Management Information System
SES	Senior Executive Service
USA	U.S. Attorneys' Offices
USMS	U.S. Marshals Service

Objectives, Scope, and Methodology

We reviewed the management systems of the Department of Justice as part of a series of reviews focusing on the need for management improvement within federal agencies. Our overall objective was to assess departmentwide management systems and administrative support functions. Our goal was to develop recommendations specifying how top management can bring about and sustain any needed improvements.

Chapter two of this report provides background on Justice's organization and resources and describes the managerial challenges facing the Attorney General. Chapter three summarizes our findings on the condition of the management systems supporting the Attorney General, and chapter four discusses recommendations for improvement. A more detailed discussion of our findings and recommendations in selected program and administrative management areas is included in the appendixes to this report.

We reviewed Justice's management systems to assess how they assist the Attorney General in directing and overseeing the Department's operations. We divided these systems into seven groups: policy, planning, and budgeting systems for providing management direction and monitoring performance; administrative support systems of information resources management, financial management, personnel, and procurement, which are necessary for effective program delivery and control; and departmental capabilities to review the efficiency and effectiveness of operations through audit and evaluation and productivity management.

We also examined the following priority departmentwide initiatives to determine how management system problems affect the Attorney General's direction and control of program operations:

- The Organized Crime Drug Enforcement Task Force (OCDEF) Program, a major nationwide effort to coordinate federal law enforcement resources against illegal drug trafficking;
- The National Asset Seizure and Forfeiture (NASAF) Program, a program to deprive lawbreakers of the financial resources resulting from their crimes; and
- The Legal Process Debt Collection Program, in which the DOJ serves as litigator for the collection of multibillions in civil and criminal debts owed the government.

Our audit work, conducted between May 1984 and May 1985, was performed in accordance with generally accepted government audit standards and involved

- reviews of reports issued by GAO and others during the last several years on Justice activities and programs;
- discussions with officials in the Offices of the Attorney General, Deputy Attorney General, and the Associate Attorney General; and
- interviews and review of records in the Justice Management Division (JMD), Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Immigration and Naturalization Service (INS), Bureau of Prisons (BOP), Executive Office for U.S. Attorneys (EOUSA), Civil Division, Criminal Division, Tax Division, U.S. Marshals Service (USMS), and Office of Justice Programs.

Audit work was also conducted in some of these components' regional and district offices in seven states—California, Florida, Maryland, New York, Texas, Vermont, and Virginia. These locations were selected to provide geographic representation of DOJ offices.

We also retained as consultants five former top officials of the Department and law enforcement experts. In addition, a panel composed of members of the National Academy of Public Administration advised our study team. To further broaden our perspective of DOJ management systems and processes, we interviewed 14 other former high-level DOJ officials and several congressional staff members.

We briefed Attorney General Meese on April 26, 1985, 2 months after his appointment, on management issues affecting his ability to direct, monitor, and control operations to achieve his priorities.

The Challenge of Managing the Department of Justice

The Attorney General faces formidable challenges as the Nation's chief law enforcement officer and as the executive of a large, diverse, and widely dispersed department faced with major program responsibilities. While the Department's offices, boards, divisions, and bureaus have traditionally operated in a decentralized manner, there is increasing recognition within the Department that coordinated management of Justice's 31 components offers the potential for improved operating efficiency and effectiveness. In addition, the Attorney General faces expectations from the Congress and Office of Management and Budget to improve departmental management capabilities. We reviewed Justice's management systems and processes to assess how they could better assist the Attorney General in directing and overseeing the Department's programs and operations.

The Attorney General As Chief Law Enforcement Officer

As the Nation's chief law enforcement officer, the Attorney General (1) provides legal advice to the President and the heads of executive departments and agencies; (2) represents the United States in legal matters; (3) sets law enforcement policy and priorities for the FBI, DEA, BOP, USMS, and INS; and (4) recommends candidates to the President for appointment to federal judicial positions as well as others for presidential appointment to positions within Justice.

As lawyers, Attorneys General are inclined to focus upon specific legal issues and cases. Issues that have received considerable time and attention from recent Attorneys General include criminal code and grand jury reform and guidelines covering FBI domestic security and foreign counterintelligence investigations. Although only 14 percent of the Department's personnel resources are devoted to the litigation/prosecution function, these activities command a substantial share of the Attorney General's attention. Each Attorney General must choose from competing demands for his time and allocate his energies accordingly.

The Attorney General As Policymaker and Manager of the Department of Justice

Beyond his many roles as lawyer, presidential advisor, and law enforcement officer, the Attorney General oversees a large, decentralized department. The vast majority of the Department's resources are expended in the pursuit of its missions of investigations/enforcement, detention/corrections, and assisting state and local law enforcement. These missions pose diverse and complex policy formulation and management tasks, including

- combatting the ever-increasing availability of illegal drugs in the United States—drug seizures in fiscal year 1984 totaled over 1.4 million kilograms of heroin, cocaine, marijuana, and hashish and 13.9 million dosage units of other dangerous drugs;
- detecting and prosecuting espionage, treason, and terrorism within the United States;
- leading federal efforts to investigate and prosecute fraud against the government, which can range from fraud in major defense contracts to fraudulent application for Medicare payments;
- stemming the tide of illegal immigration—more than 1.1 million illegal aliens were apprehended in 1984; and
- maintaining a nationwide prison system that is about 41 percent over capacity and projects a daily inmate population of 36,569 during fiscal year 1986.

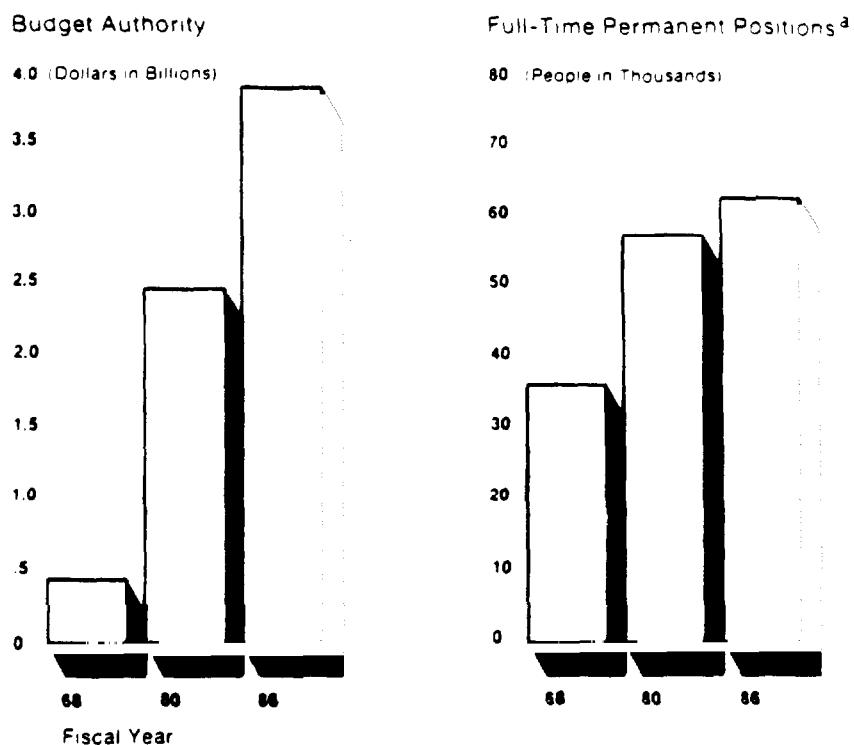
**Attorney General
Management Is Constrained
by Organizational Structure
and Dependent Upon
Information Technology**

Managing the wide range of Department program activities is a challenging task. The Department's operations are dispersed and depend on information technology. Its decisionmaking is traditionally decentralized, with operational control resting in the offices, boards, divisions, and bureaus. Attorneys General, who have averaged less than 2 years office since 1969, have little time to come to grips with this complex bureaucracy.

Since 1968, when the Department last assumed a new major program responsibility, the combat of illegal drug trafficking, it has experienced significant resource growth—a 79 percent increase in personnel and a 803 percent increase in funding.¹ This growth has called for more attention to the management systems needed to direct and control operations. (See figure 2.1.)

¹Funding increase was 280 percent when adjusted for inflation.

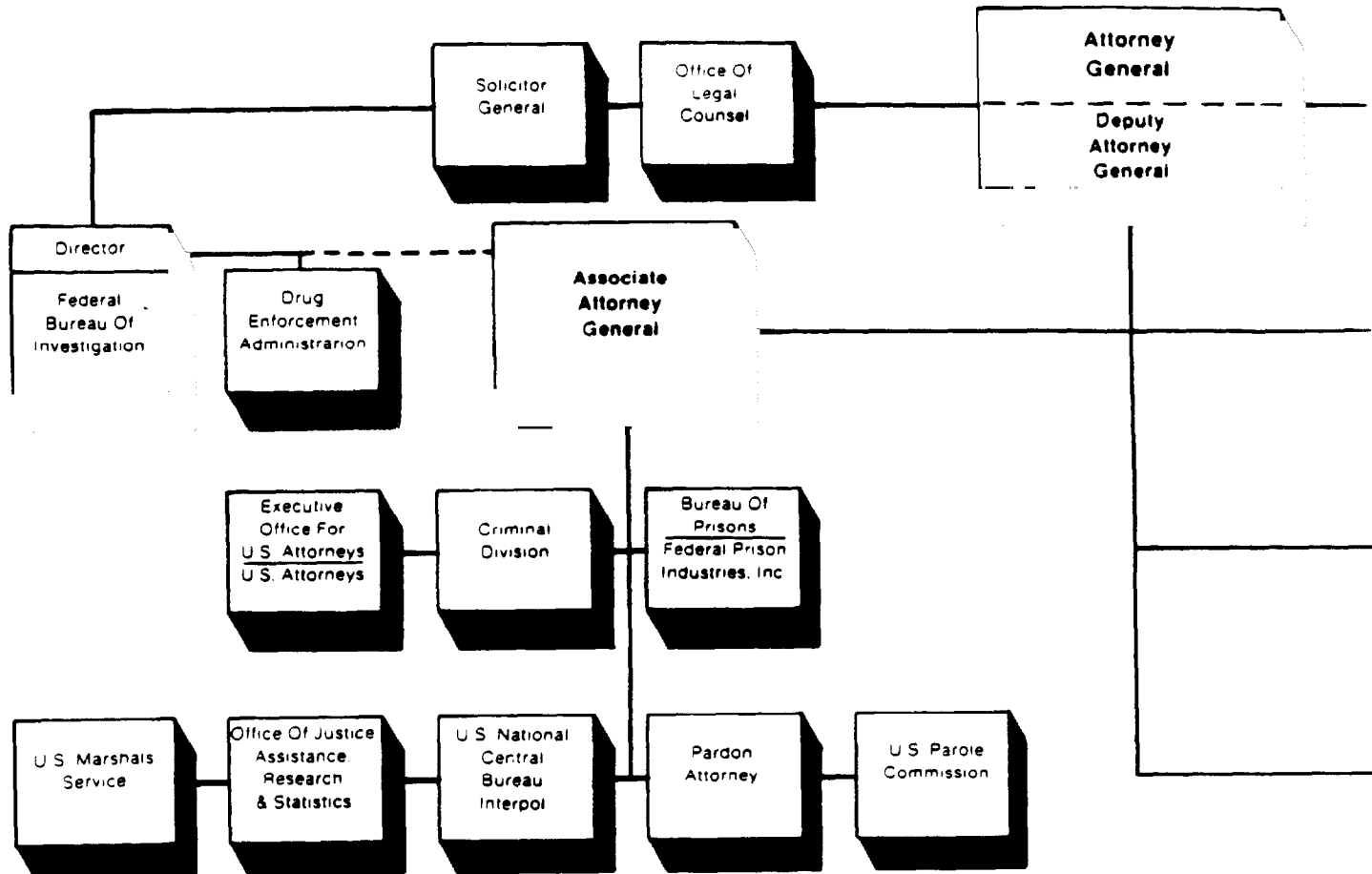
**Figure 2.1: Changes in DOJ Staffing
and Budget for FY 1988, 1980, and 1986**



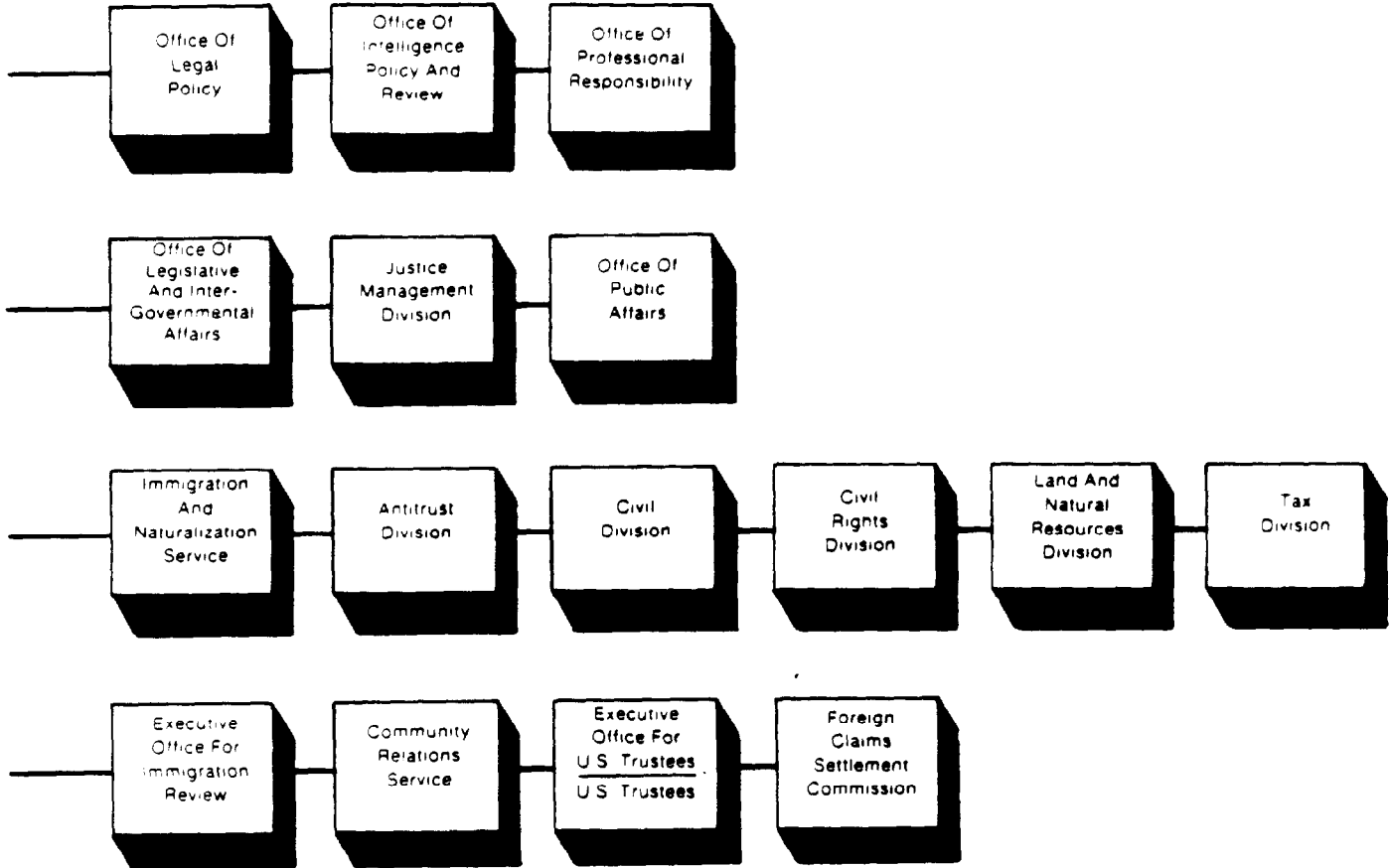
^a Figures Don't Include Reimbursements

The Department's program activities are pursued by 31 components, consisting of 15 offices, 7 divisions, 6 bureaus, and 3 boards. (See figure 2.2.) For fiscal year 1986, the Department received over 63,000 positions and \$3.9 billion in budget authority for Department activities (including administrative support costs).

Figure 2.2: Organization of the Justice Department

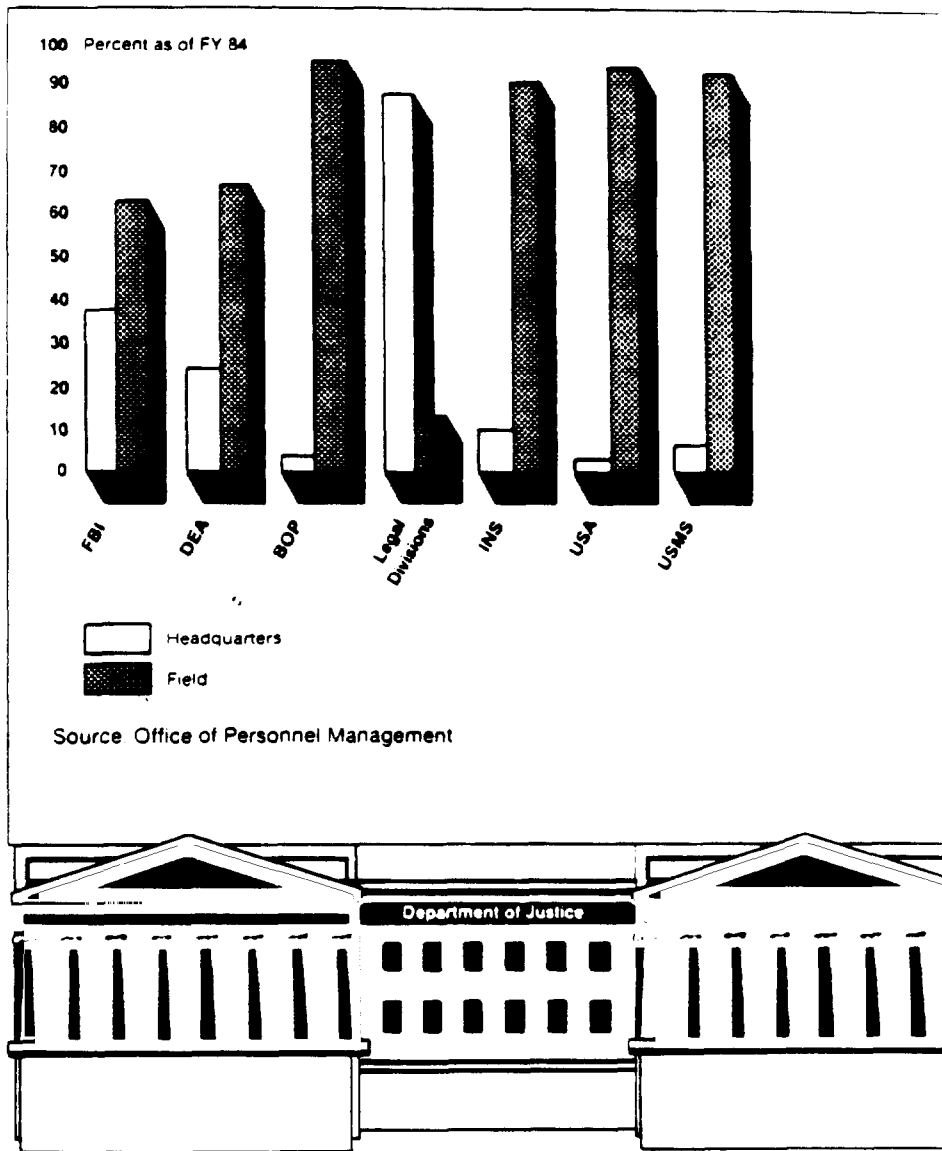


As Of 1/24/84



The Department's law enforcement mission requires it to maintain an extensive field structure that is dispersed both nationwide and overseas. (See table 2.1.) Over 75 percent of the Department's personnel resources are located in the field. (See figure 2.3.)

Figure 2.3: Percentage of Headquarters and Field Employees at DOJ and Selected Components



To some extent, the Attorney General's control over the configuration of this field structure is constrained. The Congress created a total of 94

judicial districts and required the appointment of a U.S. attorney and U.S. Marshal for each district. The Department's principal investigative offices, the FBI and DEA, have consequently aligned their 78 field offices with the prosecutive and judicial structure. This widely dispersed field structure poses challenges to Attorneys General who are responsible for establishing and ensuring uniform application of policy.

Table 2.1: DOJ Worldwide Operations^a

	Components					
	FBI	DEA	INS	BOP	USMS	USA
U.S. Based						
Regional offices	•	•	4	5	•	•
Field district offices	59	19	53	46 ^b	94	94
Sub-offices	400	101	162 ^c	37 ^e	129	192 ^d
Overseas						
	13	61	17	•	•	•

^aFor selected components. Other components with dispersed field structures include the U.S. Parole Commission; Community Relations Service; the Criminal, Civil, Tax, Lands, and Antitrust Divisions; Executive Office for Immigration Review; U.S. Trustees; and the Justice Management Division.

^bIncludes BOP institutions and facilities.

^cIncludes INS border patrol sectors, border patrol substations, and regional adjudication centers.

^dIncludes 82 staffed branch offices and 110 unstaffed offices.

^eIncludes 3 staff training centers and 34 community program offices.

Management of information resources is also critical to the operation of the Department's programs. The maintenance and processing of litigative, investigative, and immigration records is a major activity. Twenty telecommunications systems tie together the Department's widely dispersed field operations. The Department requested more than \$445 million—over 11 percent of its total fiscal year 1985 budget—for automated data processing and telecommunications support. Over the next 5 years, Justice estimates it will devote almost \$1.3 billion to managing and enhancing these systems.

Decentralized Operations Foster Managerial Discretion

The Department's components have traditionally exercised discretion in planning and conducting program operations. A number of studies of the Department describe a pattern of decentralized decisionmaking and relative component autonomy in terms of program management.²

²Glen E. Pommerening, Chairman, *Management of the Department of Justice* (Washington, D.C., U.S. Department of Justice, Sept. 24, 1973); Richard S. Stillman, "The Bureaucracy Problem at DOJ," *Public Administration Review*, Vol. 36, No. 4 (July/August 1976), pp. 429-439; James Eisenstein, *Counsel for the United States, U.S. Attorneys in the Political and Legal Systems* (Baltimore: The Johns Hopkins University Press) 1978, pp. 1-13; Daniel Meador, *The President, the Attorney General*

The significance and diversity of the programmatic challenges, the focus of much of the work, the size of the components, as well as traditions developed over time, have all contributed to decentralized decisionmaking. For example:

- The FBI, the Department's largest component, represents a major management task, requiring its own management processes and administrative support structure. It pursues more than 200 categories of investigative activity. Some activities, such as espionage, anti-terrorism, undercover investigations of major organized criminal activity, and sensitive investigations involving public figures, call for great secrecy and security from inadvertent exposure. Pursuit of its mission requires considerable discretion on the part of field agents who also must comply with both departmental guidelines and FBI headquarters policies. In addition to its investigative work, the FBI provides an extensive range of services, such as fingerprint identification; investigative record check and crime laboratory analyses to federal, state, and local governments as well as private organizations. Its fingerprint identification division alone employs about 2,500 persons and presents a major management task because of its enormous workload.
- The U.S. attorneys are presidential appointees, subject to removal only by the President. They possess a considerable degree of operating independence by virtue of their stature in the local community and the expectation that they will address the crime conditions within their jurisdictions. As a result, U.S. attorneys exercise significant discretion in prosecutive policies and the management of their offices.
- The U.S. Marshals require considerable managerial discretion to balance the requirements of supporting the federal courts by providing court security for thousands of federal judges and other courtroom personnel and managing such Justice Department programs as providing security for over 4,000 federally protected witnesses and their families, annually transporting thousands of federal prisoners, and pursuing fugitives from justice.

Executive Turnover

Turnover at the senior policy level makes it difficult to maintain management direction and control initiatives. This problem takes on added significance given that Justice has over 221 political appointees—more

and the Department of Justice (University of Virginia, 1980), pp. 17-18, pp. 127, 143 and 146; and James Hoobler, Management by Objectives in the Department of Justice: Theoretical Constructs and Real World Problems Associated with the Evolution of a Formal Management System in a Major Federal Department (Dissertation, University of Maryland, 1980), pp. ii-iii, pp. 5-9, 12-14, 15, 20, and 22.

than most federal agencies—including such members of the Attorney General's management team as the Deputy Attorney General (the Deputy), the Associate Attorney General (the Associate), and most component heads. Statistics show that, since 1969, Attorneys General have averaged 23.3 months in office, Deputies 13.5 months, and Associates 18.6 months.

Rapid turnover can cause problems in management and program continuity. According to the Task Force of the President's Private Sector Survey on Cost Control, "It is not possible to implement and sustain meaningful management improvement in an environment characterized by persistent changes in management." Several former Justice officials expressed their concerns over the lack of continuity in Department management. One former official expressed the view that no management institutions survive from one administration to another as new managers are brought in and old policies are discarded.

Recognized Need for Improved Departmental Management

Although the Department's diverse programs are essentially managed with considerable discretion by the components, there has been recognition of the interdependency among the components' operations and the need to coordinate and manage their activities in an integrated manner.³

Except for the courts, the Department contains all the elements of the federal criminal justice system. An increase in one organization's activities oftentimes results in a subsequent increase in workload for one or more other components. For example, the investigative and enforcement activities of the FBI, DEA, and INS affect the U.S. attorneys, the Department's litigating divisions and boards, and the U.S. Marshals Service. The resulting criminal caseload subsequently affects the federal courts and eventually places additional pressures on the U.S. Marshals and BOP to house offenders.

The diversity and interdependence of missions poses a significant challenge to Justice's management. A decision to increase resources or to modify policies for one organization also places resultant pressures on other organizations. As a result, Justice management must attempt to identify and plan for any system delays, dislocations, and/or failures

³For example, see Richard E. Cohen, "Justice Report/Richardson Moves to Assert His Control of Watergate-Shaken Justice Department," *The National Journal* (July 14, 1973); Richard J. Stillman, "The Bureaucracy Problem at DOJ," *Public Administration Review*, Vol. 36, No. 4 (July-August, 1976); and James Hoobler (Dissertation, University of Maryland, 1980), pp. ii-iii, pp. 5-9, 12-14, 18, 20, & 22.

that would negate the expected benefits of new resources or modify policies.

Since the early 1970s, various officials within the Department have recognized the need for an integrated management system. Recently, former Attorney General Smith reaffirmed the validity of this concept. In a report to DOJ employees he said

"... more than a collection of people and functions, a department is a way of approaching problems with some sense of cohesion and thoughtfulness. . . . To be truly a department, each unit's successes must make sense in the context of the larger whole."

This concept was the foundation of the Organized Crime Drug Enforcement Task Force initiative aimed at achieving a balanced, coordinated federal law enforcement effort against illegal drug trafficking and the Criminal Justice System Budget Hearings, conducted during 1982 and 1983, which were held to assess how one component's program budget proposals could affect the operations of other organizations within the criminal justice system.

Most recently, Attorney General Meese has acknowledged the importance of departmental management through his creation in June 1985 a Department Resources Board with the mandate to develop a planning, programming, and budget system in the Department to ensure an integrated approach to management that would emphasize long-range issues.

External Requirements for Departmental Management

While there has been some acknowledgement within the Department of the need to coordinate the management activities of the 31 components, the Attorney General faces external requirements, in the form of legislation and recent presidential initiatives, to strengthen departmental management processes. Examples of such initiatives follow:

- The Paperwork Reduction Act of 1980 (P.L. 96-511) emphasizes strong central departmental management of costly information resources to avoid duplication and create efficiencies in the use of information resources.
- The Federal Managers' Financial Integrity Act of 1982 (P.L. 97-255) requires the head of each agency to report on internal controls in place to protect against fraud, waste, and abuse.

- The Office of Federal Procurement Policy Act Amendments of 1983 (P.L. 98-191) and Executive Order 12352 mandate the development of departmentwide procurement systems under the direction of a senior procurement executive.
- OMB Circular A-127 prescribes that each agency establish and maintain a single, integrated financial accounting system which may be supplemented by subsidiary systems.
- OMB Bulletin No. 84-14, June 1984 requires that each department/agency report to OMB about its management improvements as part of its budget oversight process. As part of this process, OMB is conducting reviews of federal agencies to identify and track progress on major administrative support issues.

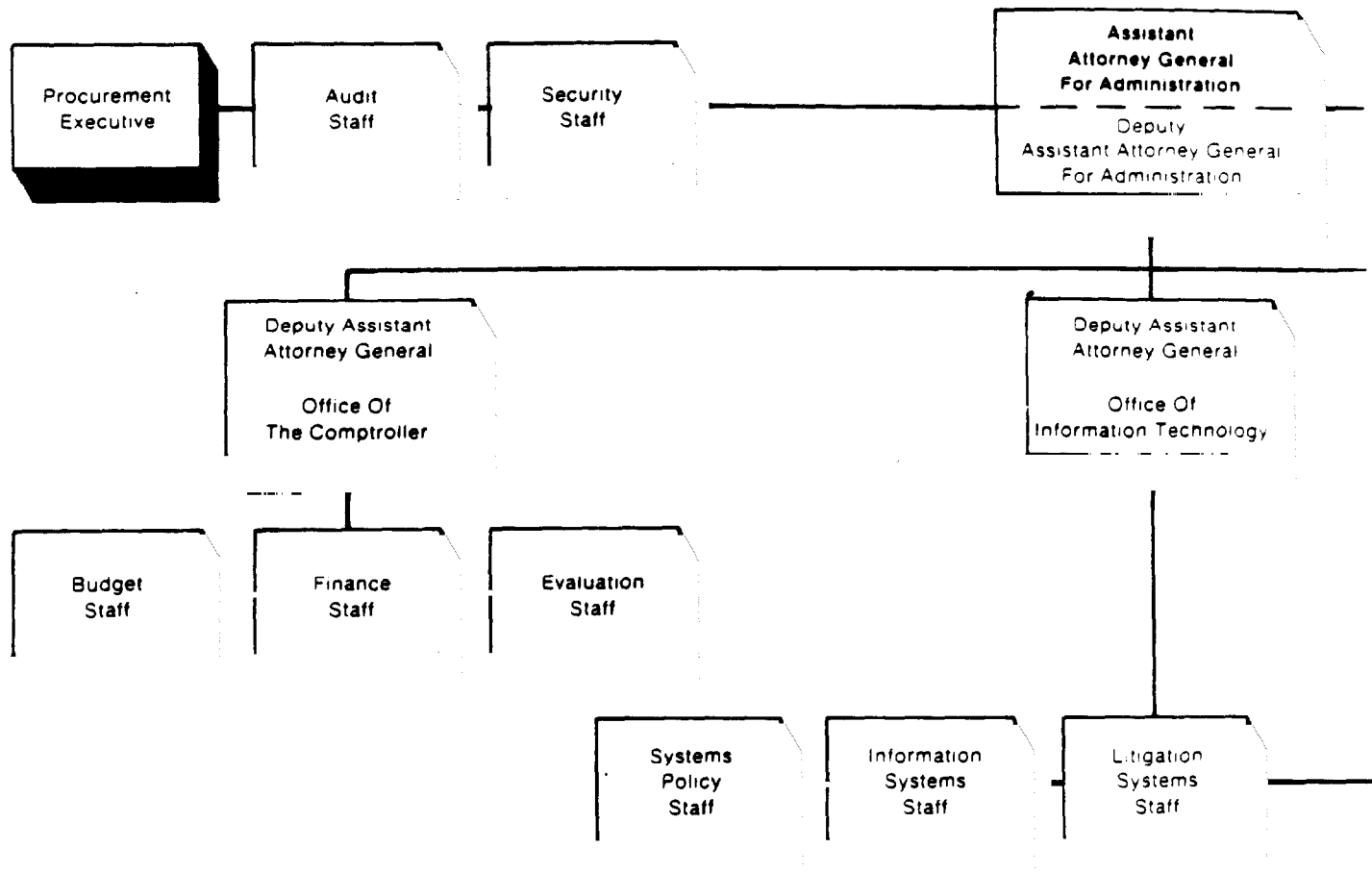
The Attorney General's Management Support

The Attorney General relies principally on the Deputy Attorney General and Associate Attorney General to assist him in providing executive direction and control over DOJ's wide-ranging activities. The division of responsibilities between the Deputy and Associate Attorneys General has varied, at times, because of the backgrounds of the persons filling these posts. At times, the Deputy and Associate have both reported directly to the Attorney General, dividing oversight responsibility for civil and criminal functions, depending upon their experience. At other times, the Associate has reported through the Deputy who in effect serves as the chief executive officer.

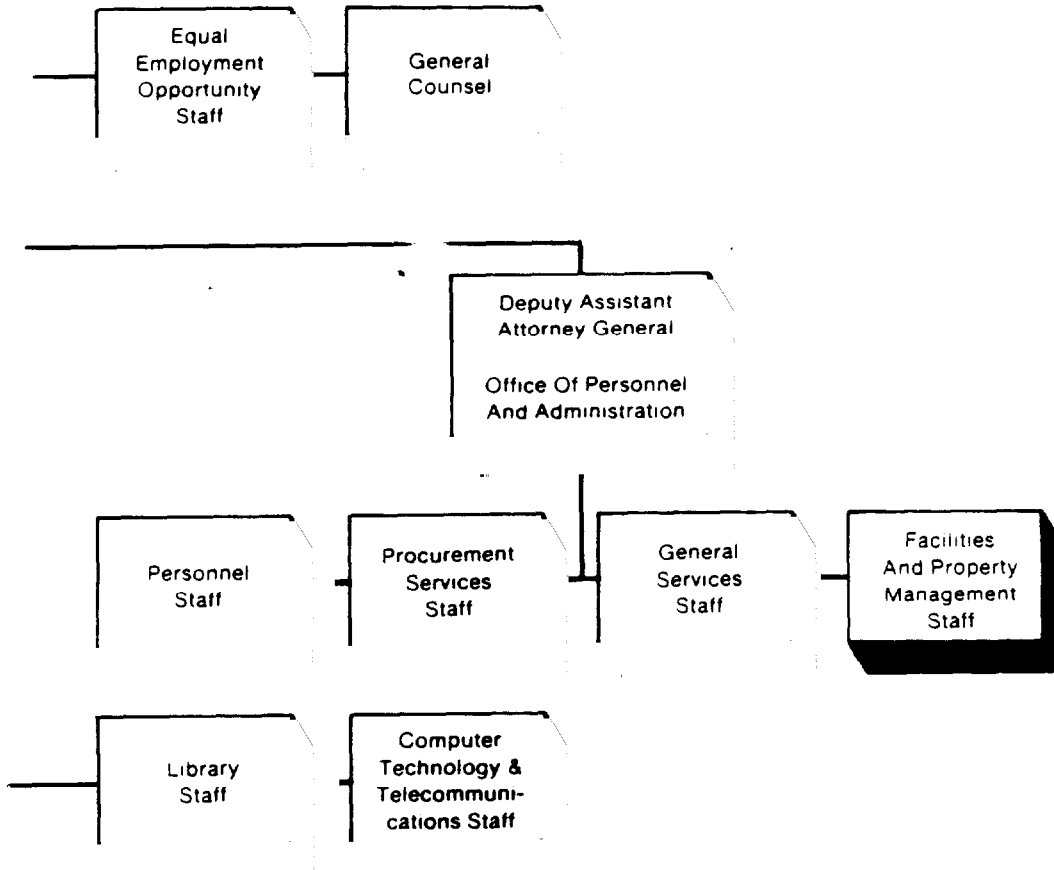
Other offices supporting the Attorney General include the Office of Legal Counsel, which assists the Attorney General in providing legal advice to the President and executive branch agencies; the Office of Legislative and Intergovernmental Affairs; and the Office of Legal Policy, which was established to plan, coordinate, and implement major policy initiatives. Each office is headed by an Assistant Attorney General.

The Justice Management Division (JMD), headed by the Assistant Attorney General for Administration, is the Attorney General's principal organization for management and administrative support. (See figure 2.4.) As such, JMD is responsible for establishing administrative policies, programs, and procedures to support the Department's mission in an effective and efficient manner. JMD also provides management, financial, and administrative assistance, including the operation of central administrative facilities and services, to the offices, boards, divisions, and to the bureaus as required, and provides for the internal review of Department activities to ensure compliance with federal laws and regulations and Department directives and policies.

Figure 2.4: Organization of the Justice Management Division



As Of 11/29/84



Although generally perceived as purely an administrative support or service organization, only half of all discrete JMD functions, according to JMD documents, support such service activities; the remaining half involve policy and program development for such service activities and other management assistance functions (budget formulation, evaluation, and audit), and liaison responsibilities.

Personal Perspectives on Departmental Management

The discussions we had with former departmental officials supply a personal and perhaps more understandable description of the perspective of the Attorney General, Deputy Attorney General, and Associate Attorney General as senior policy officials and managers of the Department. These discussions provide a picture of busy executives who have concentrated on specific legal and related law enforcement issues with limited time, background, or inclination to devote their energies to management issues and with limited support capabilities for addressing management issues and/or problems.

These officials depict Attorneys General as persons generally preoccupied with legal issues and other related activities. A former special assistant to the Attorney General noted that Attorneys General are selected for their legal background and not for their management experience. He said individual cases and a variety of other important functions, such as reviewing candidates for appointment to the Supreme Court by the President, take priority over Department management issues. A former Associate Attorney General described the Attorney General as consumed by multiple demands on his time, leaving management of the Department to the Deputy and Associate.

The Deputy and Associate, however, generally share the same legal orientation as the Attorney General and also confront major demands on their time. One former Deputy said that while the Deputy Attorney General has prime responsibility for managing the Department, he has several non-management roles that require a great deal of time. Another former Deputy, having expressed his concerns over such management issues as the Department's computer systems and capacity for coordinating policy initiatives, described how the press of events prevented him from giving these issues the necessary attention. This former official went on to state that the key to the success of any departmental management effort is Attorney General and Deputy Attorney General support. A former Assistant Attorney General for Administration added his perspective that the components consume so much of the Deputy's time with their own issues or problems that the Deputy cannot devote sufficient time to managing with a departmental perspective.

The comments of former officials described a general disinclination by top Justice officers to address management issues. This follows in part from their legal backgrounds and predisposition to focus upon legal issues and selected cases. But it also suggests that short-term political appointees have limited incentives to spend time managing. A former

Deputy Attorney General who expressed this viewpoint described management as a process that inherently means cutting back activities and reallocating resources. This cutback and reallocation causes change, which results in dissension within the organization and the potential for congressional intervention. He further stated that this possible dissension and intervention offers little reward to an Attorney General whose status within the President's Cabinet is based upon the acceptance of his policy initiatives. A former Associate Attorney General, reflecting upon several management areas which he felt deserved attention but on which he did not act, said that given the short tenure of political appointees and the likely opposition from segments of the organization, appointed officials often decide that the management issues are not worth the fight.

The former officials provided a range of comments on the limited support available to the Attorney General and Deputy Attorney General to manage the Department and the difficulty faced by JMD operating within the Justice Department. A number of officials commented on the thinness of the staff support available to the top officials and the need for a strong staff capability to manage the Department. Some comments reflected an assessment that JMD does not have the organizational stature to provide the needed support. A former Deputy Attorney General said that because the Deputy's time is too often involved in non-managerial responsibilities, it is difficult to provide the Assistant Attorney General for Administration with the necessary support. One former special assistant to the Deputy asserted that JMD, a management assistance and administrative support organization, is always going to face challenges functioning in a lawyers' environment. Another official, describing the difficulty of selling management concepts, said that the political leadership of the Department is dominated by the legal profession and that there is a natural abhorrence of planning and management.

These views, expressed by officials who worked closely with seven Attorneys General, point to the challenges of developing and implementing departmental management systems and processes.

Improving Departmental Management Capabilities

If the Attorney General is to achieve an integrated management system to direct and control departmental operations, he will need capable support, as well as management systems and processes which will facilitate policy and program oversight. For example, the Attorney General will need to

- develop policy goals and a strategic plan to guide departmental operations, oversee component program planning activities, and monitor program operations to insure the accomplishment of both policy goals and program objectives;
- establish a central management capability for automated information systems to ensure that the Department's information resources are efficiently and effectively planned and implemented;
- formulate and implement a departmental management plan to address the many financial management systems problems; and
- make better use of available management processes in order to identify systematically opportunities for improving the Department's efficiency and effectiveness.

The strengthening of these departmental management processes should assist the Attorney General in formulating and monitoring his policy agenda and program priorities, as well as better controlling major initiatives such as

- the expenditure of \$78 million for accounting system enhancements to generate more reliable and timely financial data,
- the development of a departmental telecommunications strategy for consolidating several existing telecommunications networks and saving \$36 million or more over 10 years,
- the management of over \$150 million in property seizures in connection with drug trafficking, and
- the collection of multibillion dollars in debts owed the government.

While the Attorney General created the Department Resources Board (DRB) in June 1985 to assist him in managing the planning, programming, and budgeting system and implementing the President's management improvement program, as of January 1986, it was not clear how the DRB would accomplish these responsibilities. The DRB must rely on existing management systems designed to support the Attorney General. The following sections set forth the conditions of such management systems, the effect of existing weaknesses, and our recommendations for corrective action.

Strengthen Departmental Planning, Programming, and Budgeting Processes

Early in Attorney General Smith's administration, some policy officials recognized improvements were needed in the Attorney General's ability to set departmental direction, plan and oversee major policy initiatives, and allocate resources among components. They attempted to implement processes for establishing departmental goals, coordinating program plans, and considering the components' separate budget submissions from a departmental perspective. However, these efforts largely failed because responsibility was not clearly fixed and because interested officials departed.

For example, former Deputy Attorney General Schmults and Associate Attorney General Giuliani recognized early in their tenures that there were no departmental goals. The effect of not having such goals was summed up in one JMD document as follows:

"Without a clear, agreed upon concept of where we want to go and an institutionalized means of adapting to unknown future events and still move toward or modify advantageously our longer range goals, we will be controlled by and wholly reactive to events."

Recent Efforts to Improve Departmental Planning Capability Have Lapsed

In an effort to involve agency component heads in formulating and implementing departmental goals, a process known as the Criminal Justice System Budget Hearings was introduced in 1982. Former Deputy Attorney General Schmults expected 4 to 5 years would be needed to institutionalize this process as well as have it result in long-range goals and directly affect the budget process. The three overview sessions never resulted in a strategic plan, and the hearing process was not reconvened after 1983. According to a former Associate Deputy Attorney General, the sessions lapsed because (1) no departmental entity was assigned responsibility for planning and conducting these sessions and (2) interested department-level policy officials and their staffs left office.

A second effort to improve the Department's planning capabilities was the establishment of the Office of Legal Policy. According to its mission statement, the Office's principal responsibilities are to plan, develop, and coordinate the implementation of high priority initiatives of the Department and the administration. However, the Office did not function as originally conceived and evolved into a more project-oriented group. This situation occurred because the Office's authority was not clearly established.

Deputy Attorney General Schmults told us that the Office was established to (1) help the Attorney General formulate the policy position should take in different areas by pulling together the diverse views of the components and (2) coordinate and justify new policy initiatives such as the Organized Crime Drug Enforcement Task Force Program that he felt components would not have time to develop. However, the first Assistant Attorney General to head the Office viewed the Office's role as being responsible for ensuring departmentwide consistency in legal policy implementation. Both officials told us that OLP did not have a mandate to oversee or coordinate the program planning activities of the components.

Despite earlier attempts to establish a program planning office, the Department presently does not have an entity responsible for (1) coordinating and developing major policy initiatives and (2) integrating components' program plans and precluding the overlap of operations and duplication of resource requests. Further, the Department does not have a process for overseeing the components' program plans to ensure that the Attorney General's management agenda is properly translated into the plans and that plans (1) state specific objectives, performance criteria, milestones of activity, and costs necessary to implement the strategy; (2) delegate responsibility for program operations; (3) assign adequate resources to fulfill objectives; and (4) provide performance measures for evaluating the efficiency and effectiveness of program operations.

Without an established entity and a systematic oversight process, the only review of the components' program planning is performed by JME Budget Staff and the Budget Review Committee as part of their annual review of the components' budgets.¹ This approach has not been completely effective in providing needed management direction. Without an established entity and system to oversee the planning and implementation of major policy initiatives, the Attorney General has had to turn to the Deputy, the Associate, or the component heads with already demanding schedules to perform these functions on an ad hoc basis.

¹The Budget Review Committee consisted of the Deputy Attorney General, the Associate Attorney General, and the Assistant Attorney General for Administration. It was abolished on June 14, 1985 and replaced by the Department Resources Board.

Policy and Planning Weaknesses Can Affect Program Operations

Our review of three major program initiatives illustrates how the Attorney General can be constrained by the lack of a professionally staffed policy and program planning office. These constraints include overburdening top managers and their staffs with program development responsibilities, inadequate coordination of program activities, and inconsistent performance monitoring. Some examples follow.

- To ensure that the Organized Crime Drug Enforcement Task Force Program was developed expeditiously, former Deputy Attorney General Schmultz shifted coordination responsibility from the Office of Legal Policy to the Associate Attorney General because he felt a line organization would be able to more quickly accomplish the work needed to be done. The Associate Attorney General, his staff, and a small group composed of representatives from the Attorney General's Office and the Deputy Attorney General's Office subsequently developed the strategy and plans needed to implement the Attorney General's expectations. According to a former counsel to the Attorney General, this effort required intensive commitment for about 6 months, which limited their attention to other duties (see app. VI).
- The Department's National Asset Seizure and Forfeiture Program has had numerous problems including (1) inadequate coordination and cooperation among Justice components, (2) inadequate or inconsistent procedural advice and guidance, and (3) confusion over responsibilities. According to a 1983 Justice report, the lack of cooperation among the Department's investigative, prosecutorial, and support organizations adversely affected the timeliness and quality of litigation and resulted in procedural delays that led to unnecessary storage costs and manpower expenditures. As noted on page 108 of appendix VII, the Department has taken action to correct these problems, including designating the U.S. Marshals Service as the lead property management agency and creating a new office within the Criminal Division to coordinate guidance. However, the Department's reliance on component program planning, with limited departmental program policy and planning oversight, can result in problems.

For example, the U.S. Marshals Service has been relied on for developing the plans needed to launch its National Asset Seizure and Forfeiture Office, which will gradually assume departmentwide responsibility for all seized assets. According to the Marshals Service's Assistant Director for Financial Management, the Service submitted a request to OMB in June 1983 for 100 positions and \$10.5 million for the NASAF Program. Because the U.S. Marshals Service did not develop an implementation plan, the Service could not justify its resource request to OMB even