

U.S. DEPARTMENT OF THE INTERIOR
Office of Inspector General

Progress Report

*Secretary's Directives for
Implementing
Law Enforcement Reform in the
Department of the Interior*

August 2003
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Introduction

This report presents the results of our follow-up review of the Secretary's directives contained in the *Law Enforcement at the Department of the Interior, Recommendations to the Secretary for Implementing Law Enforcement Reforms* report issued in July 2002. During our review, we concluded that the Bureaus and Office of Law Enforcement and Security (OLES) have made limited progress in the timely implementation of corrective actions and require serious efforts to fully implement all recommendations.

Background

In March 2001, at the request of the Secretary, we conducted an assessment of the Department of the Interior's law enforcement activities. The assessment, *Disquieting State of Disorder: An Assessment of Department of the Interior Law Enforcement*, completed in January 2002, recognized numerous law enforcement weaknesses that demanded attention. The final report contained 25 recommendations to improve the leadership, organization, control, and accountability of Departmental law enforcement.

To address these recommendations, the Secretary assembled and charged a Law Enforcement Review Panel (Review Panel) to evaluate our assessment and formulate directives in implementing recommendations. In July 2002, the Panel presented the Secretary with its report, *Law Enforcement at the Department of the Interior, Recommendations to the Secretary for Implementing Law Enforcement Reforms*. The Secretary approved the recommendations of the Review Panel and directed that the Panel and the Deputy Assistant Secretary – Law Enforcement and Security, along with the Bureaus, implement the Review Panel's recommendations.

Objective and Scope

The objective of the follow-up review was to provide the Secretary with a progress report regarding the status of the Review Panel's recommendations.

Our follow-up review consisted of interviewing law enforcement officials, from both the Bureaus and OLES, as well as reviewing reports and documents we considered essential in determining whether actions implemented have sufficiently accomplished the Secretary's directives.

We conducted our follow-up review in accordance with the President's Council on Integrity and Efficiency Quality Standards for Inspections. Accordingly, we conducted tests or reviews of records that we considered necessary under the circumstances.

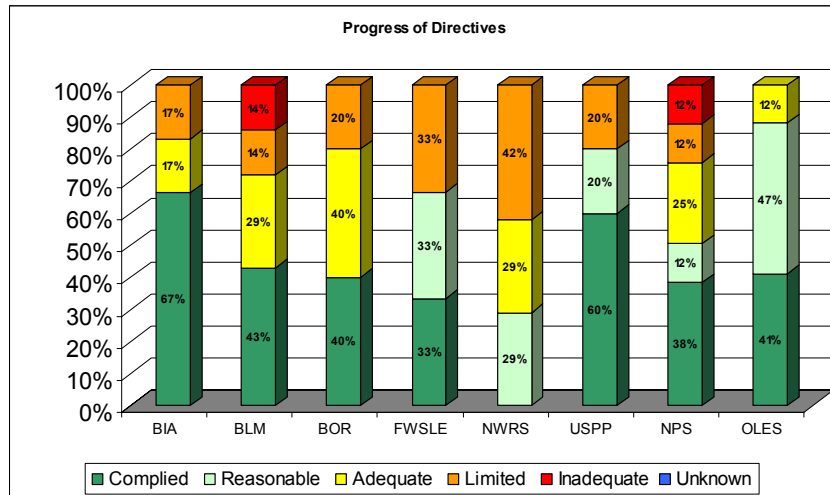
Results of Review

Overall

OLES and the Bureaus have made efforts in improving their law enforcement programs (figure 1). However, the overall pace of reform has been slow-moving, primarily caused by early resistance to the Secretary's directives. In the most recent months, significant movement and accomplishments have been realized, much of which can be attributed to OLES receiving additional staffing – both permanent and detailed – thus allowing OLES to begin to address the necessary policy revisions and implementations. Bureau law enforcement offices have also begun to take shape and to make an impact by establishing Bureau policies and oversight.

Of the 25 directives, our review found that eight have been fully implemented with the remaining 17 ranging from limited to reasonable progress toward implementation. For example, the following directives have yet to be successfully addressed by the Bureaus:

- Directive 12 - Bureau and OLES to address immediate shortages impacting officer safety.
- Directive 8 - Bureau plans to enhance the accountability of field operations,
- Directive 11 - Bureau completion of staffing models and methodologies, (except USPP and FWSLE)
- Directive 16 - Developing senior level, full time security managers. (except BIA and BOR)



*Level of progress toward implementing the Directives
Figure 1*

The following are the paraphrased directives formulated by the Law Enforcement Review Panel and the progress demonstrated by the Office of Law Enforcement and Security and/or the Bureau law enforcement programs.

Directives and Findings

Directive 1

The Department should create a new career level Deputy Assistant Secretary for Law Enforcement and Security (DAS-LES), reporting directly to the Assistant Secretary for Policy, Management, and Budget (PMB).

Secretarial Order No. 3224 established a new Deputy Assistant Secretary for Law Enforcement and Security position that reports to the Assistant Secretary for PMB. The position was filled in July 2002 with the hiring of Mr. Larry Parkinson.

Directive 2

DAS-LES, in consultation with the Board of Advisors, draft and codify the protocols and procedures for emergency deployment efforts.

We determined that OLES improved emergency deployment efforts by establishing an agreement with the United States Marshals Service to provide deputization of certain Interior law enforcement personnel so that DOI may exercise authority and jurisdiction when necessary; by creating an Interagency Agreement enhancing coordination between Bureaus; by delegating the DAS-LES, with a Secretarial Order, authority to allocate resources; and by creating a Metropolitan Police Department MOU that provides authority for DOI law enforcement personnel within the District of Columbia. OLES is in the process of revising 291 DM Chapter 1, *Authority during Emergencies*; 212 DM Chapter 13, *General Authorities for DAS-LES*; 446 DM Chapter 4, *Emergency Assistance*; and 446 DM Chapter 5, *Critical Incident Response*.

Directive 3

OLES should be staffed with dedicated and experienced law enforcement personnel. The Review Panel recommends the DAS develop a staffing model that meets the needs of the office. Detailed personnel from the Bureaus should play an integral element of the office's staffing model.

During our review, we found that OLES has made great strides in fulfilling this directive by developing and implementing a staffing plan that began in fiscal year (FY) 2003. OLES has filled all primary positions and its organizational chart includes both permanent full-time Departmental employees and detailees from each Bureau. However, staffing levels continue to be cause for concern within OLES due to the significant Homeland Security duties and responsibilities which detract from the law enforcement program needs and oversight. New permanent positions are required in addition to the continuance of Bureau detailed positions.

Directive 4

DAS-LES should review and revise the policies and procedures which guide the Bureau's interactions with OLES. This should be done in consultation with the Board of Advisors.

We learned that the OLES has made adequate progress by revising the Departmental Manual 446 (Chapters 1-9). These revisions have been reviewed by the Bureaus and the Solicitor's Office and will soon be implemented. Also, additional chapters under development include: Conduct and Discipline; Pursuits and Use of Force; Undocumented Aliens; Canine; and Level of Clearances for non-law enforcement managers. These chapters will be submitted to the Bureaus and the Solicitor's Office for review in August of 2003.

Directive 5

The coordination and review responsibility for law enforcement and security budgets should be formalized as a shared function between the DAS for OLES and the DAS for Budget and Finance.

OLES has developed budget guidance in conjunction with the Department's budget staff which has been completely integrated into the FY 2005 budget process. Additionally, OLES will continue to work with Bureaus to develop coordinated law enforcement and security budgets.

Directive 6

Each Bureau is to establish a Senior-level Director for Law Enforcement (and Security). When appropriate, the term “security” should be added to the title.

During our review, we learned that six (BIA, BLM, BOR, FWSLE, USPP, and NPS) of the seven law enforcement programs had complied with this directive (figure 2). However, NWRS has been categorized as having made limited progress because the Chief, Office of Refuge Law Enforcement was filled at a GS-14 level rather than at a senior level. NWRS stated to us that because the law enforcement component of Refuge is much more significant today than in prior years, and the fact that Refuge has historically maintained lower grade levels, it feels that a GS-14 level position is sufficient to meet this directive. We disagree. As stated in our 2002 assessment, we believe that increasing the prominence of law enforcement directors to senior grade levels enhances the communication and coordination among the individual Bureau law enforcement programs and, therefore, equalizes the reporting level and access to senior decision makers. The reluctance to place, at minimum, a GS-15 level manager, in Refuge reintroduces the need to consider merging FWSLE and Refuge law enforcement programs under one SES position.

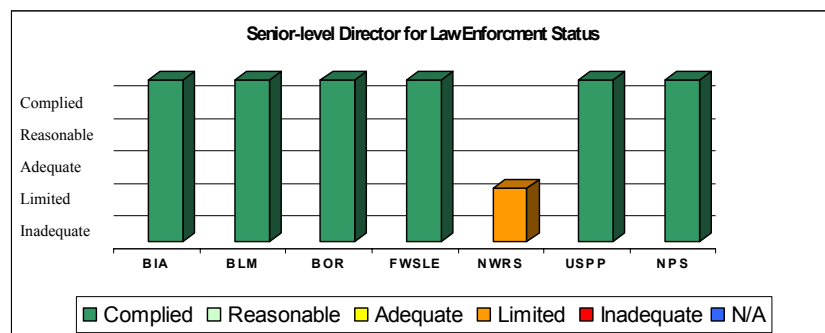


Figure 2

Directive 7

Restructure the reporting system for Special Agents to create line law enforcement authority.

All applicable law enforcement programs have restructured their reporting system to comply with Special Agent line law enforcement authority (figure 3).

BOR currently does not utilize Special Agents; however, in the future, each region will employ a full-time Special Agent that will report to BOR’s Law Enforcement Administrator.

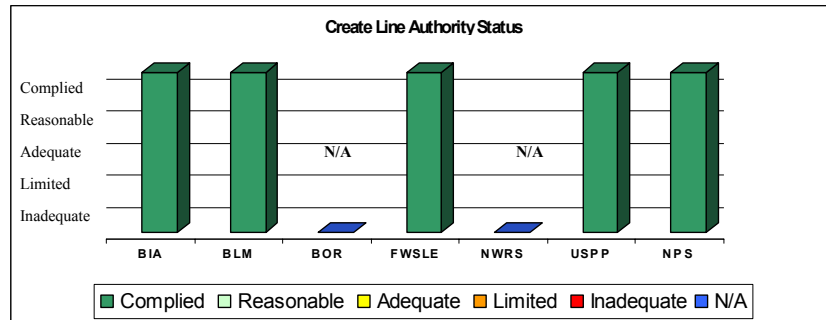


Figure 3

Directive 8

For all remaining law enforcement officers and personnel, each Bureau should prepare a plan to enhance the accountability of field law enforcement operations. All non-law enforcement managers of law enforcement personnel should successfully complete a background investigation to ensure management integrity. All non-law enforcement managers of law enforcement personnel shall complete “Law Enforcement Training for Supervisors.”

We categorized all of the four applicable law enforcement programs (BLM, BOR, NWRS and NPS) as only having made adequate progress regarding this directive (figure 4).

Most of the efforts of the Bureaus have been targeted at acquiring background investigations and management training for their non-law enforcement managers overseeing law enforcement programs. Even still, a considerable percentage of managers still lack the backgrounds and training one year after the directive was issued. In addition, little progress has been made in implementing accountability measures that will address the deficiencies noted in our assessment.

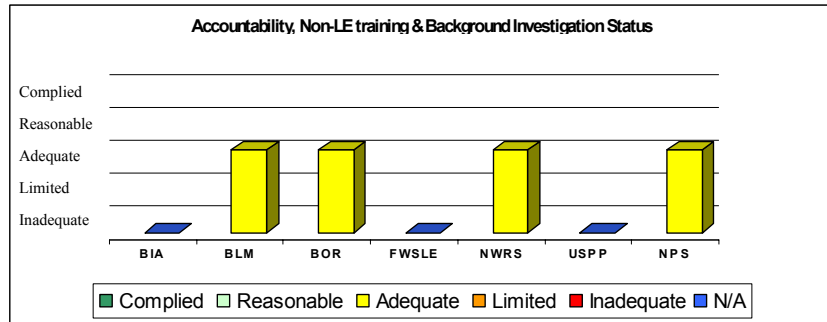


Figure 4

Directive 9

Develop line item budgeting for law enforcement activities. The Department is currently implementing Activity Based Costing (ABC).

We determined that OLES has made reasonable progress in developing work activities with the Department’s budget staff and in coordinating with the Bureaus on field level work activities. OLES and Bureaus intend to implement ABC on October 1, 2003.

Directive 10

DAS should control designated ONDCP (Office of National Drug Control Policy) and other special law enforcement funds to exercise formal review and strong oversight over the expenditure of those funds.

OLES has required that all future funding requests for ONDCP initiatives be submitted to its office by Bureaus for concurrence. OLES will ensure that expenditures are allocated consistent with ONDCP policy.

Directive 11

Bureaus should complete an analysis of staffing models and methodologies.

We learned that two of the seven law enforcement programs (FWSLE and USPP) have shown reasonable progress toward completing staffing models and methodologies (figure 5). FWSLE expects its program assessment results on October 1, 2003 and the USPP staffing model is in its final stages with an estimated completion of August 2003. The remaining five Bureaus (BIA, BLM, BOR, NPS, and NWRS) have demonstrated

adequate progress with developing appropriate staffing and deployment models (figure 5). We recognize the difficulty of developing appropriate and tested staffing models and methodologies for land-based law enforcement programs and are encouraged by the efforts of the Bureaus.

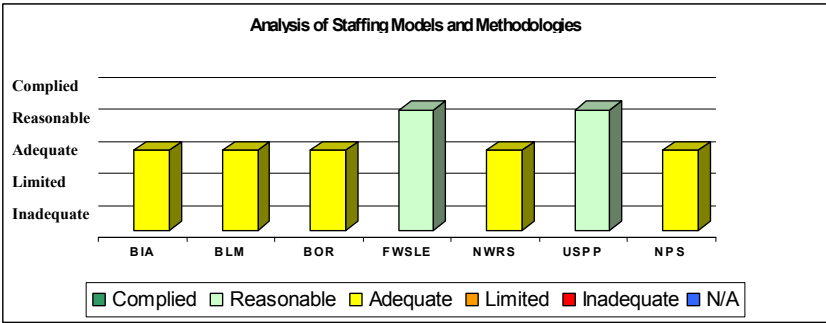


Figure 5

Directive 12

Each Bureau will assess the extent to which correct staffing shortages impact officer safety. The Bureaus and DAS-LES should coordinate efforts to address the identified shortages immediately.

In our 2002 assessment we noted that some staffing shortages are very recognizable and pose a clear safety risk to law enforcement officers. We believe that the law enforcement programs have fallen short in immediately addressing the existing staffing shortages as recommended by our office and as directed by the Secretary. As a result, the risk to law enforcement officers remains significant. This is the one recommendation and directive where we used the term “immediately.” Obviously, that thought has been lost on the Bureaus.

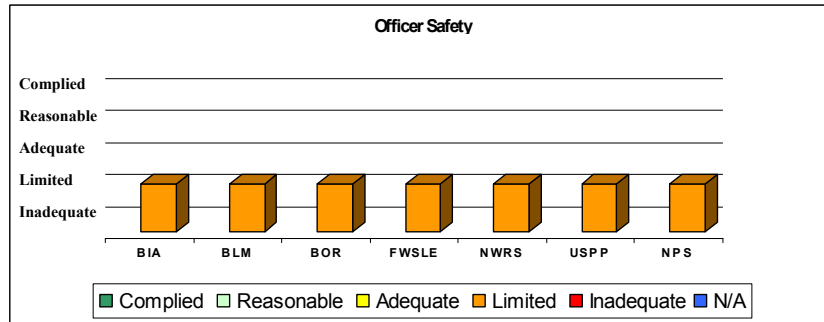


Figure 6

Directive 13

Bureaus will reduce dependence on part-time collateral duty and seasonal law enforcement officers.

We determined that NWRS has demonstrated reasonable progress by reducing its dependence on collateral duty (dual function) officers and has increased its full-time officers by 40%. NPS has been categorized as demonstrating inadequate progress because no formal plans have been submitted for review. Additionally, both seasonal and permanent positions have declined since our 2002 assessment.

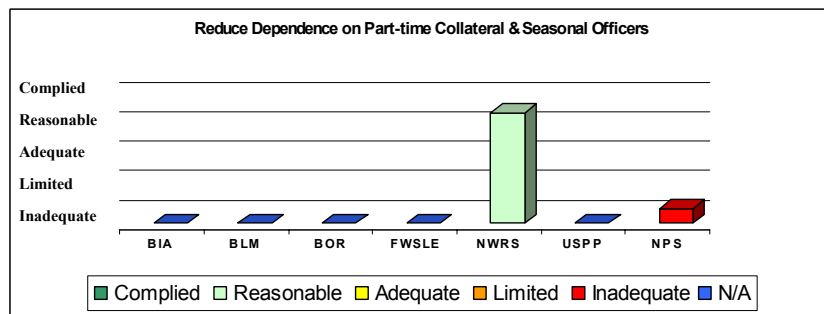


Figure 7

Directive 14

The Secretary has placed responsibility for security policy oversight and compliance with the OLES.

We found that OLES has made adequate progress by hiring an Assistant Director-Nationwide Security Officer. However, the Assistant Director has not yet had the opportunity to perform on-site surveys for each of the Bureaus.

Directive 15

The Review Panel recommends that the NBC (National Business Center) augment its security staff with the appointment of a professional Security Manager to oversee this effort.

NBC has yet to establish a full time, certified professional security manager.

Directive 16

Each Bureau will develop a senior-level, full-time security manager.

We found that two of the six Bureaus (BIA and BOR) have established and hired senior-level full-time security managers. NPS is in the final stages of selecting a full-time security manager after benefiting from the services of an acting security manager for several months.

FWSLE and NWRS state that they will share a security manager position within FWSLE if funding is provided in FY 2005. We feel that FWS has failed to sufficiently address the need for security management and strongly suggest that NWRS immediately establish a security manager position to oversee the physical security of their refuges and other properties. Surely, the cost of one full-time security manager can be recognized in the FWS 03/04 budget. If not, FWS should, at the very least, use attrition to accomplish this directive.

The remaining law enforcement program (BLM) has demonstrated inadequate progress toward hiring a full-time security manager (figure 8). BLM's current plan is to use the Deputy Director of Law Enforcement as a collateral security manager. We find their position to be in direct conflict with the directive. BLM attempts to justify the use of a collateral security manager with the fact that BLM has custody of a very small amount of facilities and infrastructures. We disagree.

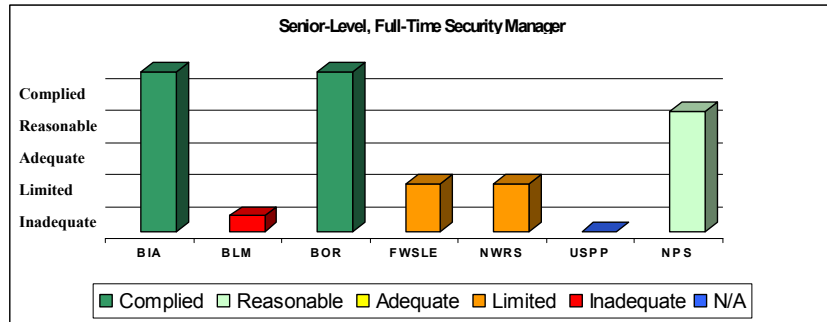


Figure 8

Directive 17

The responsibility for emergency preparedness should remain with the Office of MRPS for the interim.

Emergency management responsibilities were officially transferred to OLES on November 25, 2002. Additionally, OLES has hired both an Assistant Director-Emergency Management Coordinator and a Deputy Emergency Management Coordinator.

Directive 18

All Bureaus should act promptly to ensure Internal Affairs (IA) coverage. The OLES should establish an IA Unit to perform an oversight role and to investigate Bureau cases if the Bureau’s capacity is deemed inadequate.

We found that OLES has used detailed positions to formulate guidelines and policy for an Internal Affairs Unit pending approval of permanent positions. In addition, they are currently creating guidelines to ensure that the Bureaus establish effective Internal Affairs programs.

BLM and NPS have complied with this directive by establishing a position and hiring a Special Agent for Internal Affairs. Both BIA and USPP had established Internal Affairs units prior to the assessment. The remaining two law enforcement programs (FWSLE and NWRS) have demonstrated reasonable progress toward establishing Internal Affairs coverage (figure 9). The FWSLE has established a position and have made a selection with a reporting date in September 2003. NWRS will combine its Internal Affairs coverage with

FWSLE. The OLES and Bureau Internal Affairs Units are planned to be operational on October 1, 2003.

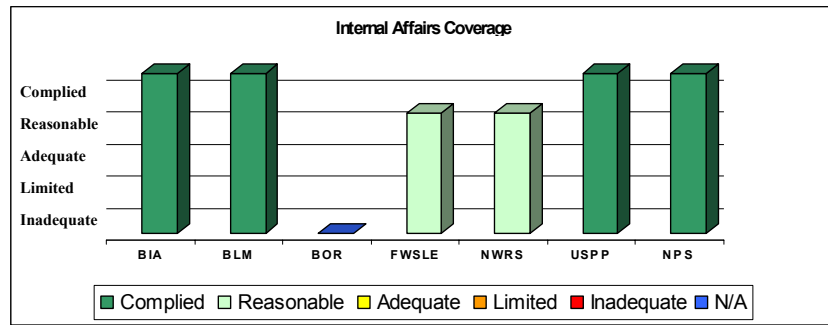


Figure 9

Directive 19

OLES is to revise the Departmental Manual (DM) provisions addressing internal law enforcement incident reporting and resulting investigations.

During our review, we found that OLES has made reasonable progress toward revising the DM provisions. DM 446, Chapter 9, has been reviewed by the Bureaus and the Solicitor’s Office for comments, and editing changes are currently being implemented.

Directive 20

DAS-LES should work with the Office of Human Resources on the development of recruitment strategies to increase the diversity of the law enforcement workforce.

We learned that OLES has made reasonable progress toward developing recruitment strategies by working with the Department’s Human Capital Management Team (HCMT) to ensure that law enforcement is an integral part of the Department’s approach to managing human capital. Also, DM 446, Chapter 2, includes direction regarding Bureau law enforcement recruitment responsibilities.

Directive 21

OLES should research the background investigation process.

We found that OLES has demonstrated reasonable progress toward researching the background process by collaborating with the Office of Personnel Management

(OPM). OPM is developing an expedited process which is currently being pilot tested. Also, DM 446, Chapter 2, provides direction on background investigations and security clearance requirements for Bureaus.

The progress is promising; however, the OIG continues to receive reports of delayed background investigations that have negatively impacted hiring practices.

Directive 22

DAS should develop specific training recommendations with reporting and evaluation mechanisms that focus on consistent training for full-time, collateral and seasonal officers.

Reasonable progress has been made by OLES toward reviewing and developing consistent training standards. OLES has filled a Training Coordinator position, and this individual has been actively addressing Departmental training concerns. The Training Coordinator will evaluate all Bureau training requirements and explore more efficient use of the Federal Law Enforcement Training Center (FLETC) for Departmental training. We are encouraged by efforts of OLES and FLETC in considering consolidating training courses to reduce or eliminate stand-alone training.

Directive 23

OLES should develop a consistent Department-wide centralized records system.

We learned that the OLES has demonstrated reasonable progress toward a centralized records system by developing a business plan for a new incident-based records management system. OLES will initiate a pilot program in approximately six months. Ultimately, it will take three to five years to fully implement the new system.

Directive 24

DAS-LES should work with the DAS for Performance Management to develop performance goals and outcome measures.

We found that the OLES has incorporated the Law Enforcement and Security program into the Department's Strategic Plan for FY 2003-2008. Now performance measures will allow managers to identify effective areas of performance and areas in need of improvement.

Directive 25

DAS should work with the Office of the Solicitor to coordinate the revision of the interagency cross designation agreements.

During our review, we determined that the OLES has revised and provided the Interagency Cross Designated Agreement to the Bureaus and Solicitor's Office for final review.

Conclusion

The status of DOI law enforcement reform is best characterized as a “work in progress.” One year after the Secretary’s directives were issued and close to two years after 9-11, much remains to be accomplished. This is not to say that significant progress has not been made; the establishment of the Deputy Secretary for Law Enforcement and Security and increased staffing within that office has served as a tremendous springboard for professionalizing the Department’s law enforcement programs. Equally as important has been the establishment of senior law enforcement managerial positions in all but one program. This has led to an increased prominence of law enforcement within the Bureaus as well as serving as a foundation for greater accountability.

Accountability for law enforcement programs and personnel remains to be adequately addressed. Preliminary efforts to require non-law enforcement managers background investigations and training is only a start and not the only effort needed. In addition to the establishment of Internal Affairs offices, implementation of accountability procedures must be made to include both planned and random compliance inspections and reviews. Management must be held strictly accountable for policies and procedures involving law enforcement programs.

Attention must also be directed toward officer safety issues. Efforts to establish and implement staffing and deployment models must be hastened and, where necessary, redeployment of personnel must take place. Technological advances, to include enhanced communications, for field officers must become a priority, along with the continued pursuit of a centralized records system.

Standardization for basic training and minimum standards has begun and should continue Department-wide. Department law enforcement programs should be trained alongside each other whenever practical, to include required in-service training.

This review was conducted primarily to reflect the status of the law enforcement reform efforts to date. We intend to select several specific directives and conduct a more thorough testing of the reform implementations and specific Bureau responses within the next year.

Appendix 1

		STATUS OF THE SECRETARY'S DIRECTIVES									
DIRECTIVE	OLES	BIA	BLM	BOR	FWSLE	NWRS	USPP	NPS			
#1	Create DAS-LES	Complied									
#2	Protocols and Procedures	Complied									
#3	OLES Staffing	Adequate									
#4	OLES Policy w/ Bureaus	Limited									
#5	Budget Coordination	Complied									
#6	Senior LE Director		Complied	Complied	Complied	Complied	Inadequate	Complied	Complied	Complied	
#7	Line Authority 1811		Complied	Complied	N/A	Complied	N/A	Complied	Complied	Complied	
#8	Non-LE Mgr Training & BI		N/A	Limited	Limited	N/A	Limited	N/A	Limited	Limited	
#9	Line Item Budgets	Adequate									
#10	OLES control ONDCP fund	Complied									
#11	Staffing Model		Limited	Limited	Limited	Adequate	Limited	Adequate	Limited	Limited	
#12	Officer Safety		Inadequate	Inadequate	Inadequate	Inadequate	Inadequate	Inadequate	Inadequate	Inadequate	
#13	Seasonal & Collateral		N/A	N/A	N/A	N/A	Adequate	N/A	Inadequate	Inadequate	
#14	Oversight of Security	Limited									
#15	NBC - MIB Security	Inadequate									
#16	Bureau Security Manager		Complied	Inadequate	Complied	Inadequate	Inadequate	N/A	Adequate	Adequate	
#17	Emergency Preparedness	Complied									
#18	Internal Affairs	Adequate	Complied	Complied	N/A	Adequate	Adequate	Complied	Complied	Complied	
#19	LE Incident Reporting	Adequate									
#20	Recruitment - Diversity	Adequate									
#21	Research Backgrounds	Adequate									
#22	Training	Adequate									
#23	Centralized Records	Adequate									
#24	Performance Goals	Complied									
#25	Cross Delegation	Complied									
		Complied	Reasonable	Adequate	Limited	Inadequate	N/A				

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