



United States
General Accounting Office
Washington, D.C. 20548

General Government Division

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July 11, 1997

The Honorable Richard K. Armey
Majority Leader
House of Representatives

The Honorable John Kasich
Chairman, Committee on the Budget
House of Representatives

The Honorable Dan Burton
Chairman, Committee on Government
Reform and Oversight
House of Representatives

The Honorable Bob Livingston
Chairman, Committee on Appropriations
House of Representatives

Subject: The Results Act: Observations on the Department of Justice's
February 1997 Draft Strategic Plan

On June 12, 1997, you asked us to review the strategic plans submitted by the cabinet departments and selected major agencies for consultation with the Congress as required by the Government Performance and Results Act of 1993 (the Results Act or GPRA). This letter is our response to that request concerning the Department of Justice (DOJ).

Objectives, Scope, and Methodology

Our overall objective was to review and evaluate the latest available version of DOJ's draft strategic plan. Specifically, we (1) assessed the plan's compliance with the Results Act requirements and its overall quality, (2) determined if DOJ's major statutory authorities were reflected, (3) identified whether discussions about crosscutting functions and interagency involvement were included, (4) determined if the plan addressed major management problems, and (5) discussed DOJ's capacity to provide reliable information about performance.

We obtained the February 1997 DOJ draft plan provided to the House of Representatives staff working with DOJ. This was the latest version available at the time we did our work. Our overall assessment of DOJ's draft strategic plan was generally based on our knowledge of DOJ's operations and programs, our numerous reviews of DOJ and Justice-related

issues, recent work on DOJ's fiscal year 1996 audit by an independent public accountant, and other existing information available at the time of our assessment. The criteria we used to determine whether DOJ's draft strategic plan complied with the requirements of the Results Act were the Results Act and the Office of Management and Budget (OMB) guidance on developing the plans (Circular A-11, part 2). To make judgments about the strengths and weaknesses of the plan and its elements, we used our May 1997 guidance for congressional review of the plans (GAO/GGD-10.1.16) as a tool. To determine whether the plan contained information on interagency coordination and addressed management problems, we relied on our general knowledge of DOJ's operations and programs and our previous reports.

As you requested, we coordinated our work on DOJ's capacity to provide reliable information with the DOJ Inspector General's office. We also relied on our June 1995 report in which we described DOJ's initial efforts to address the Results Act, including performance measures.¹ Because of time constraints in doing this work, we did not review any supporting documents related to the plan or interview DOJ officials about its development and preparation.

We did our work between June 21 and July 10, 1997. On July 7, 1997, we provided a draft of this letter to the Attorney General for her review and comment. DOJ's comments are discussed at relevant points in this letter and in a section at the end.

Background

The Department of Justice was created in June 1870 (see 28 U.S.C. 501, 503),² with the Attorney General as the head of the Department. DOJ encompasses a wide array of core functions, whose responsibilities range from assisting state and local governments in reducing juvenile delinquency to working with foreign governments to fighting terrorism. The Attorney General is responsible for provision of legal advice to the President and department heads, representation of the executive branch in court, investigation of federal crimes, and enforcement of federal laws.³ The Attorney General also supervises and directs the operation of the

¹Managing for Results: The Department of Justice's Initial Efforts to Implement GPRA (GGD-95-167FS, June 20, 1995).

²The Judiciary Act of 1789 originally created the position of Attorney General and also directed the President to appoint an attorney for each federal judicial district to represent the United States. 1 Stat. 73, 92-93.

³See chapter 31 of title 28 of the U.S. Code.

various components of DOJ, including the Federal Bureau of Investigation (FBI),⁴ Drug Enforcement Administration (DEA),⁵ Immigration and Naturalization Service (INS),⁶ Federal Bureau of Prisons (BOP),⁷ and the Offices of U.S. Attorneys,⁸ U.S. Marshals,⁹ and U.S. Trustees.¹⁰ Each of these components has statutory authorities under which they operate and/or which they enforce. In addition, the Attorney General has been given numerous other statutory responsibilities over the years through anticrime legislation and in the context of various appropriations acts.

The Results Act specifies that all agencies' strategic plans should have six critical components: (1) a comprehensive agency mission statement; (2) agencywide long-term goals and objectives for all major functions and operations; (3) approaches (or strategies) to achieve the goals and objectives and the various resources needed; (4) a description of the relationship between the long-term goals/objectives and the annual performance plans required by the Act; (5) an identification of key factors, external to the agency and beyond its control, that could significantly affect achievement of the strategic goals; and (6) a description of how program evaluations were used to establish and revise strategic goals and a schedule for future program evaluations.

⁴The FBI was established in 1908 by the Attorney General, who directed that DOJ investigations be handled by its own staff. General statutory provisions related to the FBI are contained in chapter 33 of title 28 of the U.S. Code. The FBI is charged with investigating all violations of federal law except those that have been assigned by legislative enactment or otherwise to another federal agency.

⁵DEA was created in July 1973, by Reorganization Plan No. 2 of 1973 (5 U.S.C. app. 1), which merged four separate drug law enforcement agencies. DEA is the lead agency in enforcing narcotics and controlled substances laws, primarily contained in title 21 of the U.S. Code.

⁶INS was created in March 1891 (see 8 U.S.C. 1551 note), and its purpose and responsibilities were further specified by the Immigration and Nationality Act, as amended (8 U.S.C. 1101 note), which charges the Attorney General with the administration and enforcement of its provisions. The Attorney General has delegated authority to the Commissioner of INS to carry out these provisions of immigration law.

⁷BOP is generally responsible for the operation of federal penal and correctional institutions. Its general statutory provisions are contained in chapter 303 of title 18 of the U.S. Code.

⁸The government is represented in each of the 94 judicial districts by a U.S. Attorney. The U.S. Attorneys prosecute criminal offenses against the United States, represent the government in civil actions in which the United States is concerned, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States. General statutory provisions related to the U.S. attorneys are contained in chapter 35 of title 28 of the U.S. Code.

⁹The government is represented in each of the 94 judicial districts by a U.S. Marshal. The primary mission of the U.S. Marshals Service is protection of the federal judiciary, protection of witnesses, execution of warrants and court orders, management of seized assets, and custody and transportation of unsentenced prisoners. General provisions related to the U.S. Marshal Service are contained in chapter 37 of title 28 of the U.S. Code.

¹⁰The U.S. Trustees supervise the administration of bankruptcy cases and private trustees in the Federal Bankruptcy Courts. General provisions related to the U.S. Trustees are contained in chapter 39 of title 28 of the U.S. Code.

DOJ's strategic plan is organized around what DOJ has identified as its seven core functions: (1) investigation and prosecution of criminal offenses; (2) assistance to state and local governments; (3) legal representation, enforcement of federal laws, and defense of U.S. interests; (4) immigration; (5) detention and incarceration; (6) administration and improvement of the justice system; and (7) management.

It is important to recognize that we reviewed a draft of DOJ's strategic plan and that the final plan is not due to the Congress and OMB until September 1997. Furthermore, the Results Act anticipated that several planning cycles would be needed to perfect the process and that the final plan would be continually refined as future planning cycles occur. Thus, our comments reflect a snapshot status of the plan at a given point in time. We recognize that developing a strategic plan is a dynamic process and that DOJ officials, with input from OMB and congressional staff, are continuing to revise the draft.

Results in Brief

Of the six elements required by the Act, three—the relationship between long-term goals/objectives and the annual performance plans, the key factors external to DOJ that could affect DOJ's ability to meet its goals, and a program evaluation component—were not specifically identified in the draft plan. The remaining three elements—the mission statement, goals and objectives, and strategies to achieve the goals and objectives—were discussed. However, each of these elements had weaknesses, some more significant than others.

The three elements discussed in DOJ's plan generally contained some, but not all, of the attributes that would be desirable to meet the purposes of the Act and to be consistent with OMB guidance. For example,

- the mission statement includes six of the seven core functions of DOJ, but it does not include DOJ's detention and incarceration function;
- the goals and objectives are not consistently results oriented or expressed in as measurable a form as they could be; and
- the strategies to achieve the goals and objectives do not explain the extent to which DOJ programs and activities will contribute to the achievement of the goals and how DOJ plans to assess progress in meeting the goals. Further, the performance indicators are not always as outcome related as they could be, nor do the strategies describe the processes and resources needed to meet the goals and objectives of the plan, as required by the Act.

The draft plan makes no explicit mention of the other three required elements. With regard to relating long-term goals/objectives to performance plans, the plan provided no substantive comment. Instead, DOJ stated that the draft plan provides a basis for its components to develop more detailed annual plans and related program performance information. The plan does not contain a section on key external factors. It is important that factors that could significantly affect the achievement of strategic goals be identified and that mitigation strategies be considered. A program evaluation element was also missing, even though OMB guidance states that the plan should, among other things, (1) describe how program evaluations were used to prepare the plan and (2) outline the scope and methodology, timetable, and key issues to be addressed in future evaluations. Program evaluations are a critical source of information for assessing progress toward achieving strategic goals as well as ensuring their validity and reasonableness.

The draft plan appears to reflect consideration of most of DOJ's major statutory responsibilities. However, the plan does not contain specific references to the underlying statutory bases for major functions and operations, provide specifics of how any particular statutory responsibility will be implemented, or provide linkages between the stated goals and objectives and DOJ's relevant statutory authorities that form the basis for them. Including such linkages may facilitate a better understanding of the diversity and complexity of DOJ's overall mission and goals and objectives.

In addition, the draft plan could be more useful to DOJ, the Congress, and other stakeholders if it provided a more explicit discussion of crosscutting activities, major management challenges, and DOJ's capacity to provide reliable information to manage its programs or determine if it is achieving its strategic goals. The draft plan is silent on crosscutting issues and does not mention whether DOJ coordinated with related external law enforcement stakeholders, such as the Customs Service and state and local law enforcement agencies. Recognizing crosscutting issues and the coordination required to address them is particularly important for DOJ because as the federal government's attorney, it helps the various federal agencies enforce the law in federal courts. The draft plan does not explicitly discuss how crosscutting issues might arise or affect the successful accomplishment of DOJ's goals and objectives.

The plan is also silent on the formidable management problems we and others, including the DOJ Inspector General and the National Performance

Review (NPR), have identified in recent years. Consideration of these problems is important because they could affect DOJ's ability to develop and meet its goals. Also, we and others have identified problems with the reliability and availability of data in DOJ's program-related and financial management systems. The draft plan does not mention how data limitations may affect DOJ's ability to manage its programs or to measure performance. Consideration of these areas could give DOJ a better framework for achieving the purposes of the Act and help stakeholders to better understand DOJ's operating constraints and environment.

Draft Plan Does Not Achieve All the Purposes of the Act, and the Quality of Individual Elements Could Be Improved

DOJ's strategic plan is incomplete and does not provide the Congress with critical information for its consultations with DOJ. DOJ's plan includes the first two critical elements—mission statement and goals and objectives—but the mission statement is not complete and the goals and objectives are not consistently results oriented and expressed in as measurable a form as they could be. While DOJ partially included a third element—its strategies to achieve the goals and objectives—it does not explain to what extent DOJ programs and activities will contribute to achieving the goals and how DOJ plans to assess progress in meeting the goals. Further, the strategies are not always outcome related, nor do they describe the processes and resources needed to meet the goals and objectives of the plan, as required by the Act. In addition, three other elements have not been included in the plan—the relationship between long-term goals/objectives and the annual performance plans, key external factors, and the use of program evaluations to establish or revise strategic goals.

Mission Statement

DOJ's plan contains a mission statement that is results oriented and generally defines the basic purpose of DOJ with emphasis on its core programs and activities. DOJ's mission statement is as follows:

"Our mission at the United States Department of Justice is to enforce the law and defend the interests of the U.S. according to the law, provide Federal leadership in preventing and controlling crime, seek just punishment for those guilty of unlawful behavior, administer and enforce the Nation's immigration laws fairly and effectively and ensure fair and impartial administration of justice for all Americans."

DOJ's mission statement covers six of the seven core functions that DOJ identified but does not specify the detention and incarceration function, which is one of DOJ's largest budget items. Nevertheless, the plan

incorporates the detention and incarceration function in its goals and objectives and strategies to achieve the goals and objectives.

In commenting on a draft of this letter, DOJ officials said that they do not agree that the DOJ mission statement omits detention and incarceration or that the major functions of DOJ need to be explicitly spelled out in a mission statement. They believe this function is covered by the phrases “seek just punishment. . .”, and “ensure fair and impartial administration of justice. . .” While we agree that mission statements may vary in the extent to which they specify particular activities, our view that it would be helpful to include the detention and incarceration function in this case arises from DOJ’s decision to specify all of the other major functions in its mission statement. In our view, the omission of one of DOJ’s larger functions makes the mission statement appear to be incomplete.

Goals and Objectives

DOJ’s goals and objectives cover its major functions and operations and are logically related to its mission. However, they are not consistently results oriented and sometimes focus on activities and processes. For example, one set of results-oriented goals involve reducing violent, organized, and gang-related crime; drug-related crime; espionage and terrorism; and white collar crime. DOJ’s goals in other areas are more process oriented, such as representing the United States in all civil matters and promoting the participation of victims and witnesses in legal proceedings.

Another weakness of the goals is that they are not always expressed in as measurable a form as they could be. For example, two of DOJ’s goals in the legal representation, enforcement of federal laws, and defense of U.S. interests core function are to guarantee the civil rights of all Americans and safeguard America’s environment and natural resources. It is not clear how DOJ is able to measure its progress in achieving these goals.

Strategies to Achieve Goals and Objectives

The Results Act and OMB Circular A-11 indicate that DOJ should describe the processes that will be used to achieve its goals and objectives. Our review of DOJ’s strategic plan, specifically the strategies and performance indicators, showed where improvements could be made to better meet the Act’s purposes and OMB Circular A-11 guidance.

Some of the strategies could be clarified to better explain how and to what extent DOJ programs and activities will contribute to achieving the goals and how DOJ plans to assess progress in meeting those goals. For example,

because DOJ has limited ability to control criminal activities, it is not clear how DOJ will be able to determine the degree to which its programs and activities have contributed to changes in violent crime, availability and abuse of illegal drugs, espionage and terrorism, and white collar crime. Similarly, in its immigration core function, DOJ has a goal to maximize deterrents to unlawful migration by reducing the incentives of unauthorized employment and entitlements. It is likewise unclear how DOJ will be able to determine the effect of its efforts to deter unlawful migration, compared to the effect of changes in the economic and political conditions in countries from which illegal aliens originated. The plan does not address either issue.

DOJ elected to include performance indicators in its strategic plan. While we are supportive of the concept of using performance indicators to measure outcomes, we noted that DOJ's performance indicators are more output than outcome related. For example, a strategy to achieve the goal for ensuring border integrity is to increase the strength of the Border Patrol. One of the performance indicators DOJ is proposing to measure how well the strategy is working is the percentage of time that Border Patrol agents devote to actual border control operations. While this may indicate whether agents are spending more time controlling the border, it is not clear how it will help DOJ assess how this practice affects its progress in deterring unlawful migration.

Further, the plan's strategies do not discuss the types of resources (e.g., human skills, capital, and information technology) that will be needed to achieve the strategic and performance goals, including any significant changes to be made in resource levels. Such information could be beneficial to DOJ and Congress in establishing the goals, evaluating the progress in achieving the goals, and making resource needs allocations during the budget process.

In commenting on a draft of this letter, DOJ officials said that the additional draft material provided to us includes estimates of resource needs. While we did not review the supplemental information DOJ provided, we believe the purposes of the Results Act would be better achieved if the strategic plan included—as OMB guidance suggests—information on resource needs linked to goals and objectives.

Three Elements Not Included in Draft Plan

The plan does not discuss (1) the relationship between long-term goals/objectives and the annual performance goals, (2) key external factors, and (3) use of program evaluations.

Under the Results Act, DOJ's long-term strategic goals are to be linked to its annual performance plans and the day-to-day activities of its managers and staff. The intent for this linkage is to provide a basis for judging whether an agency is making progress toward achieving its long-term goals. However, the DOJ plan generally does not provide such linkages.

DOJ officials commented that the plan provides a basis for a linkage between the long-range goals of the strategic plan and the annual performance plans. They said that DOJ's 1999 annual performance planning and budget formulation activities are to be closely linked and both are to be driven by the goals of the strategic plan. According to these officials, this interrelationship is the cornerstone of DOJ's Results Act implementation approach. They also said that while the draft plan itself does not describe these connections, the linkages are in fact "real" and would become more apparent as the 1999 annual performance plan and budget request are issued. Further, they said they would amend the plan to more adequately explain this process.

The strategic plan also does not identify or discuss key factors external to DOJ that could significantly affect it in achieving its strategic goals. External factors can at times invalidate assumptions about DOJ's ability to achieve its strategic goals. For example, the purpose of the Act would be more fully achieved if DOJ would discuss its alternative plan for achieving its goals if it does not get the coordination with other federal agencies and foreign governments. Another external factor that may significantly affect DOJ accomplishing its strategic plan is that of having to respond to changes in its statutory responsibilities, such as new immigration initiatives.

In commenting on a draft of the letter, DOJ officials strongly agreed that external factors significantly affect DOJ's work and that events and conditions over which it has little or no control are likely to determine to a significant degree its success in achieving its goals. In this regard, they said they expect the next version of the plan to include such external factors as emergencies and other unpredictable events (e.g., the Murrah building bombing); changing statutory responsibilities; and the capacity and effectiveness of their federal, state, and local law enforcement partners.

Finally, the strategic plan does not include a program evaluation element. Under the Act and OMB guidance, this element should describe program evaluations that were used in preparing the strategic plan and outline the general scope and methodology for future evaluations, key issues to be addressed, and when such evaluations are to occur. Program evaluations can be a potentially critical source of information for ensuring the validity and reasonableness of goals and strategies, and for identifying factors likely to affect performance.

DOJ officials commented that program evaluation can and should be linked to strategic planning and that this is an area where DOJ needs to make improvements. They said that the next version of the plan is to have a much more extensive discussion of program evaluation, including a list of anticipated future evaluations.

Draft Plan Generally Reflects Most of DOJ's Major Statutory Responsibilities

The February 1997 DOJ plan appears to reflect consideration of most of DOJ's major statutory responsibilities. The plan addresses these responsibilities generally and does not contain specific references to the underlying statutory bases for DOJ's major functions and operations. It cites three of the laws that DOJ is charged with enforcing or implementing: the Violent Crime Control and Law Enforcement Act of 1994, the Brady Handgun Violence Prevention Act, and the Violence Against Women Act.

A listing that briefly summarizes DOJ's responsibilities under the laws that are reflected in various parts of the plan and the relevant DOJ components that are responsible for implementing them could be useful in helping stakeholders to better understand the diversity and complexity of DOJ's overall mission. It would also help to clarify the linkages between stated goals and objectives and the underlying statutory authorities on which they rest.

Consistent with your request, we did not attempt to identify whether all of the statutory responsibilities of DOJ were reflected in the plan. Instead we focused on whether the "major" ones were addressed, and we found that, for the most part, they were. However, one area of statutory responsibility that is not mentioned in the DOJ plan is the Attorney General's authority to regulate controlled substances under the Controlled Substances Act (21 U.S.C. 801 et seq.). This authority has been delegated to DEA.

Draft Plan Could Better Address Crosscutting Program Activities

Many law enforcement organizations—international and domestic (i.e., other federal, state, and local)—perform either similar or the same activities as DOJ. The draft plan includes a goal to coordinate and integrate law enforcement activities, wherever possible, and cooperate fully with other federal agencies. However, the plan could better serve the purposes of the Results Act by discussing how DOJ will coordinate with external organizations' activities and how inputs, outputs, and outcomes will be measured and assessed. For example, the plan does not discuss

- how DOJ plans to work with the Departments of Defense and State, the intelligence agencies, and foreign governments in fighting international terrorism;
- how DOJ's drug enforcement activities will relate to the Office of National Drug Control Policy, which has governmentwide planning responsibilities for drug control activities;
- how DOJ and the Department of the Treasury, which have similar responsibilities concerning the seizure and forfeiture of assets used in connection with illegal activities (e.g., money laundering) will coordinate and integrate their operations; and
- how INS and the Customs Service, which both inspect arriving passengers at ports of entry to determine if they are carrying contraband and are authorized to enter the country, will coordinate their resources.¹¹

Along these lines, certain program areas within DOJ have similar or complementary functions that are not addressed in the strategic plan. For example, both BOP and INS detain individuals, but the plan does not address the interrelationship of their similar functions or prescribe comparable measures for inputs and outcomes. As a second example, the plan could do a better job of recognizing the linkage among DOJ's investigative, prosecutorial, and incarceration responsibilities.

¹¹We discussed this issue in our report—Customs Service and INS: Dual Management Structure for Border Inspections Should Be Ended (GAO/GGD-93-111, June 30, 1993).

Draft Plan Does Not Address Some Major Management Challenges

Over the years, our work and the work of others, including the DOJ Inspector General and the NPR, addressed many management challenges that DOJ faces in carrying out its mission. In addition, recent audits under the Chief Financial Officers Act of 1990 (CFO Act), which the Government Management Reform Act¹² expanded, have revealed internal control and accounting problems. Further, DOJ will face emerging management challenges of implementing modern technology and resolving the need for computer systems to be changed to accommodate dates beyond the year 1999—the “year 2000 problem.”

DOJ’s draft strategic plan is silent on these issues. Specifically, the plan does not mention how DOJ has addressed the management problems that have been identified over the years and the status of its efforts to address them. These types of information could help DOJ and its stakeholders in at least two ways. First, it could help in the processes of developing and reviewing the selection of goals, strategies, and objectives. Second, major management problems could impede DOJ’s efforts to achieve its goals and objectives. Stakeholders could benefit from knowing what DOJ has done, is doing, or plans to do to address such problems or, if DOJ has addressed such problems in the past, thereby avoiding their reoccurrence.

Previously Identified Challenges

In recent years, we¹³ and the NPR¹⁴ have identified the following challenges faced by DOJ: (1) the coordination and structure of federal enforcement agencies; (2) problems with INS’ enforcement, delivery of service, budget development and execution, and control over a decentralized organization; (3) the vulnerability of the asset forfeiture program within DOJ to waste,

¹²This legislation requires agencies to have their agencywide financial statements annually audited beginning with the fiscal year 1996 financial statements. The first year financial audits of DOJ and its components focused primarily on evaluating their control structures and environments and did not include auditing of their statements of operation, which include the entities’ operating costs. The fiscal year 1996 audit reports are expected to be issued before the September 30, 1997, submission date for strategic plans.

¹³Justice Department: Improved Management Processes Would Enhance Justice’s Operations (GAO/GGD-86-12, Mar. 14, 1986); Immigration Management: Strong Leadership and Management Reforms Needed to Address Serious Problems (GAO/GGD-91-28, Jan. 23, 1991); Justice Issues (GAO/OCG-89-13TR, Nov. 1988); Justice Issues (GAO/OCG-93-23TR, Dec. 1992); Asset Forfeiture Programs (GAO/HR-93-17, Dec. 1992); Asset Forfeiture Programs (GAO/HR-95-7, Feb. 1995); Quick Reference Guide (GAO/HR-97-2, Feb. 1997); and High-Risk Program: Information on Selected High-Risk Areas (GAO/HR-97-30, May 16, 1997).

¹⁴From Red Tape to Results: Creating a Government That Works Better and Costs Less, report of the NPR, Vice President Al Gore, Sept. 7, 1993. We provided our views on NPR’s recommendations—Management Reform: GAO’s Comments on the National Performance Review’s Recommendations (GAO/OCG-94-1, Dec. 3, 1993); and Management Reform: Implementation of the National Performance Review’s Recommendations (GAO/OCG-95-1, Dec. 5, 1994).

fraud, abuse, and mismanagement; and (4) management of debt collection efforts.

We believe these areas are significant enough to warrant some discussion in the plan. In problem areas where DOJ has taken successful corrective actions, such as law enforcement coordination, some discussion of how DOJ addressed those problems and intends to prevent them from resurfacing would be informative and useful. For other problems where DOJ may have had less success, such as debt collection, the plan could identify these problems and discuss how DOJ plans to resolve them. If not adequately addressed, these management problems could have a negative impact on DOJ's ability to achieve goals and measure performance and thus its ability to successfully implement the Results Act may be hampered.

Internal Control and Accounting Problems

Work under way by us and others has identified internal control weaknesses and problems with financial information reporting. DOJ is one of the 24 federal agencies covered under the CFO Act. The audit work done pursuant to this act, while not yet finalized, has revealed several significant internal control weaknesses. For instance, significant problems with DOJ's ability to safeguard and account for physical assets generally occurred because inventory systems, which were used to account for DOJ's assets and those in DOJ's custody, were not updated in a timely manner and in accordance with established policies and procedures. As a result, the systems could not provide a complete and accurate inventory of assets. This places DOJ at increased risk of loss or theft of assets that are in its possession but are not accounted for in its inventory systems.

This audit work also found weaknesses in DOJ's data processing operations. As a result, the general controls cannot be relied upon to provide reasonable assurance that financial data is reliable. Also, since fiscal year 1996 was the first time that DOJ's financial statements were subject to audit and operating costs were not included as part of this audit, it is unknown whether DOJ's systems can produce the necessary cost information regarding its programs and related outcomes. Such information would be needed to relate the cost of various programs and activities to their performance outputs and results.

Information Technology Issues

In discussing the goals relating to its management core function, DOJ states that it intends to make effective use of the best available management practices, including current and new information technology, that will

improve program performance and overall efficiency. DOJ's stated strategy for accomplishing this goal is to integrate information technology programs and initiatives with other planning and decisionmaking processes, including those for human resources, budget, and financial management.

In this regard, we identified two issues that the strategic plan does not address. First, the plan does not discuss how DOJ intends to meet requirements of the Clinger-Cohen Act of 1996 for implementing a framework of modern technology management to improve performance and meet strategic goals. This management framework would describe DOJ's approach for ensuring that (1) senior executives are involved in information management decisions, (2) a qualified senior-level Chief Information Officer is appointed, (3) appropriate agencywide technology standards are established, (4) discipline over technology spending is imposed through implementation of an information technology investment strategy, and (5) performance measures are used to assess technology's contribution in achieving mission results.

Second, the plan does not discuss how DOJ will resolve the "year 2000 problem" as well as any significant information security weaknesses—two issues that we have identified as high risk across government. Many of DOJ's critical systems dealing with the investigation, apprehension, prosecution, and incarceration of criminals are date dependent and exchange data with federal, state, and local government agencies. As a result, these systems are at risk of unauthorized access and disclosure or malicious use of sensitive data due to weaknesses in security and could malfunction or produce incorrect information due to problems associated with the year 2000.

Concerns About Capacity to Provide Reliable Performance Information

To efficiently and effectively operate, manage, and oversee its diverse array of law enforcement-related responsibilities, DOJ needs reliable data on their results and those of other responsible organizations. These data are needed so that DOJ can measure its progress and monitor, record, account for, summarize, and analyze crime and crime-related data.

DOJ's strategic plan contains little discussion about its capacity to provide performance information for assessing its progress toward its goals and objectives over the next 5 years. For example, under its discussion of the immigration core function, DOJ's plan states that it intends to establish and maintain automated systems that provide reliable, timely, and accessible

employment and entitlement eligibility verification. However, there is no discussion on its use of information management systems to positively identify criminal aliens. Also, DOJ's strategy over the legal representation, enforcement of federal laws, and defense of U.S. interests core function states that it intends to enhance financial litigation and debt collection through automation improvements. The narrative under this function appears to be limited to the collection of tax debts and does not discuss DOJ's efforts to alleviate the long-standing weaknesses in accounting for, collecting, and reporting on monetary penalties imposed on federal criminals.

Further, DOJ will need to rely on a variety of external data sources to assess the impact of its plan. For example, those goals that are crime related are primarily dependent on data from state and local law enforcement agencies. Goals related to juvenile criminal activity will also depend on program information that is generated by state and local agencies. DOJ has little control over the completeness, accuracy, timeliness, and reliability of these data.

Agency Comments

On July 9, 1997, we met with DOJ officials, including the Director, Management and Planning Staff, Justice Management Division, who has responsibility for DOJ's strategic plan. DOJ officials agreed with a number of our observations, noting that their strategic plan addresses three of the six statutorily required elements. DOJ officials said that DOJ has started working on the three other elements and expects to address each of these elements in the next version of the plan.

The DOJ officials expressed the opinion that our draft letter did not fully or fairly reflect the DOJ's progress in developing the strategic plan and they provided a description of their planning process and its achievements. As noted in the introductory section of this letter, our scope was limited to a review of the plan itself. Accordingly, we did not incorporate this additional information in this letter.

DOJ officials said that notwithstanding the merits of our specific suggestions, there is a risk of unintentionally undermining the plan's usefulness as a means for spurring public dialogue if it becomes a vehicle for addressing other issues and concerns. Despite this reservation, they agree that the plan could be enriched by greater attention to information technology and other management-related topics not required by the

Results Act. Therefore, they said that DOJ intends to address these topics in their revised version.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this letter until 30 days from its issue date. At that time, we will send copies of this letter to the Ranking Minority Members of your committees, and to the Chairman and Ranking Minority Members of other committees that have jurisdiction over DOJ activities, the Attorney General, and to the Director, OMB. We will send copies to others on request.

Please contact me at (202) 512-8777 if you or your staffs have any questions concerning this letter. Major contributors to this letter are listed in the enclosure.

A handwritten signature in black ink, reading "Norman Rabkin". The signature is fluid and cursive, with the first name "Norman" and last name "Rabkin" clearly distinguishable.

Norman J. Rabkin, Director
Administration of Justice Issues

Enclosure

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