



**U.S. Department of Justice
Office of the Inspector General
Evaluation and Inspections Division**

Review of the Organized Crime Drug Enforcement Task Forces Fusion Center

March 2014

I-2014-002

EXECUTIVE SUMMARY

INTRODUCTION

This review examined the operations of the Organized Crime Drug Enforcement Task Forces (OCDETF) Fusion Center (OFC) and assessed its process for sharing its analytical products. The OFC is a multi-agency intelligence center that produces intelligence products in response to requests from federal investigators (requesters). The Drug Enforcement Administration's (DEA) Special Operations Division (SOD) supports the OFC in developing these products.¹

ISSUES THAT AROSE DURING THE REVIEW

The Office of the Inspector General (OIG) learned during the course of the review that OFC management took actions that created difficulties for us in obtaining information from OFC employees and in ensuring that interview responses were candid and complete.

We had issues in obtaining documents directly from OFC personnel. Further, two Federal Bureau of Investigation (FBI) employees detailed to the OFC, who met with us to describe their concerns about the OFC's operations, told us that thereafter they had been subjected to retaliation by the OFC Director. The OIG recently completed its review of these retaliation allegations and concluded there were reasonable grounds to believe that actions were taken against the FBI employees in reprisal for making protected disclosures. We have referred our findings to the appropriate authorities for adjudication and resolution under applicable law.

Given this troubling conduct, we cannot be sure we obtained complete information from or about the OFC or that other OFC employees may not have been deterred from coming forward and speaking candidly with us. The results of our review reflect the findings and conclusions that we were able to reach based on the information that was made available to us.

¹ SOD is a DEA-led multi-agency intelligence and coordination center, and its collaboration with the OFC accounts for a small portion of its operations. The scope of this review did not include a review of SOD's operations or use of information apart from its involvement with the OFC.

RESULTS IN BRIEF

Although we found that OFC products may provide information that is valued by the investigators and prosecutors who use them, the OIG review identified deficiencies in the OFC's operations that could limit its contribution to the OCDETF Program's effectiveness.

During the period of our review, the working relationship between OFC leadership and the FBI was strained.

Most staff at the OFC are detailees from member agencies, with the majority from the DEA and the FBI. We found that there was a strained working relationship between the leadership of the OFC (the Director of which was a DEA employee during the period of our review) and FBI employees, including detailees to the OFC and an OFC Deputy Director. We learned that, as a result of concerns expressed by FBI detailees to the OFC, the FBI prepared a report that, among other findings, reflected the FBI's belief that it devoted more resources to the OFC than it received back in work products, while other OFC member agencies, including the DEA, received more resources from the OFC than they devoted to the center. Thereafter, the FBI informed the OFC that it was planning to require that all FBI requests to the OFC could be assigned only to FBI Intelligence Analyst detailees. In response, the OFC suspended all FBI employees' access to the OFC database for approximately 6 weeks. Access was restored after a temporary agreement was reached that provided that FBI requests to the OFC would be handled by FBI Intelligence Analysts, that the number of DEA Intelligence Analysts working at the OFC would increase, and that the memorandum of understanding between the FBI and the OFC would be revised.²

We believe that a dispute of this significance is a cause for serious concern and it should never have been allowed to affect the operations of the OFC.

² In response to a working draft of this report, the OCDETF Executive Office, DEA, and the Department of Homeland Security's Immigration and Customs Enforcement indicated in substance that there were serious differences of opinion between the FBI and the OCDETF Executive Office and other OFC member agencies relating to the FBI's compliance with its obligations under the OFC program and that the OCDETF Director never authorized the FBI's plan. Because we learned much of this information after we concluded our field work, we were unable to assess the basis for any such dispute or how it may have escalated to the point that it had an impact on the relationship between the OFC member agencies.

The OFC has not addressed key issues that are keeping it from fully accomplishing its mission.

We found that the following aspects of the OFC's prioritization and information sharing procedures have detracted from the OFC's efforts to fulfill its mission.

Prioritization of investigations with a nexus to high-value drug trafficking targets: An important aspect of the OCDETF Program's mission is to disrupt and dismantle Consolidated Priority Organization Targets (CPOT), defined as the international "command and control" elements of the most significant drug trafficking and money laundering organizations. However, our review found that the OFC does not prioritize requests from investigations linked to CPOTs, nor does the OFC have procedures in place to prioritize its work based on the significance of the target. We also found that OCDETF field investigators have limited awareness of the intelligence the OFC gathers on the CPOTs.

Coordination between the OFC and SOD: The OFC is supposed to collaborate with SOD to process requests for OFC products. Specifically, SOD processes incoming requests and disseminates the resulting products to the requesters, while the OFC researches and writes the products.³ However, SOD staff members often have unrelated responsibilities that may prevent the OFC from always ensuring a timely response to requests for information. Furthermore, there is no formal or informal understanding between the OFC and SOD about whether and how SOD communications data (such as wiretap information), which is not available to the OFC, may be used appropriately to add value to OFC products.⁴ We also found that the OFC is unable to reliably track OFC product workflow data from SOD.

Guidance about sharing OFC products with prosecutors: Only federal investigators are allowed to request OFC products and, in the absence of specific guidance, the investigators we interviewed were not consistent as to whether they shared these products with the federal prosecutors assigned to their cases. There may be several reasons for this, but according to an OFC official, some investigators have interpreted language OFC includes on the cover page of its products to prohibit them from sharing OFC information with the prosecutors.

³ In this report, we use the term "requesters" to describe federal investigators requesting information from the OFC on investigative targets, including case information from other law enforcement agencies that may be investigating the same targets.

⁴ We did not examine the nature or appropriateness of SOD's policies, procedures, or internal controls for information collection and sharing.

Workflow inefficiencies may impede the OFC's ability to maintain the quality and timeliness of its products.

The demand for OFC products increased from 938 requests for products in fiscal year (FY) 2006 to 4,683 requests in FY 2012. Requesters told us that they generally received the products in a timely fashion, but in a sample of products we analyzed, we identified some that exceeded the OFC's timeliness threshold. We also found several workflow inefficiencies that, if corrected, could improve the operational effectiveness of the OFC.

Shortcomings in the staffing and product approval process: We found that several Intelligence Analyst positions had been left vacant for lengthy periods of time, including one position that had been vacant for over 6 years, at the OFC, which depends on its member agencies for its staffing resources. This has resulted in increased workloads for existing analysts and longer product processing times. In addition, some OFC Intelligence Analysts have little or no law enforcement experience, and OFC staff and users we interviewed told us that such analysts are often less effective. We also found that there are inconsistent approval standards for OFC work products across and within OFC units and that product disapprovals resulting from minor corrections can lead to lengthy approval processes and delays.

Policies governing communication with requesters: Our review found that OFC analysts do not always confer with requesters, as required by OFC policy. Contacting users to clarify requests ultimately saves time in preparing products and ensures that the recipients get the information they need. However, OFC staff told us that making contact with requesters is an ongoing challenge because requesters often cannot easily be reached. We found that there is no policy in place informing analysts how to proceed when this occurs.

Meaningful feedback: We found that the OFC has not established an effective system for gathering feedback and data from requesters regarding the value of OFC products. The OFC's feedback survey is sent to requesters before they can know whether the product helped their investigation and it is rarely returned without follow-up from the OFC. We believe that a better feedback mechanism could help the OFC ascertain what requesters value about its products and services, and how best to improve them.

In this report, we make 10 recommendations to improve the efficiency and effectiveness of the OFC's operations and the usefulness of its products.

TABLE OF CONTENTS

BACKGROUND 1

PURPOSE, SCOPE, AND METHODOLOGY OF THE OIG REVIEW 8

RESULTS OF THE REVIEW..... 11

 During the period of our review, the working relationship
 between OFC leadership and the FBI was strained..... 11

 The OFC has not addressed key issues that are keeping it
 from fully accomplishing its mission. 13

 Workflow inefficiencies may impede the OFC’s ability to
 maintain the quality and timeliness of its products. 25

CONCLUSION AND RECOMMENDATIONS 40

APPENDIX I: ADDITIONAL BACKGROUND..... 44

APPENDIX II: LIST OF ACRONYMS 51

APPENDIX III: OCDETF RESPONSE TO DRAFT REPORT..... 52

APPENDIX IV: OIG ANALYSIS OF OCDETF RESPONSE..... 57

BACKGROUND

Established by the Organized Crime Drug Enforcement Task Forces (OCDETF) Program in 2004, the OCDETF Fusion Center (OFC) is a multi-agency intelligence center designed to provide intelligence information to investigations and prosecutions focused on disrupting and dismantling drug trafficking and money laundering organizations.⁵ According to OCDETF Program officials, the OFC mission is to enhance the OCDETF Program's effectiveness in disrupting and dismantling targeted criminal organizations by providing actionable, operational intelligence products to investigators to facilitate the furtherance of drug and related financial investigations, and to enhance the identification of overlapping investigations (deconfliction) and coordination of drug and related financial investigations and prosecutions.⁶

The OFC aggregates the investigative and regulatory information and intelligence its partner agencies provide to it, and using the analytical abilities of its workforce and database technology, it analyzes that information to develop intelligence products on investigative targets.⁷ As of November 2013, the OFC had partner relationships with 25 agencies and organizations, including the International Organized Crime Intelligence and Operations Center (IOC-2).⁸ (See Appendix I for a

⁵ The OCDETF Program was established in 1982 to mount a comprehensive attack against organized drug traffickers. It is the centerpiece of the Attorney General's strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking and money laundering organizations and related criminal enterprises. The Program operates nationwide, combining the expertise of numerous federal agencies and state and local law enforcement agencies.

⁶ Strategic deconfliction seeks to prevent duplicative work by searching available data to determine if multiple law enforcement agencies are investigating the same target. Tactical deconfliction seeks to prevent personnel from two or more law enforcement agencies from unwittingly encountering each other during a law enforcement operation.

⁷ According to the OFC, a target can be an individual or business that is the subject of an investigation, but may also refer to an address, bank account, license plate, organizational name, telephone number, e-mail address, or Social Security number related to the investigation that an investigator requests additional information on.

⁸ In May 2009, the Attorney General's Organized Crime Council established the IOC-2 to marshal the resources and information of federal law enforcement agencies and prosecutors to collectively combat the threats posed by international criminal organizations. In recognition of the demonstrated interrelationship between criminal organizations that engage in illicit drug trafficking and those that engage in international organized crime involving a broader range of criminal activity, the IOC-2

(Cont'd.)

list of the OFC partner agencies and organizations.) The OFC also is responsible for compiling intelligence on Consolidated Priority Organization Targets (CPOT), the international “command and control” elements of the most significant drug trafficking and money laundering organizations affecting the United States.

Budget and Staffing

In fiscal year (FY) 2012, the OFC received \$29.6 million in operational funding. As of July 2013, the OFC had 195 staff members, 81 of whom were contractors. The remaining 114 staff members were detailed to the OFC from its member agencies through reimbursable agreements with the OCDETF Executive Office, with the majority of the detailees from the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI).

The OFC’s fundamental staffing positions include Intelligence Analysts, Desk Officers, Unit Chiefs, and Section Chiefs. Intelligence Analysts are the only OFC employees that research and write the OFC’s intelligence products on a daily basis. They also directly interact with OFC customers (requesters) in the field to assess what information should be included in products. The primary research tool that the Intelligence Analysts use to develop products is the OFC database, which ingests and fuses together investigative and regulatory information and intelligence from a diverse set of agencies and organizations that provide data to the OFC. Desk Officers, who are Special Agents, and Unit Chiefs, who are Supervisory Intelligence Analysts, review and approve OFC products. Section Chiefs supervise one or more units within the OFC.

In addition, Special Agents and Intelligence Analysts in the DEA’s Special Operations Division’s (SOD) OCDETF Fusion Center Section (OSF section) support the operations of the OFC. SOD is a multi-agency intelligence center that exploits communications-related data for law enforcement purposes, and the Special Agents and Intelligence Analysts within the OSF section receive all requests for OFC products and forward those requests to the OFC.⁹ They also help deconflict investigations

works in close partnership with the OFC and the Drug Enforcement Administration’s Special Operations Division. The IOC-2 is co-located with the OFC and shares access to the OFC’s database. Its products are indistinguishable from OFC products except that they focus on targets under investigation for a broader variety of criminal activity than just illicit drug trafficking.

⁹ SOD’s mission is to establish and coordinate law enforcement strategies and operations aimed at dismantling national and international drug trafficking organizations by targeting their command and control communications infrastructure.

(Cont’d.)

relating to OFC products and active SOD operations, and they review, approve, and disseminate OFC products to requesters. The OSF section is located at SOD, not the OFC.

Organization

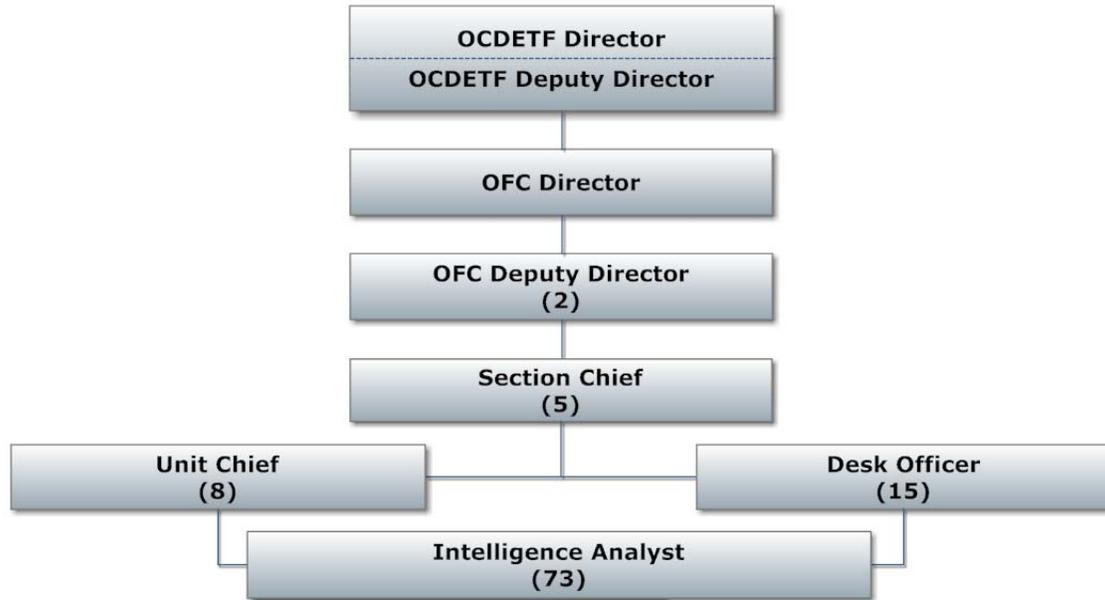
The OFC is led by a Director and two Deputy Directors. During the period of our review, the Director was a detailee from the DEA, and the Deputy Directors were detailees from the FBI and the Department of Homeland Security's Immigration and Customs Enforcement (ICE).¹⁰ As shown in Figure 1, as of July 2013, the Deputy Directors supervised five Section Chiefs, four of whom were detailees from the DEA and one of whom was a detailee from the FBI. These Section Chiefs supervised 8 Unit Chiefs and 15 Desk Officers, who collectively supervised the work performed by the 73 Intelligence Analysts who are responsible for researching and writing OFC products. The OFC as a whole reports to the OCDETF Deputy Director and the OCDETF Director, who is the component head for the OCDETF Executive Office.¹¹ The OCDETF Executive Office is an independent component in the Department of Justice that reports directly to the Deputy Attorney General.

The OSF section accounts for a small portion of SOD's operations. Apart from the OSF section's involvement in the OFC product development process, we did not review SOD's operations or use of information.

¹⁰ That Director of the OFC retired from the DEA in June 2013.

¹¹ The current OCDETF Director also serves as an Associate Deputy Attorney General in the Office of the Deputy Attorney General.

Figure 1: OFC Reporting Structure



Note: Numbers show on-board staff positions as of July 2013.

Source: OIG analysis of OFC staffing information.

The OFC's organizational structure is co-mingled, meaning that its employees operationally supervise and report to employees from a variety of OFC member agencies, although the majority come from the DEA and the FBI. The OFC's multi-agency structure results in Intelligence Analysts having multiple supervisors at the OFC. Intelligence Analysts report to two direct supervisors (their Unit Chief and Desk Officer), who are typically from a different agency than their own, and one rating supervisor from their own agency who they may not work with regularly.

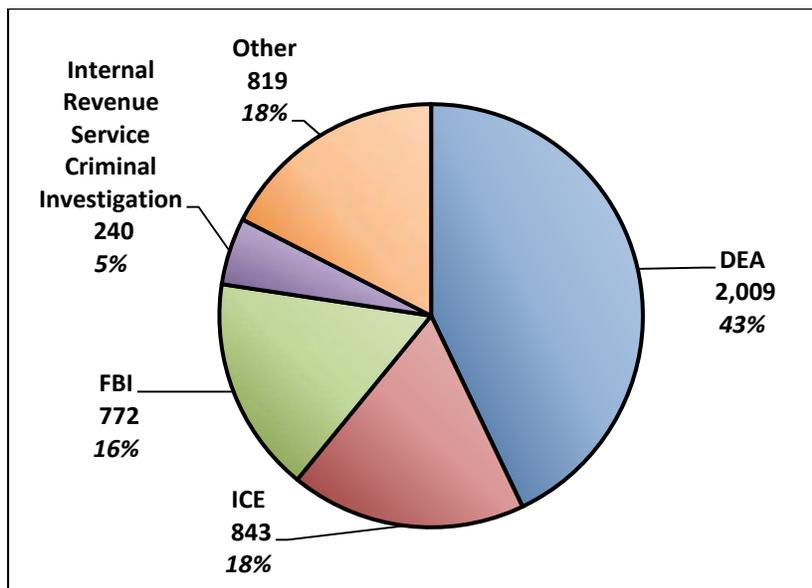
Within the OSF section at the DEA's SOD, the Special Agents and Intelligence Analysts report to the Assistant Special Agent in Charge of the OSF section, who in turn reports to the Special Agent in Charge of SOD. The OFC does not have any supervisory control over the Special Agents and Intelligence Analysts in the OSF section who support the OFC's work.

Requesters

Requests for OFC products originate from federal investigators and analysts in OFC member agencies, including federally deputized state and local law enforcement officers, who seek intelligence information to

support active federal drug and related financial investigations, including multi-agency investigations funded by the OCDETF Program. In FY 2012, there were 4,683 requests for OFC products. The DEA, ICE, and FBI account for the majority (77.4 percent in FY 2012) of OFC product requesters. As shown in Figure 2, law enforcement personnel from the DEA submitted 43 percent of all requests for products in FY 2012. Law enforcement personnel from ICE and FBI submitted 18 percent and 16.5 percent of all requests in FY 2012, respectively. See Appendix I for a complete breakdown of OFC requests by agency.

Figure 2: Product Requests by Agency, FY 2012



Notes: There were a total of 4,683 requests for products in FY 2012.

“Other” is a combination of eight agencies, each of which accounted for less than 5 percent of all product requests.

The figure shows product requests by the agency of the requester. However, requesters may also request products on behalf of multi-agency investigative task forces, such as OCDETF Strike Forces.

Source: OIG analysis of OFC data.

OFC Products

The types of products the OFC generates in response to requests for intelligence information include:

Target Profile: This is a customizable intelligence product that aggregates and analyzes information about specific individuals or

organizations using all intelligence sources available to OFC Intelligence Analysts. Examples of target information this product may provide include biographical information, known associates, and financial information.

Cases and Contacts: This is a list of contacts in all agencies that have relevant investigations on the requested target. When necessary, the Cases and Contacts includes details showing how the cases are linked to the requested target.

Proactive Asset Targeting Team (PATT) products: Established in 2010, PATT products are similar in content and structure to Target Profiles but are created proactively by the OFC instead of in response to requests from the field. They are initiated when an automated OFC process identifies a new Financial Crimes Enforcement Network (FinCEN) suspicious activity report indicative of money laundering that relates to an open federal investigation.¹²

Initial Case Review: This is a list of federal investigations that may be linked to the requester's investigation or targets. The Initial Case Review, unlike other OFC products, does not contain details explaining ties between the case and the requested target. The OCDETF Program requires requesters seeking OCDETF resources to request an Initial Case Review.

In addition to the four product types listed above, the OFC produces the CPOT Briefing Book and the CPOT Quarterly Activities Report, reference tools that provide information on each CPOT. The OFC issues these products on a recurring basis, rather than in response to requests from the field.

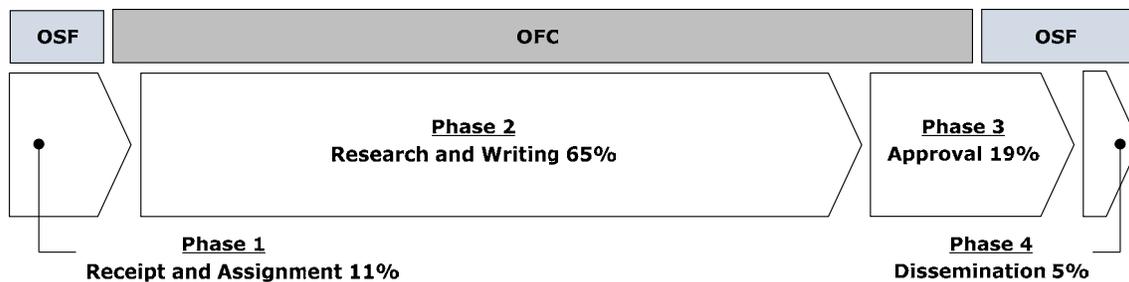
Product Workflow

The workflow process for OFC products occurs at both the OFC and the OSF section at SOD, and consists of four major phases: (1) receipt of request by the OSF section at SOD, electronic transfer of request to OFC, and assignment to an OFC Intelligence Analyst; (2) research and writing of the product by an Intelligence Analyst; (3) the approval process, during which staff at the OFC and OSF section at SOD

¹² FinCEN, a bureau of the Department of the Treasury and an OFC member agency, receives suspicious activity reports from financial institutions pursuant to the *Bank Secrecy Act*, which requires financial institutions to inform the federal government of any suspicious transaction relevant to a possible violation of law or regulation. The OFC regularly adds new FinCEN data to the OFC database.

must approve the content within the product; and (4) dissemination, during which a Special Agent or Intelligence Analyst in the OSF section at SOD disseminates the product to the requester and other investigators with related investigations.¹³ Figure 3 shows the percentage of total processing time by workflow phase based on an Office of the Inspector General (OIG) analysis of a sample of 31 randomly selected Target Profiles completed in FY 2012.

Figure 3: Workflow Phases and Percentage of Total Processing Time



Source: OIG analysis of a sample of 31 Target Profiles.

OFC products are disseminated to multiple federal law enforcement officers with related investigations. For example, for one of the products we reviewed, an ICE agent from Washington, D.C., requested a product to assist in a money laundering investigation. The OFC analyst conducted OFC database searches showing that the ICE investigation was related to one or more FBI investigations being conducted in three additional U.S. cities as well as in Lagos, Nigeria. Through the OSF section at SOD, the OFC disseminated the Target Profile to two different agencies’ investigators in five cities.

Appendix I contains additional background information on the OFC.

¹³ In Phase 3, the first line of approval consists of the Desk Officer and Unit Chief who directly supervise the Intelligence Analyst who wrote the product. The second line of approval consists of one representative from both the OFC and OSF section, each of whom must approve the product if it contains intelligence information from their agency. These agency’s representatives review the product to determine whether the agency data contained in the product can be released. The third and final line of approval is the Assistant Special Agent in Charge of the OSF section.

PURPOSE, SCOPE, AND METHODOLOGY OF THE OIG REVIEW

The OIG conducted this review to examine the OFC's operations and assess its process for sharing its analytical products. The review's scope included aspects of the DEA's Special Operations Division and the International Organized Crime Intelligence and Operations Center that relate to the OFC's mission. Our scope did not include a review of SOD's operations or use of intelligence apart from its involvement in the OFC product development process.

To assess the OFC's operations, we examined the OFC's workflow process. We used three separate methods to address this objective: an analysis of the OFC's workload data from FY 2006 through FY 2012; interviews with OCDETF executives, OFC employees, and OFC product users; and an analysis of the workflow process based on a random sample of 31 Target Profiles (the OFC's most commonly requested product) completed in FY 2012.¹⁴

To assess the OFC's process for sharing its analytical products, we gathered information about whether the OFC's products provided information that recipients could act on to further their investigations and whether the products provided information that the requester could not obtain in any other way. In addition to interviewing product requesters in the Washington, D.C., area, we conducted site visits to Houston, Texas, and New York City, where we interviewed investigators and analysts, including members of the OCDETF Strike Forces, to gather their views on the utility of OFC products and their impressions about the OFC. During our field work, we also interviewed Assistant United States Attorneys to determine how they used OFC products in prosecutions. In addition, we examined how the OFC contributes to investigations of the most significant drug traffickers, including those on the Department's Consolidated Priority Organization Target List.

Issues that Arose During the Review

We learned during the course of this review that OFC management took actions that created difficulties for us in obtaining information directly from OFC employees and ensuring that interview responses were candid and complete. For example, an OFC employee told us that during a staff meeting for all OFC personnel that took place in February 2012,

¹⁴ In this report, we use the term "OFC employees" to describe employees detailed to the OFC from its member agencies.

at the beginning of the OIG review, the OFC Director: (1) instructed OFC personnel to answer all OIG questions, but not to elaborate; (2) noted that it may be possible to determine who was responsible for any statements referenced in the OIG report; and (3) directed OFC personnel to give all documents the OIG requested to the OFC Associate Director, who would review the documents and provide them to the OIG. Other OFC personnel gave similar accounts of the Director's comments. The OIG was told that these statements, in conjunction with the procedure that all documentation be routed through a single point of contact, set a "very closed" and "adversarial" tone for the OIG review.

When we learned that a protocol had been put in place limiting employees from directly providing the OIG with documents if they wanted to do so, we informed OFC management that the objectivity of our review depended on us receiving documents directly from OFC employees without having the information screened or filtered by management. The OFC formally modified this process by issuing a memorandum in March 2012 stating that OFC employees could provide documents directly to the OIG as long as they notified the OFC Associate Director of the documents they had provided.

Nevertheless, we were told that in November 2012, 8 months after the OFC agreed to modify its document production protocol to allow employees to provide documents directly to the OIG, an OFC employee who directly provided the OIG with documents was later that day confronted by the OFC Director and told that any release of documents to the OIG had to be done by the OFC Associate Director.

Finally, and of great concern to us, two FBI employees detailed to the OFC reported to us that they were subjected to retaliation by the OFC Director after they met with OIG Inspectors during this review to describe their concerns about the OFC's operations. The OIG recently completed its review of these retaliation allegations and concluded that there were reasonable grounds to believe that personnel actions were taken against these employees in reprisal for their protected disclosures. We have referred our findings to the appropriate authorities for adjudication and resolution under applicable law, at which time the agency will have full opportunity to respond.¹⁵

¹⁵ Under the FBI Whistleblower Regulations, the OIG conducts the initial investigation into the complaint, at which stage the agency is not a formal party. The Department's Office of Attorney Recruitment and Management acts as the final decision maker for allegations of retaliation made by FBI employees.

Given this troubling conduct, we cannot be sure we obtained complete information from or about the OFC or that other OFC employees may not have been deterred from coming forward and speaking candidly with us. The results of our review reflect the findings and conclusions that we were able to reach based on the information that was made available to us.¹⁶

¹⁶ We also received information during our review that a Department official assigned to the OFC allegedly engaged in various misconduct with respect to a contractor. The OIG conducted an investigation and found that the official engaged in misconduct. During its investigation, the OIG determined that another official, who was detailed to the OFC, also engaged in misconduct, and that a third official, also detailed to the OFC, likely committed misconduct. In June 2013, the OIG referred its findings to the Department for appropriate action. The OIG has been informed that the decision was made not to take disciplinary action against the Department official or the two other officials.

RESULTS OF THE REVIEW

Our review identified deficiencies in the OFC's operations that could limit its contribution to the OCDETF Program's effectiveness in dismantling significant drug trafficking and money laundering organizations.

Specifically, we found that the working relationship between OFC leadership and the FBI was strained. This situation adversely affected the OFC's operations. Furthermore, the OFC has not addressed key issues that are keeping it from fully accomplishing its mission. The OFC is not prioritizing investigations with a nexus to high-value drug trafficking targets, there are coordination issues between the OFC and SOD that need to be addressed, and not all federal investigators understand the circumstances under which they may share OFC product information with federal prosecutors.

We also found that workflow inefficiencies may impede the OFC's ability to maintain the quality and timeliness of its products. There are weaknesses that delay the product approval process, and OFC Intelligence Analysts lack guidance about how to proceed when they are unable to confer with requesters about what the product should include. In addition, while investigators we interviewed told us OFC products provided useful information, the OFC lacks an adequate mechanism for obtaining meaningful feedback and data from users of its products.

During the period of our review, the working relationship between OFC leadership and the FBI was strained.

We found that there was an adversarial working atmosphere between the leadership of the OFC (the Director of which was a DEA employee during the period of our review) and FBI employees, including detailees to the OFC and an OFC Deputy Director. For example, we learned that several FBI personnel detailed to the OFC saw an imbalance in the workload of DEA and FBI personnel, and were convinced that FBI personnel were spending the vast majority of their time working on non-FBI matters and that the FBI was doing more than its share of work at the

center. In addition, FBI personnel detailed to the OFC were concerned that the OFC was not prioritizing requests from FBI customers. Further, FBI Intelligence Analysts indicated that they were receiving conflicting instructions from OFC supervisors that did not meet the mission needs of the FBI or best serve the OCDETF Program.¹⁷ To address these concerns, FBI leadership informed the OCDETF Executive Office and OFC management that they wanted to change FBI operations at the OFC; however, the OCDETF Executive Office and OFC management resisted the change. In response to this opposition, the FBI prepared a report in October 2012 that detailed the use of FBI staffing resources at the OFC. Among other findings, the report reflected the FBI's belief that it devoted more resources to the OFC than it received back in work products while other OFC member agencies, including the DEA, received more resources from the OFC than they devoted to the center. The OCDETF Executive Office and OFC management disputed the concerns the FBI raised in its report and the data that underlay the FBI's concerns.¹⁸

Then, in January 2013, FBI leadership informed the OFC that the FBI was planning to implement a single chain of command structure for its employees at the OFC, including a requirement that all FBI requests be assigned to FBI Intelligence Analysts only. This plan was to ensure that all FBI personnel at the OFC were supervised only by FBI personnel and represented a drastic change from prior OFC practice.¹⁹ In response, the OFC suspended all FBI employees' access to the OFC database for approximately 6 weeks. OFC leadership restored FBI access after reaching a temporary agreement with FBI leadership that all FBI requests to the OFC would be handled by FBI Intelligence Analysts and that the number of DEA Intelligence Analysts working at the OFC would increase.²⁰ In addition, the FBI and OCDETF Executive Office agreed to

¹⁷ FBI employees also expressed concern that direct supervisors and rating supervisors were not always communicating as they should when evaluating employee performance and, as a result, those evaluations were not accurate reflections of the FBI Intelligence Analysts' performance.

¹⁸ In response to a working draft of this report, the OCDETF Executive Office, DEA, and ICE indicated in substance that there were serious differences of opinion between the FBI and the OCDETF Executive Office and other OFC member agencies relating to the FBI's compliance with its obligations under the OFC program.

¹⁹ In response to a working draft of this report, the OCDETF Executive Office stated that the OCDETF Director never authorized the FBI's plan.

²⁰ In response to a working draft of this report, the OCDETF Executive Office noted that the temporary agreement is a pilot project that has yet to be given a final review.

work jointly to revise the memorandum of understanding between the FBI and the OFC.²¹

We believe that a dispute of this significance, which lasted over a period of many months, is a cause for serious concern, and it should never have been allowed to affect the operations of the OFC. We were not able to assess whether the strained working relationship between OFC leadership and the FBI resulted from issues involving specific individuals, the structure of the management and line staffing at the OFC, or a combination of these or other factors. Nevertheless, given that the OFC reports to the OCDETF Director, who, in turn, reports to the Deputy Attorney General, we believe that the Office of the Deputy Attorney General should evaluate the structure of the OFC and the procedures for appointment of its management and staff to determine if modifications are appropriate to ensure efficient and cooperative operations.

Recommendation

We recommend that the Office of the Deputy Attorney General:

1. evaluate the structure of the OFC and the procedures for appointment of its management and staff to determine if modifications are appropriate to ensure efficient and cooperative operations.

The OFC has not addressed key issues that are keeping it from fully accomplishing its mission.

We found problems with regard to the OFC's prioritization and information sharing procedures that have detracted from the OFC's efforts to fulfill its mission to enhance the OCDETF Program's effectiveness in disrupting and dismantling targeted criminal organizations. We discuss these problems below.

The OFC does not prioritize investigations with a nexus to high-value drug trafficking targets.

The mission of the OCDETF Program is to reduce the supply of illegal drugs in the United States and diminish the violence and other criminal activity associated with the drug trade by identifying,

²¹ We learned of the OFC's action to suspend the FBI employees' access to the OFC database, and the OFC operational changes that resulted from the OCDETF and FBI agreement, after we had concluded our field work.

disrupting, and dismantling the most significant international and domestic drug supply organizations and their related money laundering operations. To help focus its resources on this mission, OCDETF oversees the establishment of the Attorney General's Consolidated Priority Organization Target (CPOT) List, a multi-agency target list that identifies the leaders of the most significant drug trafficking and money laundering organizations around the world that have an impact on the supply of illegal drugs in the United States.²² The goal of every OCDETF case is to work up and across the drug supply chain to make connections among related organizations nationwide, in particular to identify links to one of the international command and control networks identified as a CPOT. The OCDETF Program seeks to direct its limited program resources to coordinated, nationwide investigations that have the greatest potential to disrupt and dismantle CPOTs.

To help achieve this goal, an intended focus for the OFC has been to maintain a base of knowledge and provide intelligence about the CPOTs. The OFC's Concept of Operations, drafted at the OFC's inception, stated that analysts and agents would be responsible for conducting analyses to identify all links to CPOTs and CPOT investigations, as well as all links between OCDETF and non-OCDETF investigations. The OFC's 2012 Strategic Plan reaffirmed this organizational priority, stating, "As an operational intelligence center the OFC's primary responsibility is to produce human and financial intelligence products that enable the field to actively investigate criminal activity, specifically major CPOT entities and their affiliates."

The priority placed on CPOTs is also reflected in the OFC Charter and the OFC's 2005 Standard Operating Policy and Procedures. According to the OFC Charter, one of the goals of the center is to provide intelligence support to assist in the initiation and development of multi-agency and multi-jurisdictional OCDETF investigations and prosecutions targeting drug trafficking and related money laundering organizations, including in particular those linked to CPOTs. The Standard Operating Policy and Procedures further states that investigations linked to CPOTs will be the priority of the OFC in an effort to reduce the supply and availability of illegal drugs in the United States.

In support of this priority, the OFC created a unit in 2007 that is dedicated to CPOT operations on behalf of the OCDETF Program. The

²² The OCDETF Program also oversees the establishment of the Regional Priority Organization Target List, which identifies those organizations whose drug trafficking and money laundering activities have a significant impact in a particular OCDETF Region.

“CPOT unit” was created to support field offices on CPOT-linked investigations, develop subject matter expertise on the various CPOTs, and serve as a repository for all CPOT-related intelligence. According to the CPOT unit’s Duties and Responsibilities, the unit is responsible for:

- gathering and analyzing information to produce CPOT target profiles;
- collecting, analyzing, and disseminating CPOT-related intelligence developed within the OFC in accordance with established protocols;
- analyzing intelligence to identify future generation of CPOTs;
- coordinating the preparation of the CPOT Briefing Book and CPOT Quarterly Activities Reports that provide information related to the background and activities of each CPOT; and
- serving as the central point of contact for field offices to send intelligence information related to CPOT activities and investigations, including assisting investigators in preparing nominations for the annual CPOT List.

In addition, in 2012, the OFC created a database that serves as a central repository for information related to the CPOTs. Only those analysts that work in the CPOT unit have access to this database.²³

However, our review identified several deficiencies in the OFC’s efforts to provide useful intelligence on the CPOTs. First, the OFC has no procedures in place to prioritize its work based on the significance of the target and thus does not currently prioritize work that relates to investigations linked to CPOTs. Instead, OFC officials told us that the center processes Target Profile requests on a first-in, first-out basis. During our interview, the OCEDTF Director said he agreed that the OFC should take the significance of the target into account when prioritizing its work.

Second, the OFC has dedicated limited resources to maintaining its capability to provide information on priority targets and to support activities relating to CPOT investigations and operations. According to OFC and OCEDTF officials we interviewed, the work required to maintain up-to-date information on the CPOTs requires significant time and attention. For each CPOT, an analyst must routinely gather intelligence

²³ Prior to the development of this database, the CPOT unit had access to a DEA database that contained similar information but had fewer capabilities.

by contacting investigators in the field and reviewing available information sources to extract detailed information about the CPOT's business activities, illicit operations and methods, associates, and family members. These officials also told us that keeping the CPOT List current is a continual process because of the frequency with which CPOTs are captured, extradited, or killed. Yet we found that as of July 2013, the only resources the OFC dedicated to compiling intelligence on the CPOTs were eight analysts assigned to the CPOT unit who, collectively, were responsible for keeping well-informed on the activities and associates of the 67 CPOTs.²⁴

Third, we found that investigators who have sought assistance from the OFC have limited awareness of the intelligence it has available on the CPOTs. For example, many of the users we interviewed were not aware of or did not use the OFC's annual CPOT Briefing Book. Furthermore, at a May 2012 OFC forum on the CPOT unit's service to the field, investigators reported that they were not familiar with the CPOT Quarterly Activities Reports that serve as updates to the information in the CPOT Briefing Book. Investigators also reported that they would like the OFC to provide more assistance in helping them to prepare nominations for individuals to be included on the CPOT List and in identifying whether their investigative targets are linked to CPOTs.

In addition, OFC officials who have worked in the CPOT unit told us that OFC management had not clearly defined the unit's mission or dedicated it exclusively to CPOT operations until recently. Of particular concern to these officials was that the unit has been tasked at times with developing regular products to make up for OFC staffing shortages in other units. These officials told us that gathering and analyzing intelligence on the CPOTs was a full-time job that required frequent interaction with investigators in the field, DEA headquarters, and SOD. They also stated that diverting resources to other matters had harmed the unit's ability to develop subject matter expertise and effectively track the activities of priority targets.

In interviews, OCDETF and OFC officials said that they envisioned that the CPOT unit would play a bigger role in supporting the OCDETF Program's CPOT operations in the future. For example, these officials

²⁴ At least twice a year executives from OCDETF member agencies, with input from their field investigators, determine new individuals that should be designated as CPOTs and decide if any individuals currently on the list should be removed. In FY 2013, new additions to the CPOT List were considered twice and removals were considered four times. As of September 27, 2013, 67 people were on the list of active CPOTs.

stated that the unit would soon be able to determine whether reported links to CPOTs were credible and could be corroborated by other investigative data, an analysis that the OFC was previously unable to perform because OCDETF investigative information had not been fully merged with the OFC database and therefore was not easily searchable. OCDETF officials also said that they intended to gather additional information about how OFC products have supported CPOT investigations, including how often OFC products have helped investigators launch new OCDETF investigations and identify links to CPOTs. In addition, the OFC was in the process of establishing an online portal to CPOT information. This resource was to replace the annual CPOT Briefing Book, and the OFC envisioned that it would respond to the needs of investigators by making more timely CPOT intelligence available to investigators and analysts.

Improved prioritization of the OFC's workload could substantially help those investigators and prosecutors who work drug and related financial cases that have the greatest potential to reduce the supply and availability of illicit drugs.

Recommendations

We recommend that the OFC:

2. establish procedures to identify and prioritize requests in investigations with a nexus to high-value drug trafficking and money laundering targets, such as targets linked to CPOTs and their associates; and
3. develop guidance clarifying that the CPOT unit's primary focus is to support CPOT-linked investigations and to compile intelligence on the CPOT organizations on behalf of the OCDETF Program.

Coordination between the OFC and DEA's Special Operations Division needs improvement.

We identified problems between the OFC and SOD with how they coordinate their efforts to provide information to OFC product requesters

and track OFC product workflow information.²⁵ The results of our analysis follow.

Information Sharing Between OFC and SOD

When the OFC was established in 2004, planning documents envisioned that the OFC and SOD would establish a close partnership that would enable the centers to combine their respective intelligence efforts and data to provide the most comprehensive view possible of drug trafficking organizations and the money laundering networks and other infrastructures that support them, including investigations targeting OCDETF and CPOT targets. To this end, in FY 2005, a group of OFC personnel referred to as the OCDETF Fusion Center section at SOD (OSF section) was established within SOD to coordinate and facilitate the interaction among the OFC, SOD, and requesters' field offices.

The OSF section at SOD plays an integral role in the OFC's product workflow process.²⁶ According to the OFC's 2005 Standard Operating Policy and Procedures, which were in effect during our review, the OSF section is responsible for performing the following workflow functions:

- receiving, reviewing, and tracking all incoming requests for OFC products and forwarding the requests to the OFC;
- handling all deconfliction and coordination between agencies and investigations supported by OFC products;
- reviewing OFC products for accuracy and completeness, and approving the release of agency information in them; and
- disseminating the products to the appropriate users.

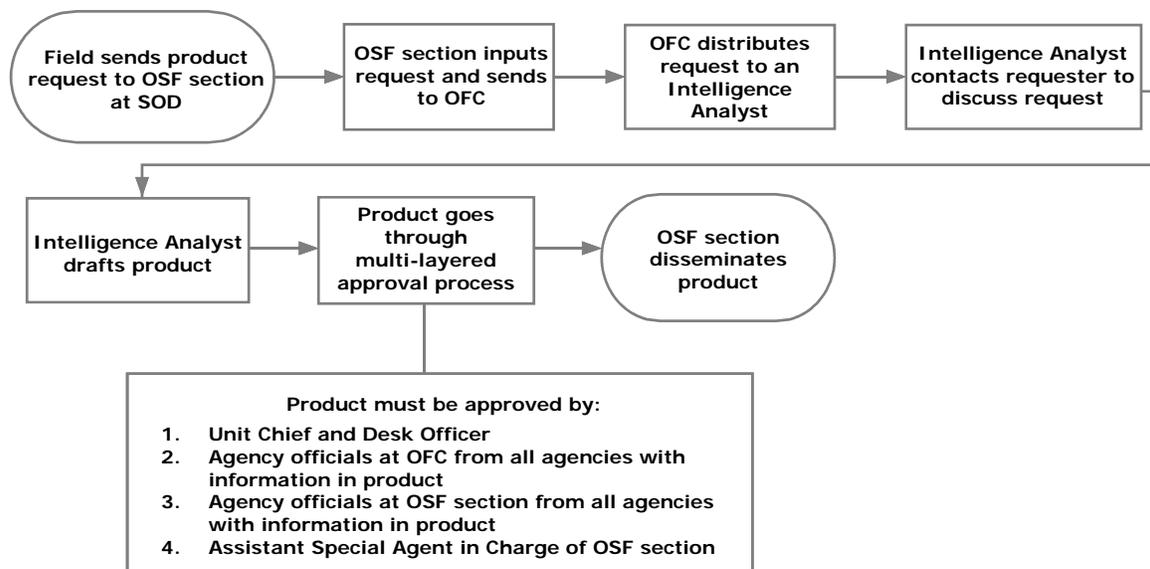
As shown in Figure 4, the OSF section receives all requests for OFC products and forwards those requests to the OFC. After the OFC

²⁵ Our scope did not include a review of SOD's operations or the collection or sharing of intelligence apart from its involvement in the OFC product development process.

²⁶ As of July 2013, the Bureau of Alcohol, Tobacco, Firearms and Explosives, DEA, FBI, Internal Revenue Service Criminal Investigation, and U.S. Marshals Service had detailed a total of 17 Special Agents, Intelligence Analysts, and support staff to the OSF section at SOD. Except for the Internal Revenue Service Criminal Investigation and U.S. Marshals Service personnel, all of these positions were reimbursable by the OCDETF Program. Other OFC member agencies use existing staff that they have detailed to SOD to assist the OFC. However, these staff members are responsible for supporting SOD in addition to processing OFC products.

has developed a product that has been approved by the appropriate agency representatives at the OFC and the OSF section, the OSF section disseminates the product to the requester and other approved investigators and or analysts.

Figure 4: Steps of the OFC Product Workflow Process from Product Request through Dissemination



Source: OIG analysis of OFC product workflow process.

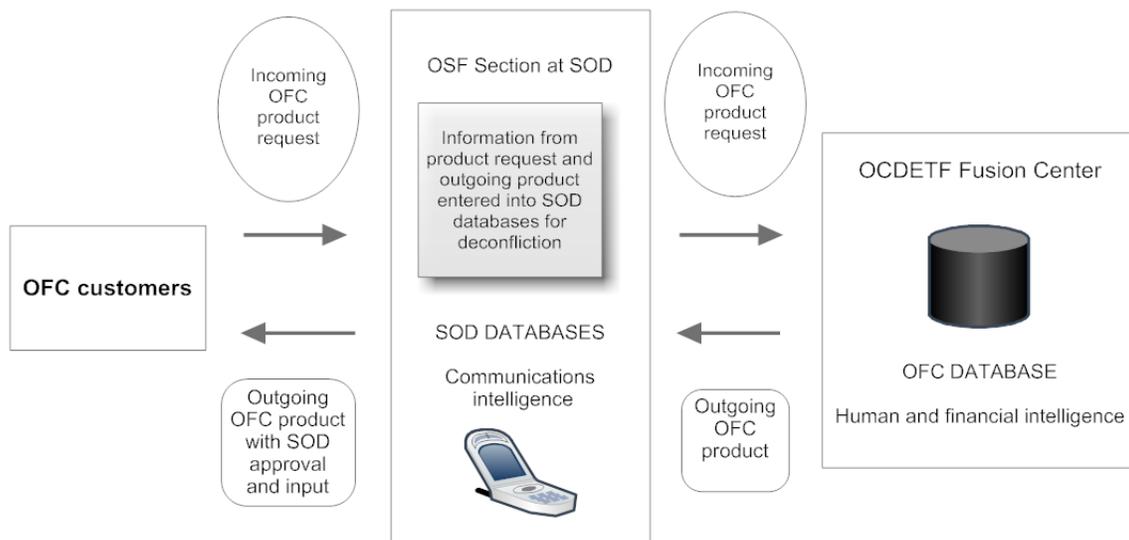
We found that management of the workflow process for OFC products is not entirely the OFC's responsibility, but rather is shared between the OFC and SOD. In addition, the reporting structure and chain of command for the OSF section personnel is fragmented, with some of the OSF section staff reporting directly to the Assistant Special Agent in Charge of the OSF section and others reporting to OFC management for their OFC-related work. Also, several OFC managers noted problems with the communication and coordination between the OFC and OSF section staff because the OSF section is located at SOD, not the OFC.

In addition, we found that some of the OSF section personnel often perform work that is unrelated to processing OFC products. Four of the six OSF section staff we interviewed said that in addition to reviewing incoming requests and approving outgoing OFC products, they coordinate cases and operations supported by SOD and process requests for SOD intelligence products. Multiple OFC officials told us that the

OSF section's lack of focus on processing OFC products has contributed to product delays and quality-control problems.

In the course of our review, we also found that there is no formal or informal understanding between OFC and SOD about whether the OSF section should use SOD communications data, which is not available to the OFC, to add value to OFC products. OCDETF and OFC officials told us that the OSF section is responsible for reviewing OFC products to determine whether it can add value to them by using the communications data available to it through SOD databases but not available in the OFC database.²⁷ Figure 5 illustrates the OSF section's role in adding value to OFC products as described to the OIG by OCDETF and OFC officials.

Figure 5: OSF Section's Role in Adding Value to OFC Products



Source: OIG analysis of OFC product workflow process.

However, during interviews with the OIG, employees located at the OFC expressed confusion regarding what actions the OSF section was actually taking to add value to OFC products. Several OFC managers and analysts told us that they were under the impression that the OSF section is supposed to be checking the information in the outgoing OFC products against SOD's communications databases to further deconflict the investigations supported by the OFC products and to provide

²⁷ The OFC has access to some communications data through the investigative, regulatory, and open source data within its database, but it does not have access to information gathered through the use of federal wiretaps. That data is contained in SOD databases.

additional leads on targets. However, they told us that they did not know if the OSF section was actually taking these steps, nor did they understand how the section was using the information in OFC products to further accomplish deconfliction.

When we asked OSF section staff members whether they performed database checks for outgoing OFC products, we received inconsistent responses. Some staff members told us that they did not perform these checks, although they said they did check the information in incoming product requests against the SOD databases to determine if the requests were linked to existing operations or cases supported by SOD. These staff members also told us that the OFC product requester was responsible for following up with SOD if additional information from SOD was needed.²⁸ In contrast, other OSF section staff we interviewed told us that they routinely checked the information in outgoing OFC products against SOD databases. For example, one analyst said that he checked the telephone and e-mail data in the OFC products against SOD databases because requesters from his agency were generally not knowledgeable about the distinction between the OFC and SOD. The analyst also expressed his concern that, if these database checks were not performed, requesters might not be aware that they needed to submit a separate request to SOD to obtain communications intelligence on their targets.²⁹

Our review concluded that a significant contributing factor causing the confusion among employees located at the OFC regarding what actions the OSF section was taking to add value to the OFC products is that OFC and SOD management have not adequately defined the role and responsibility of the OSF section in adding value to OFC products. Although the OFC's 2005 Standard Operating Policy and Procedures states that the OSF section is responsible for handling all deconfliction and coordination between agencies and investigations supported by OFC products, it does not specify the OSF section's responsibilities with respect to performing SOD database checks on information in the OFC products. Furthermore, the Standard Operating Policy and Procedures does not provide guidance on what actions the OSF section should take

²⁸ The product may include recommendations to contact SOD for additional analysis if it contains telephone numbers or e-mail addresses identified by the OFC that may be relevant to the requester's investigation.

²⁹ An investigator we interviewed said that the connection between the OFC and SOD was confusing and he did not understand how the centers were merging their intelligence into the OFC product.

or what information, if any, it should add to the OFC product if it finds relevant intelligence in the SOD databases.

Some OFC managers said that while the partnership with SOD was originally important because SOD's involvement reinforced trust among the OFC member agencies, they now question the added value that the OSF section was bringing to the products. The OSF section has access to SOD databases that OFC managers believe can provide additional intelligence on the drug trafficking and money laundering targets included in the OFC product requests. OFC officials told us that they could see no evidence that the OSF section was checking the communications information in the OFC products against SOD databases, which they believed the OSF section was supposed to be doing to further accomplish deconfliction.

OFC customers have indicated that SOD analysis would make the OFC products more valuable. For example, during interviews with the OIG, a few investigators said that they would like OFC products to provide additional analysis on the telephone numbers they include. At an OFC customer forum, investigators also expressed their desire for the OFC to provide an all-in-one product that merged the OFC's human and financial intelligence with SOD's communications intelligence. OFC and SOD officials told us that they have already taken steps to explore how the two centers can further share their respective intelligence to enhance the identification of links between targets and investigations.³⁰

Until the OFC and SOD better define the management of the OSF section's role in the workflow process, including what actions the OSF section can and should take to add value to the OFC products, OFC customers will not be able to effectively deconflict and fully coordinate all investigations supported by OFC products.

Recommendation

We recommend that the OFC:

4. work with SOD to define the management and workflow responsibilities of the OSF section, including what actions the OSF section can and should take to allow appropriate information sharing between SOD and the OFC and increase the intelligence value of OFC products.

³⁰ As noted above, our review did not examine the nature or appropriateness of SOD's policies, procedures, or internal controls for information collection and sharing.

Tracking OFC Product Workflow Information

We found that the OFC is unable to reliably collect and track OFC product workflow information from the OSF section. The OSF section tracks requests to the OFC in two separate computer systems: the OFC product workflow system and a DEA case tracking system.³¹ The OSF section receives incoming requests for OFC products through a web portal, or for customers without access to the portal, by facsimile or e-mail. Requests that come through the web portal go directly to the DEA tracking system. These requests are then manually re-entered by OSF section staff into the OFC product workflow system. Facsimiled and e-mailed requests are manually entered by OSF section staff into both systems.³² Similarly, the OSF section staff has to manually key the dissemination date and the recipients of the OFC products into the OFC product workflow system, which we were told in interviews can occasionally result in incomplete or incorrect product dissemination data.

In addition, because the OFC workflow system cannot automatically track the actual date of dissemination for a product, OFC officials consider the date when the Assistant Special Agent in Charge of the OSF section approves a product for release as the date when the product is completed, even though this does not reflect the date when the OSF section actually disseminated the product to the requester.³³

OFC officials told us that their inability to collect accurate product workflow data from the OSF section has made it difficult for them to monitor the workflow process and track product timeliness, and it has

³¹ The DEA tracking system helps the OSF section to determine whether the OFC request is linked to an operation or case that is already being supported by SOD.

³² OFC staff members told us that for facsimiled and e-mailed requests, the OSF section does not always enter the date when the request was actually submitted but rather the date when it was entered in the OFC workflow system. However, in our sample of 31 Target Profiles we found that, on average, the elapsed time between the date when the request was actually submitted and the date it was entered into the OFC workflow system was 1 workday.

³³ However, in our sample of 31 Target Profiles we found that, on average, the elapsed time between the date when the product was approved and the date when it was actually disseminated to the requester was 1 workday. Although there were 31 products in our sample, we used only 30 to compute this average as the remaining product was an outlier. According to the OFC workflow system, that product took 2 months from the date when it was approved to the date when it was actually disseminated to the requester.

prevented the OFC from being able to reliably determine the amount of time it takes to process a product from start to finish.

Recommendation

We recommend that the OFC:

5. improve the capabilities of its product workflow system or make other process improvements to collect accurate product workflow data on product requests and disseminations processed by the OSF section at SOD.

Additional guidance is needed to address when investigators may share OFC products with federal prosecutors.

Historically, federal prosecutors have had limited direct contact with the OFC because OFC practice requires that requests come from federal investigators.

We interviewed eight federal prosecutors who handle cases to which the OFC's information is potentially relevant, including six lead OCDETF prosecutors, one Asset Forfeiture Section Chief, and one Assistant United States Attorney who was assigned to an OCDETF case. Six of these eight prosecutors told us they were not familiar with the capabilities of the OFC or its products, and four of these prosecutors told us that they had never seen an OFC product.

In our interviews, the two federal prosecutors who said they were familiar with the OFC's capabilities each gave us an example where they said their use of OFC products had been useful to their prosecutions. These two federal prosecutors, as well as the OCDETF Director, told us that greater federal prosecutor awareness and use of OFC products would be useful.

Some investigators we interviewed said that they shared the information in OFC products with the federal prosecutors assigned to their cases. However, other investigators told us that they do not share the product information with federal prosecutors. There is a warning printed on the cover page of all OFC products that restricts its use as follows:

This product contains sensitive proprietary law enforcement information which may be either classified or the subject of stringent caveats, and as such may not be referenced or incorporated into affidavits or other court related documents without the express written permission of the originating agencies. It is provided to your agency for lead purposes only

and may not be disseminated to third parties without approval of the originating agencies. . . .” (emphasis added)

OFC officials told us that this caveat is not meant to preclude investigators from sharing the products with the federal prosecutors assigned to their case. However, one OFC official we interviewed told us that this caveat had led some investigators to incorrectly conclude that they were not allowed to show OFC product information to federal prosecutors.

It is apparent that additional guidance is necessary to clarify when it may be appropriate for investigators to notify federal prosecutors about OFC product information.

Recommendation

We recommend that the OFC:

6. modify the warning statement on OFC products and provide additional guidance to make clear the conditions under which investigators may show the products to federal prosecutors.

Workflow inefficiencies may impede the OFC’s ability to maintain the quality and timeliness of its products.

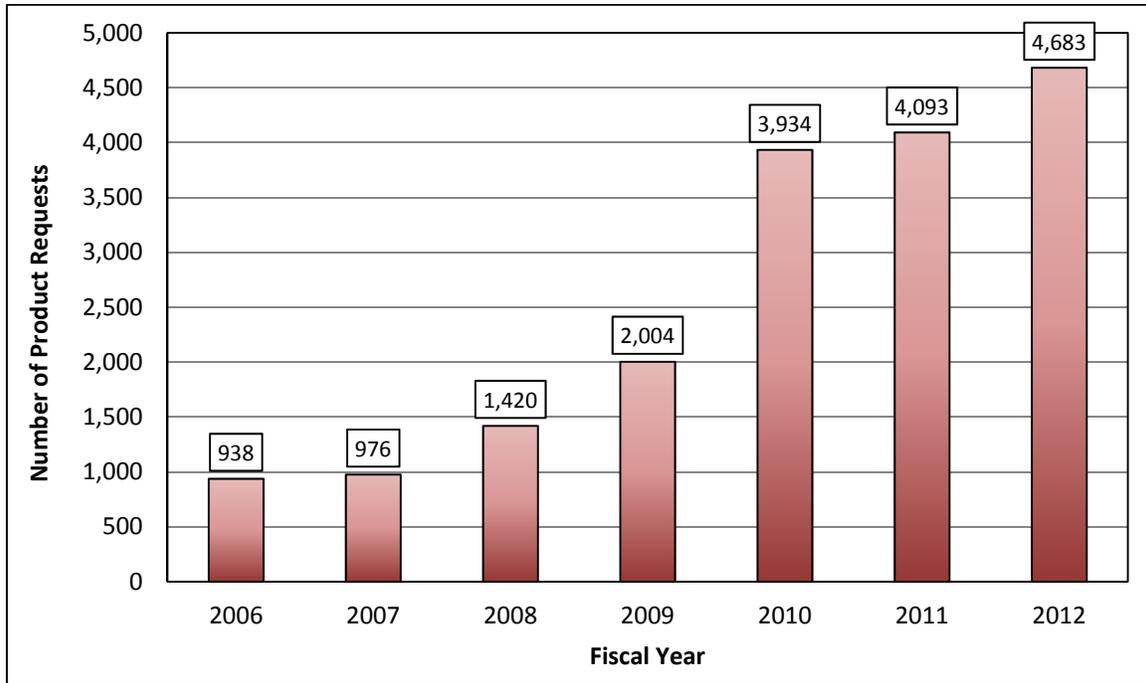
Trends in the OFC’s data suggest that the OFC’s workload is increasing. The number of product requests for OFC products is increasing and the products are becoming more complex. These trends emphasize the importance of ensuring that the workflow process for producing OFC products performs as efficiently as possible. However, we found several workflow inefficiencies that need correcting to maintain the operational effectiveness of the OFC.

Requests for OFC products are increasing and the products are becoming more complex.

The number of product requests users submitted to the OFC increased each year from FY 2006 through FY 2012. As shown in Figure 6, the number of requests increased from 938 in FY 2006 to 4,683 in FY 2012. Between FY 2009 and FY 2010, the OFC experienced its largest increase in requests from 2,004 in FY 2009 to 3,934 in FY 2010

(a 96-percent increase). This time period coincided with the addition of several new OFC member agencies, including ICE.³⁴

Figure 6: Number of Product Requests, FY 2006 through FY 2012



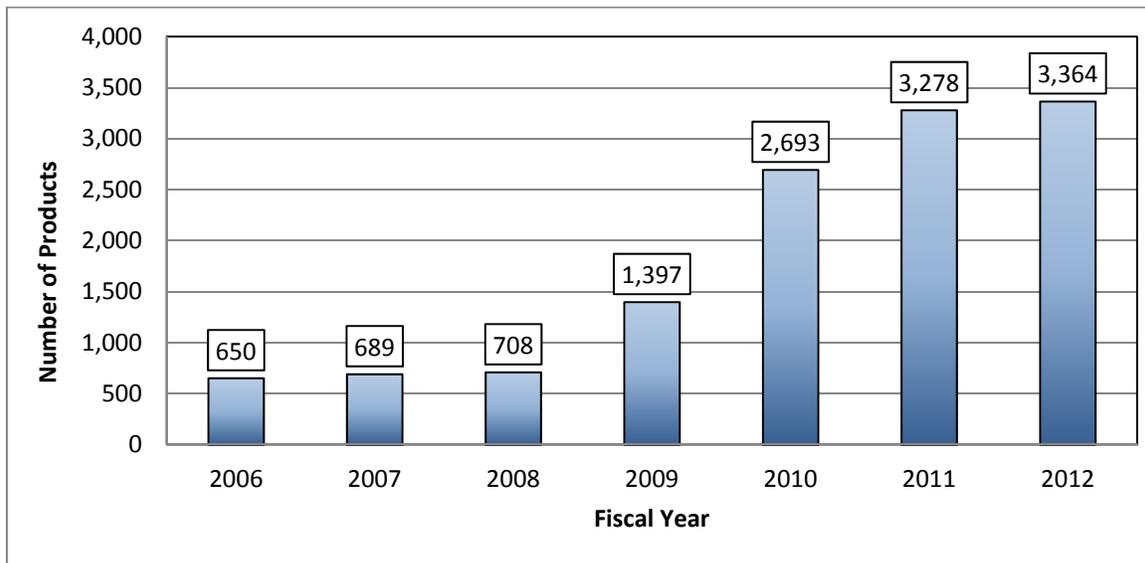
Source: OIG analysis of OFC data.

In response to the increasing demand, the OFC generated more products. As shown in Figure 7, the number of products increased each year from 650 in FY 2006 to 3,364 in FY 2012.³⁵

³⁴ ICE; the Department of State, Bureau of Diplomatic Security; and the Department of Labor, Office of Inspector General all signed memoranda of understanding to become members of the OFC in 2009. The Secret Service signed a memorandum of understanding with the OFC in 2010. An incentive for these agencies to partner with the OFC was the establishment of the IOC-2 in 2009. As noted above, the IOC-2 and OFC are co-located and share resources and information to accomplish their respective missions.

³⁵ In FY 2012, 23 percent (1,094 of 4,683) of requests did not result in a product. OFC personnel told us that requests do not result in products when the OFC does not have information on the targets submitted and when the OFC has information only from the requester's agency. (Because the requester would presumably have access to this information, the OFC does not produce a product in these cases and will notify the requester accordingly.)

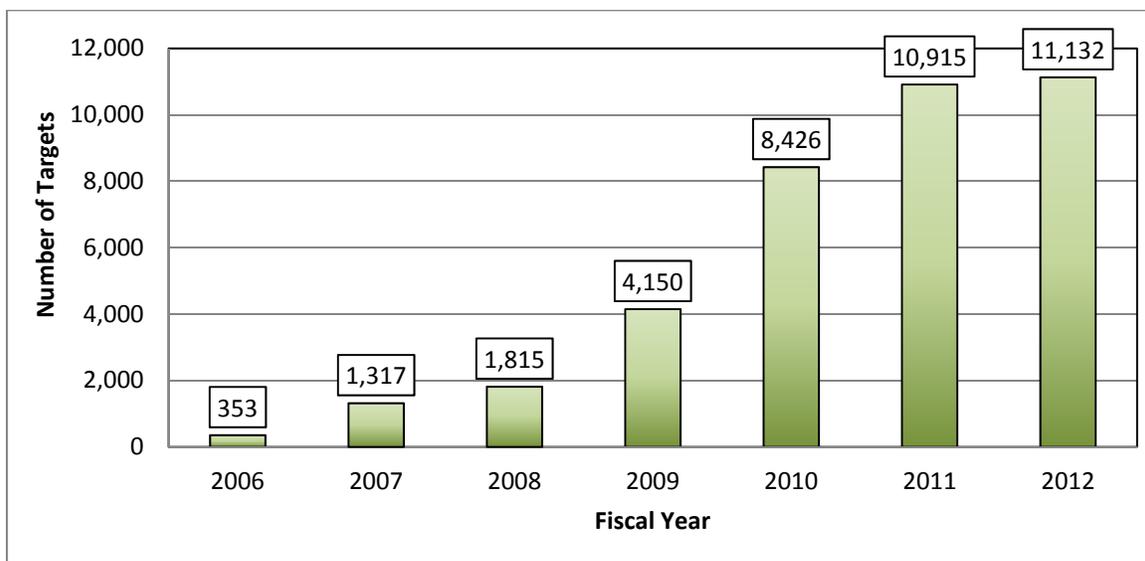
Figure 7: Number of Products Generated, FY 2006 through FY 2012



Source: OIG analysis of OFC data.

Our analysis of OFC data also showed that OFC products are becoming more complex. For example, we found that analysts are researching more targets per profile and each profile contained information from a growing number of agencies. As shown in Figure 8, the number of targets researched to develop the Target Profiles increased each year from 353 in FY 2006 to 11,132 in FY 2012.

Figure 8: Number of Targets Researched for Target Profiles, FY 2006 through FY 2012



Source: OIG analysis of OFC data.

Overall, the average number of targets researched per Target Profile also increased from 1.4 targets per request in FY 2006 to 4.4 targets per request in FY 2012. The increasing number of targets per profile means that, on average, analysts have to conduct more complicated, extensive, and time-consuming searches and analyses of information in the OFC database to develop each Target Profile.

Also during this period, Target Profiles contained information from a growing number of agencies. For example, in FY 2006 a Target Profile contained, on average, information from 2.2 agencies, while in FY 2011 the number increased to 4.2. During the same period, the maximum number of agencies with their information included in a Target Profile increased from 9 to 13. Because agency information in a product cannot be shared until representatives located at both the OFC and SOD have approved it for release, the number of approvals required increases as the number of agencies with their information in the product increases.³⁶

In addition to the reactive work the OFC already engages in to respond to requests from investigators in the field, OFC officials said there is an opportunity for the OFC to analyze data more proactively, such as by identifying significant money laundering targets and their affiliates not already under investigation. For example, OCDETF and OFC officials have discussed, but not finalized, a partnership with the Department of the Treasury that would expand the OFC's data analysis for the purpose of detecting significant money laundering networks. The project would combine the OFC's data analysis capabilities with the Department of the Treasury's authorities and expertise in conducting money laundering investigations. Treasury officials told the OIG that the partnership has the potential to enhance law enforcement's ability to disrupt and dismantle significant organized crime threats, provide more intelligence on the movement of money overseas by major drug trafficking organizations, and improve law enforcement's understanding of the money laundering methods and networks used by major drug trafficking organizations. Such initiatives are likely to add further complexity to the OFC's work and products.

Product Timeliness

As noted above, we found that the OFC is unable to track reliable workflow information on product timeliness from the OSF section at

³⁶ FinCEN and the Federal Bureau of Prisons do not require approval for the release of their agency information in OFC products. In addition, the Department of State does not require approval for the release of Nonimmigrant Visa and Immigrant Visa information in OFC products.

SOD. At the time of our review the OFC had not established official performance metrics to measure product timeliness, but OFC officials told us that the center strives to complete Target Profiles in 30 workdays, Cases and Contacts in 15 workdays, and Initial Case Reviews in 10 workdays.

In our analysis of a sample of 31 Target Profiles, we identified 7 Target Profiles (22 percent) that exceeded the OFC's time threshold of 30 workdays to complete this product type.³⁷ Intelligence Analysts for the seven products that took more than 30 workdays to complete attributed the delays to a variety of reasons, including the time they spent fulfilling training requirements and the generally high volume of requests for products that they receive.

In addition, for two products, the primary reason they were not completed within 30 workdays appears to have been avoidable delays during the approval phase. Specifically, under the OFC's process, if a product is disapproved, the Intelligence Analyst who developed the product is responsible for making any necessary changes and then resubmitting the product for approval. Yet for these two products, the Intelligence Analysts had taken leave at the time the products were disapproved, and nobody had been assigned responsibility for the products in their absence. The products were not completed until these Intelligence Analysts returned from leave, causing delays to each product, in one case up to 1 week, and resulting in both products exceeding the OFC's 30-workday threshold for the completion of Target Profiles.

Despite the delays we identified within our sample, the majority of users we interviewed regarding specific Target Profiles said that they had received the products quickly enough to meet the needs of their investigations.³⁸ Users said they had received their Target Profiles in 1 to 6 weeks. The two users who said they did not receive Target Profiles quickly enough waited 6 weeks and 2 months, respectively.

³⁷ The time taken to complete these seven Target Profiles ranged from 32 to 77 workdays. To control for variables that could affect processing times, we limited our sample to products that required approvals from three agencies and that provided information on two to five targets.

³⁸ Twenty-four of 30 users said they received the Target Profiles quickly enough to meet their investigative needs, 2 said they did not receive it quickly enough, and 4 were not asked or did not have an answer.

Weaknesses exist in the OFC's staffing and product approval process.

In the course of our review, we identified several factors that negatively affect the OFC's staffing resources and product approval process, which can inhibit the OFC's operational effectiveness. We discuss these problems below.

OFC's Multi-Agency Staffing Structure

Staffing at the OFC is multi-agency, and the center is dependent upon its member agencies for supplying the staffing resources necessary to accomplish its mission. OFC member agencies assign personnel to the center in accordance with the OFC Charter and a memorandum of understanding between each agency and the OFC. The OFC Charter governs the cooperation among member agencies in the establishment and administration of the OFC. According to the charter, staffing at the OFC will consist of highly skilled, trained, and motivated Special Agents, Intelligence Analysts, and other personnel committed to accomplishing the OFC mission. Each memorandum of understanding between a member agency and the OFC sets forth the terms by which the member agency agrees to commit personnel resources and contribute information to the OFC. It also specifies the number of personnel the member agency is to assign to the OFC, including the grade level, series, and position of the assigned personnel.

However, our review found that member agencies do not always adhere to these staffing agreements. For example, for some OFC Intelligence Analysts, the OFC is their first law enforcement assignment. In interviews with OFC staff and users, we were told that Intelligence Analysts who do not have field experience supporting investigations lack institutional knowledge about their own agency and lack insights about the kind of support investigators need. One user said that, based on his interactions with the OFC, it was apparent to him that some of the Intelligence Analysts did not have any field experience and that made it harder to convey what type of intelligence was being sought through product requests. OFC Intelligence Analysts similarly told us that having field experience is important for understanding what intelligence users are asking for and tailoring products accordingly, and that Intelligence Analysts without field experience require time-consuming mentoring that can contribute to product delays.³⁹

³⁹ Experienced Intelligence Analysts are regularly assigned new Intelligence Analysts to mentor. Mentors help new Intelligence Analysts research and write products, and help develop new Intelligence Analysts' analytical skills.

Employees from one OFC member agency expressed concern that their agency was detailing new Intelligence Analysts to the OFC who lacked training and experience with their home agency's practices, procedures, and investigative techniques, which they said prevented the Intelligence Analysts from effectively supporting their agency's field operations. These Intelligence Analysts typically do not gain the needed experience in their own agency until their assignment at the OFC is complete.⁴⁰ In addition, the employees said that Intelligence Analysts at the OFC do not develop regional subject matter expertise, which they believe to be an important part of Intelligence Analyst career development at that agency.

In addition to not having field experience, some Intelligence Analysts were below the grade level called for in staffing agreements between the OFC and its member agencies. Specifically, although the memoranda of understanding between two member agencies and the OFC called for Intelligence Analysts in the GS-9 through GS-13 grade levels, as of October 2012 seven of the Intelligence Analysts detailed to the OFC by those two member agencies were at the GS-7 grade level.

We also found that several authorized Intelligence Analyst positions had been vacant for significant amounts of time. Specifically, as of October 2012, one DEA Intelligence Analyst position had been vacant for over 6 years, two DEA Intelligence Analyst positions had been vacant for 1 year, and two DEA Intelligence Analyst positions as well as one DEA supervisory Intelligence Analyst position had been vacant for 6 months.⁴¹ DEA officials attributed the delays in filling these vacancies to hiring freezes and budget cuts, as well as attrition, retirements, transfers, and promotions.

Vacancies in Intelligence Analyst positions are especially significant because they are the only employees at the OFC that research and write products full time. As of October 2012, the OFC had 52 Intelligence Analysts, and the center created a total of 3,364 products, including 2,529 Target Profiles in FY 2012. Therefore, on average, each

⁴⁰ The memoranda of understanding between the OFC and its member agencies require a minimum commitment of 2 years for each Intelligence Analyst detailed to the OFC.

⁴¹ We also found that one Coast Guard Intelligence Analyst position had been vacant for over 5 years. According to its memorandum of understanding with the OFC, the Coast Guard has agreed to detail one military or civilian Intelligence Analyst to the OFC. An OFC official told us that the agency was unable to fill the vacancy because it lacked available personnel resources.

of the Intelligence Analysts was responsible for developing 65 products, including 49 Target Profiles. During interviews with Intelligence Analysts, we were told that Intelligence Analysts always had several product requests waiting to be worked on and that the high workload sometimes caused products to be delayed past the OFC's timeliness threshold of 30 workdays to complete a Target Profile. Filling vacant Intelligence Analyst positions with experienced personnel as specified in the OFC's memoranda of understanding with its member agencies, to the extent possible, would allow product requests to be dispersed over a greater number of Intelligence Analysts, decreasing the number of products waiting in each Intelligence Analysts' product queue.

Recommendation

We recommend that the OFC:

7. work with its member agencies to revise its staffing agreements to further encourage member agencies to assign experienced Intelligence Analysts to the center and minimize vacancies in Intelligence Analyst positions.

Product Approval Process

After an Intelligence Analyst completes the research and writing of an OFC product, the product is required to undergo a multi-layered approval process before it can be disseminated to the requester and other federal law enforcement officers with related investigations. We found that at a minimum, five different reviewers are involved in the approval process.⁴² Moreover, once a product is disapproved by a reviewer for any reason, OFC protocol requires that everyone in the approval chain at both the OFC and SOD must again review the product for re-approval, even if the information relevant to their agency has not changed. OFC officials told us that the approval process helps to reinforce trust among the member agencies that the agency information in the OFC product will be accurately presented and sensitive information will be protected from unauthorized disclosure.

⁴² This assumes that the product contains information from only one OFC member agency. The first two approvals are the Desk Officer and Unit Chief at the OFC, respectively. The third and fourth approvals are the agency representatives located at both the OFC and SOD, respectively, who determine whether the agency data contained in the product can be released. The fifth and final approval is the Assistant Special Agent in Charge of the OSF section at SOD.

Our review also found inconsistencies in approval standards for OFC products that are due, in part, to operational differences among and within the OFC units that research and write products in response to requests. For example, for Cases and Contacts products, some units require one- or two-sentence summaries of any relevant open investigations, while other units do not require such detail.⁴³ Units also vary in their policies regarding excluding certain types of information to which the requester already has access. For instance, some units' analysts do not perform criminal history checks because they believe the requester is likely to have this information already. Similarly, some analysts will not include FinCEN information if they know the requester's agency has its own access to FinCEN's databases, and some analysts do not include information from the requester's agency in the product. According to OFC staff, the differences among units are due to the individual preferences of supervisors within each unit.

We found that the differences among and within units can cause uncertainty among Intelligence Analysts as to whether products will be approved and that this confusion adds unnecessary delay during the approval process. Because multiple staff members within the OFC and SOD are responsible for approving each product, one staff member may disapprove a product for reasons another staff member might not. Each disapproval and revision adds time to the approval process. For those products in our sample that had disapprovals, the average number of days devoted to the approval phase was 5 workdays. This represents 17 percent of the total target processing time of 30 workdays for the products. We believe that if greater consensus existed across units and supervisors regarding the information that should and should not be in products, and if that consensus were effectively communicated to Intelligence Analysts, the approval process could be improved.

Furthermore, some OFC personnel told us that products are frequently disapproved for minor edits, which can result in repetitive approvals and negatively affect employee morale. For example, a May 2012 OFC document outlining a proposal by OFC staff members to streamline the approval process notes that one Desk Officer had 274 products to approve in May 2012. The majority of these products had been submitted for re-approval, some three to five times each, and most of the products had been disapproved for non-substantive errors such as spelling, grammar, and product formatting mistakes that could have been fixed by the Intelligence Analyst and Desk Officer without

⁴³ A Cases and Contacts product provides a list of contacts in all agencies that have relevant investigations on the requested target.

necessitating re-approval by all of the reviewers in the approval process. According to the proposal document, the primary reason for the disapprovals was incorrect or outdated information on applicable case agents and their phone numbers. Other reasons for disapproval included typographical errors, missing hyphens in a case number, or missing spaces between words.

In an effort to streamline the approval process and ensure that the standards used by OFC product approvers are consistent and clearly communicated to OFC staff, the OFC developed a Product Style Guide in 2011. In interviews with OFC staff, we found that the Product Style Guide has helped increase consistency and reduce disapprovals overall, especially for minor grammatical issues. However, OFC personnel also told us that OFC and SOD staff members responsible for approving products varied in their adherence to the Product Style Guide, with some requiring strict adherence, others viewing adherence as optional, and others ignoring it altogether.

Recommendation

We recommend that the OFC:

8. develop and implement consistent approval standards for OFC products and explore ways to further streamline the approval process.

Requesters are not always contacted to determine what intelligence is needed.

According to the OFC Product Style Guide, Intelligence Analysts are to work with Desk Officers to contact requesters so that they can tailor products to requesters' needs. Staff members at all levels of the OFC emphasized the importance of speaking with the requesters to determine what intelligence they need and how quickly they need it. OFC staff stated that contacting users ultimately saved time in preparing products and ensured that the recipients received the products in time to be useful. They said that requesters' needs vary, depending on the phase an investigation was in when a request was made. If a request is made early in an investigation when not much is known, the requester may want as much information as possible. Alternatively, if a request is made at the end of an investigation, immediately before indictment, the requester may simply need to establish that there are no related cases that the requester is unaware of. In addition, requesters may not be familiar with the types of products the OFC offers, and a conversation

between the requester and the Intelligence Analyst can help determine the best product to meet the requester's needs.

Although OFC staff stated the importance of conferring with requesters, 6 of the 31 Target Profiles in our sample lacked documentation to indicate that any effort had been made to contact the requester. In addition, four OFC users we interviewed did not remember being contacted by the OFC after submitting their product requests. One of these users said his biggest complaint about the OFC was that the Intelligence Analysts were disconnected from the investigations they are tasked to support and therefore do not know what information is relevant to a case and important to the investigator.

OFC staff members told us that making contact with requesters is an ongoing challenge, as requesters are often unavailable to confer or slow to return calls from the OFC. OFC users that we interviewed agreed that they were often difficult to contact because some parts of their job, such as listening to wiretaps and conducting operations on the street, take them out of the office for extended periods of time.

We found that the policies governing contacts with requesters are incomplete, leading to inconsistent practices among OFC personnel. The Product Style Guide states that if the Intelligence Analyst is unable to contact the requester within 1 week, the Intelligence Analyst is to notify the Desk Officer. However, the Style Guide does not specify what actions the Desk Officer should take when this happens. During our interviews with Intelligence Analysts, we learned that different groups at the OFC take different approaches to this situation. At least one unit will not process the request if the Desk Officer is unable to contact the requester by the third attempt. In other units, when an Intelligence Analyst is unable to reach a requester to discuss a request for a Target Profile, the units complete the Target Profile anyway. Other units substitute a Cases and Contacts report, which is less time-consuming to produce and thus reduces the risk that the unit will waste time creating a Target Profile that does not meet the requester's needs.

Additionally, we found that the policies governing requester contact may no longer reflect current practices. According to the OFC Charter, "the OFC will not have contact with the field [requester] directly. It shall be the responsibility of SOD to regularly communicate to OFC personnel the results of action taken on OFC-produced intelligence products, including investigative leads." Similarly, the OFC's 2005 Standard Operating Policy and Procedures states that SOD is solely responsible for receiving, documenting, and tracking all field inquiries for OFC products, and forwarding those inquiries to the OFC for the development of the

product, at least suggesting that only SOD should communicate with the requester regarding OFC product requests.⁴⁴ However, we found that in practice the responsibility for communicating with requesters to tailor products to requesters' needs rests with the Intelligence Analysts and Desk Officers at the OFC, not SOD.

Recommendation

We recommend that the OFC:

9. establish written protocols on how to process product requests if OFC staff members are unable to establish contact with the requester within a reasonable period of time.

The OFC does not obtain meaningful feedback and data from users.

The OFC does not have an effective system for gathering meaningful feedback and data on the value of individual products and the results of their use. The OFC collects feedback through a survey that is e-mailed to the user along with the finished product. The survey contains four multiple-choice questions and provides an opportunity for general comments and suggestions. This survey is designed to gather information on the product, such as the utility of the product, the overall value of the product, and the requester's satisfaction with the information included in the product. However, we found that users rarely complete the survey unless the OFC analyst or Desk Officer who developed the product calls the users directly to ask for their response. In addition, users receive the survey before they typically can know whether the products assisted their investigations. Moreover, when we asked Intelligence Analysts how well they believe the products are meeting the needs and expectations of the field, they told us that they did not know because they seldom hear from the requester after a product has been disseminated. These Intelligence Analysts said that obtaining information as to whether the products they created were useful and whether the requester already had some of the information would assist them to be more efficient when creating future products.

⁴⁴ The OFC's 2005 Standard Operating Policy and Procedures and OFC Charter contain additional language to suggest that only SOD should communicate with the requester. For example, according to the Standard Operating Policy and Procedures, SOD is responsible for communicating actions taken by the field resulting from the OFC product.

One OFC unit, the Proactive Asset Targeting Team Unit, has attempted to obtain outcome-based data about its products by checking the asset seizure and forfeiture tracking systems used by the Departments of Justice and Treasury to ascertain whether the investigations supported by its products resulted in any asset seizures.⁴⁵ However, we believe that because OFC products are typically just one of many resources that investigators used in an investigation, these outcomes can only be used as an indirect measure of a product's usefulness, and therefore may not provide OFC with sufficient feedback to improve its products and processes.

We determined that other, more direct sources of feedback may be available to the OFC. For example, the OFC could use information reported by OCDETF about its investigations. OCDETF investigation information is contained in interim and final reports the OCDETF Program asks investigators to file. The Program specifically asks investigators to describe how the OFC product assisted their investigations. We reviewed the reports for 39 OCDETF investigations that were closed in FY 2011 in which the investigator noted in the final report that an OFC product was received during the investigation. In 23 of the 39 cases, the report provided detail about how the product's information was applied to the investigation. Sixteen of these reports described how the OFC product had assisted the investigation by providing useful information or by corroborating other, specific types of information. For example, seven products identified associates, five products provided border crossing information linked to the investigation, three products corroborated confidential source information, and three products provided information on businesses affiliated with the target.⁴⁶ In other cases the reports described how the OFC information did not help or was duplicative of information the user already had. We believe this and similar information from the OCDETF reports could help OFC staff identify ways to improve future products.

⁴⁵ Proactive Asset Targeting Team (PATT) products are similar in content and structure to Target Profiles but are created proactively by the OFC instead of in response to requests from the field. They also include detailed tables showing potentially illegal financial transactions and include templates of affidavits that investigators may use in attempting to seize assets. See Appendix I for more information on PATT products.

⁴⁶ The border crossing information was obtained from Customs and Border Protection. At the time our review, however, the OFC did not have access to this data because Customs and Border Protection was no longer an OFC partner agency. In our interviews, several OFC staff members and product users noted the importance of the border crossing information in OFC products. In FY 2013, the OFC re-established a partner relationship with the agency.

Our interviews with investigators and analysts who had requested OFC products also resulted in specific feedback on how the products provided value and supported investigations. We found that:

- OFC products often provide new investigative leads and information about the targets submitted for research. In most cases, the product added to the investigator's knowledge about the target of the investigation. Most of the investigators commented that the financial information in the OFC product was useful, and several stated that the information assisted them in obtaining subpoenas or seizures of cash and property. Furthermore, in a sample of 31 OFC Target Profiles, we found that the OFC provided information on 85 of 98 targets.⁴⁷
- OFC products can facilitate deconfliction and communication among investigators from different agencies. For example, 19 of the 30 users we interviewed stated that the Target Profiles they received identified at least one open or closed linked investigation they had been unaware of: 2 users stated that the OFC had identified a linked investigation within their agencies that they had not known about, 14 users stated that the OFC had identified a linked investigation conducted by another agency, and 3 users stated that the OFC identified linked investigations in both their own agencies and another agency.
- The OFC is the only source of certain investigative and financial information for some investigators. Even when investigators have another source for information, the OFC sometimes provided more current, complete, or better analyzed information. For example, several users with access to FinCEN information told us they still valued the FinCEN information in the Target Profiles because the OFC's presentation of the information was unusually clear and it identified the FinCEN reports that were most relevant to the investigation. Investigators who had alternative methods of obtaining investigative or financial information also said that they preferred OFC products, either because requesting the OFC product saved them time or because the OFC product combined information from multiple sources into one document.

⁴⁷ See Appendix I for the types of information the Target Profiles provided on the targets included in these requests.

We believe that gathering similar feedback from requesters after the investigations are completed could help the OFC identify information that it could use to improve its products and services.

Recommendation

We recommend that the OFC:

10. develop and implement product feedback mechanisms that will enable the OFC to gather substantive information on how the products contributed to investigations, including suggestions for improvement.

CONCLUSION AND RECOMMENDATIONS

OFC management took actions during this review that created difficulties for the OIG in obtaining information directly from OFC employees and ensuring that interview responses were candid and complete. We had issues in obtaining documents directly from OFC personnel. Furthermore, and of great concern to us, two FBI employees detailed to the OFC reported to us that they were subjected to retaliation by the OFC Director after they met with OIG inspectors during this review to describe their concerns about the OFC's operations. The OIG recently completed its review of these retaliation allegations and concluded that there were reasonable grounds to believe that personnel actions were taken against these employees in reprisal for their protected disclosures. We have referred our findings to the appropriate authorities for adjudication and resolution under applicable law.

Given these troubling actions, we cannot be sure we obtained complete information from or about the OFC or that other OFC employees may not have been deterred from coming forward and speaking candidly with us. The results of our review reflect the findings and conclusions that we were able to reach based on the information that was made available to us.

The OIG found deficiencies in the OFC that could limit its contribution to the OCDETF Program's effectiveness. During the period of our review, disagreements and tensions existed between OFC leadership and FBI employees with regard to the OFC's operations. This strained relationship created an uncooperative working environment that culminated in the OFC suspending all FBI employees' access to the OFC database for approximately 6 weeks, which inevitably harmed the operations of the OFC.

We also found that the OFC needs to improve its work prioritization and information sharing procedures if it is to fully accomplish its mission to enhance the effectiveness of the OCDETF Program. Of particular importance, the OFC must find ways to prioritize its support to investigations linked to high-value drug trafficking targets, such as Consolidated Priority Organization Targets.

Also, OFC product users are not fully benefitting from the OFC and SOD partnership because the two centers have not addressed problems in how they coordinate their efforts. The OFC is not entirely responsible for the management of the OFC product workflow process, but rather is dependent upon SOD for critical workflow functions. We found that OFC

personnel working at SOD often have responsibilities unrelated to processing OFC products that sometimes conflict with the priorities of the OFC, which prevents the OFC from ensuring a timely response to requests for information.

In addition, the OFC and SOD have not adequately defined whether and how SOD may appropriately use SOD communications data, which is not available to the OFC, to enhance the intelligence value of OFC products. Furthermore, the OFC is unable to reliably collect and track OFC product workflow data from SOD.

Further, according to an OFC official, investigators are not always aware of the circumstances under which they may share OFC products with federal prosecutors. Additional guidance on this matter could better coordinate and strengthen drug and related financial investigations and prosecutions.

The demand for OFC products and the complexity of the products is increasing, and the OFC plans to analyze data more proactively, introducing further complexity to the OFC's products and processes. The increasing workload of the OFC underscores the importance of operational efficiency.

However, we identified workflow inefficiencies that can diminish product quality and timeliness. For example, we found that OFC member agencies had left several Intelligence Analyst positions vacant for long periods of time and had detailed to the OFC new Intelligence Analysts who lacked investigative experience in the field. We found that the OFC product approval process can be prolonged because approval standards are inconsistent and products are too often disapproved for minor, non-substantive reasons. Further, there is no policy informing OFC staff members what to do when they are unable to confer with requesters, leading to inconsistencies among OFC operating units. Also, although we found that OFC products may provide useful information to investigators and prosecutors, the OFC has not established an effective mechanism for gathering meaningful feedback and data on the value of OFC products and how best to improve them. We believe that it is important for the OFC to address these problems now so that it can reliably meet the needs of investigators in the future.

To ensure that there is an effective working relationship between the agencies and components that manage and staff the OFC, we recommend that the Office of the Deputy Attorney General:

1. evaluate the structure of the OFC and the procedures for appointment of its management and staff to determine if modifications are appropriate to ensure efficient and cooperative operations.

To improve the efficiency and effectiveness of OFC operations and the usefulness of its analytic products, we recommend that the OFC:

2. establish procedures to identify and prioritize requests in investigations with a nexus to high-value drug trafficking and money laundering targets, such as targets linked to CPOTs and their associates;
3. develop guidance clarifying that the CPOT unit's primary focus is to support CPOT-linked investigations and to compile intelligence on the CPOT organizations on behalf of the OCDETF Program;
4. work with SOD to define the management and workflow responsibilities of the OSF section, including what actions the OSF section can and should take to allow appropriate information sharing between SOD and the OFC and increase the intelligence value of OFC products;
5. improve the capabilities of its product workflow system or make other process improvements to collect accurate product workflow data on product requests and disseminations processed by the OSF section at SOD;
6. modify the warning statement on OFC products and provide additional guidance to make clear the conditions under which investigators may show the products to federal prosecutors;
7. work with its member agencies to revise its staffing agreements to further encourage member agencies to assign experienced Intelligence Analysts to the center and minimize vacancies in Intelligence Analyst positions;
8. develop and implement consistent approval standards for OFC products and explore ways to further streamline the approval process;

-
9. establish written protocols on how to process product requests if OFC staff members are unable to establish contact with the requester within a reasonable period of time; and
 10. develop and implement product feedback mechanisms that will enable the OFC to gather substantive information on how the products contributed to investigations, including suggestions for improvement.

APPENDIX I: ADDITIONAL BACKGROUND

This appendix provides information about the OFC's partner agencies and organizations, budget and staffing, customers ("requesters"), and products.

OFC Partner Agencies and Organizations

As shown in Table 1 below, the OFC had partnerships with 25 agencies and organizations as of November 2013. All of these agencies and organizations support the mission of the OFC by providing data to the center. Of the 25 partner agencies and organizations, 19 are OFC member agencies. In addition to providing data to the center, OFC member agencies provide personnel to the OFC. OFC member agencies can also recommend or request that specific management or operational issues be addressed by the OFC Director.

Table 1: OFC Partner Agencies and Organizations, November 2013

Agency or Organization	OFC Member
Department of Commerce	✓
Department of Homeland Security	-
Coast Guard*	✓
Customs and Border Protection	✓
Immigration and Customs Enforcement	✓
Secret Service	✓
Department of Justice	✓
Bureau of Alcohol, Tobacco, Firearms and Explosives	✓
Drug Enforcement Administration	✓
Federal Bureau of Investigation	✓
Federal Bureau of Prisons	-
U.S. Marshals Service	✓
Department of Labor, Office of Inspector General	✓
Department of State	-
Bureau of Consular Affairs	-
Bureau of Diplomatic Security	✓
Department of the Treasury	-
Financial Crimes Enforcement Network	✓
Internal Revenue Service Criminal Investigation	✓
Postal Inspection Service	✓
<i>Multi-Agency Organizations</i>	-
Baltimore/Washington High Intensity Drug Trafficking Area	-
El Paso Intelligence Center	-
International Organized Crime Intelligence and Operations Center	✓
Southwest Border Anti-Money Laundering Alliance	-
<i>Foreign Agencies</i>	-
Australian Federal Police	✓
New Zealand Police	✓
United Kingdom National Crime Agency	✓

Note: The Departments of Homeland Security and State are not themselves members of the OFC, though the components listed for them above are.

* According to the OFC, the Coast Guard stopped providing data and personnel to the center in September 2007 and September 2008, respectively.

Source: OFC.

Budget and Staffing

The OFC received a total of \$29.6 million in operational funding from three different sources in FY 2012. The Interagency Crime and Drug Enforcement (ICDE) appropriation account provided \$23.7 million. The Department of Justice Assets Forfeiture Fund and the Treasury

Forfeiture Fund administered by the Department of the Treasury provided \$3.2 million and \$2.7 million, respectively. Salaries for contractors at the OFC are paid by either the two asset forfeiture funds or from the ICDE appropriation. Personnel detailed to the OFC by member agencies that have reimbursable positions have their salaries reimbursed out of ICDE funds. Salaries for detailed personnel with non-reimbursable positions are paid by their home agency.⁴⁸

As of July 2013, the OFC had 195 staff members, 81 of whom were contractors, while the rest were detailed from the OFC's member agencies through reimbursable agreements with the OCDETF Executive Office. Many of the contractor positions support the development and management of the OFC's information technology systems. OFC member agencies also hire contractors to fill some of the Intelligence Analyst positions.⁴⁹ Among the OFC member agencies, the DEA and FBI detailed the majority of the staff positions to the OFC, providing 60 and 27 detailees, respectively. ICE provided 7 detailees, the USMS provided 4, and the other 10 member agencies provided between 0 and 3 detailees each.⁵⁰

The OFC's fundamental staffing positions include:

Intelligence Analyst: Intelligence Analysts are the only OFC employees that research and write OFC's intelligence products on a daily basis. Intelligence Analysts directly interact with OFC requesters in the field to assess what information should be included in products. Intelligence Analysts are given discretion to tailor the content of each product according to the needs of the requester. As of July 2013, 73 Intelligence Analysts were working at the OFC.

The primary research tools Intelligence Analysts use to develop products include the OFC database, information found in member

⁴⁸ As of October 2012, 97 of the 121 personnel detailed from OFC member agencies held reimbursable positions (80 percent). All Bureau of Alcohol, Tobacco, Firearms and Explosives, DEA, and FinCEN positions were reimbursable. Also reimbursable were 29 of the 30 FBI positions; 3 of the 4 U.S. Marshals Service positions; 2 of the 5 Department of Justice positions; and 1 of the 7 Internal Revenue Service Criminal Investigation positions. None of the other member agencies had reimbursable positions.

⁴⁹ As of July 2013, the DEA and ICE employed 17 and 8 contractors to work as Intelligence Analysts at the OFC, respectively.

⁵⁰ As of July 2013, the Coast Guard was the only member agency that did not provide staff resources to the OFC.

agencies' databases that are referred to as "legacy" databases, and open source information. The OFC database ingests and fuses together the investigative and regulatory information and intelligence provided to the OFC by its partner agencies and organizations. Within the OFC database, OFC analysts can search multiple datasets from a variety of sources through a single data system, analyze the search results, and compile the relevant intelligence into a single OFC product.

Desk Officer: Desk Officers are Special Agents detailed to the OFC. In combination with Unit Chiefs, they review and approve OFC products to ensure that the intelligence contained in products produced by Intelligence Analysts is accurate and releasable to the field. Desk Officers draw upon their field experience and investigative perspective to assess what intelligence should be included in products. They also work with Intelligence Analysts to contact the requesters to determine what intelligence is needed in the products. As of July 2013, there were 15 Desk Officers working at the OFC.

Unit Chief: Unit Chiefs are Supervisory Intelligence Analysts. In combination with Desk Officers, they review and approve OFC products produced by Intelligence Analysts. In addition, Unit Chiefs are responsible for ensuring Intelligence Analysts are trained in the appropriate techniques for researching and writing OFC products. As of July 2013, there were eight Unit Chiefs working at the OFC.

Section Chief: Section Chiefs supervise one or more units within the OFC. They are responsible for the overall timeliness and quality of products developed in their units. In addition, they ensure that staff within their section are trained in the appropriate tools and techniques best suited for OFC activities. As of July 2013, there were five Section Chiefs working at the OFC.

Special Agents and Intelligence Analysts in the OSF Section at SOD: The OSF section's Special Agents and Intelligence Analysts receive, review, and track incoming OFC product requests, and forward them to the OFC. They are also responsible for deconfliction between investigations relating to OFC products and active SOD operations. They also review and approve OFC products and disseminate products to requesters. As of July 2013, the OSF section had 10 Special Agents (including the Assistant Special Agent in Charge of the OSF section) and 5 Intelligence Analysts.

Requesters

Table 2 provides a complete breakdown of FY 2012 product requests made to the OFC by agency of the requester.

Table 2: Number of Product Requests by Agency, FY 2012

Agency (by Share of Requests Made)	Number of Product Requests	Percentage of Total
Drug Enforcement Administration	2,009	42.9%
Immigration and Customs Enforcement	843	18.0%
Federal Bureau of Investigation	772	16.5%
Internal Revenue Service Criminal Investigation	240	5.1%
U.S. Marshals Service	229	4.9%
Postal Inspection Service	210	4.5%
Bureau of Alcohol, Tobacco, Firearms and Explosives	172	3.7%
Secret Service	69	1.5%
United Kingdom National Crime Agency	57	1.2%
Department of State, Bureau of Diplomatic Security	53	1.1%
Department of Labor, Office of Inspector General	28	0.6%
OCDETF Fusion Center	1	0.0%
Total	4,683	100.0%

Note: The table shows product requests by the agency of the requester. However, requesters may also request products on behalf of multi-agency investigative task forces, such as OCDETF Strike Forces.

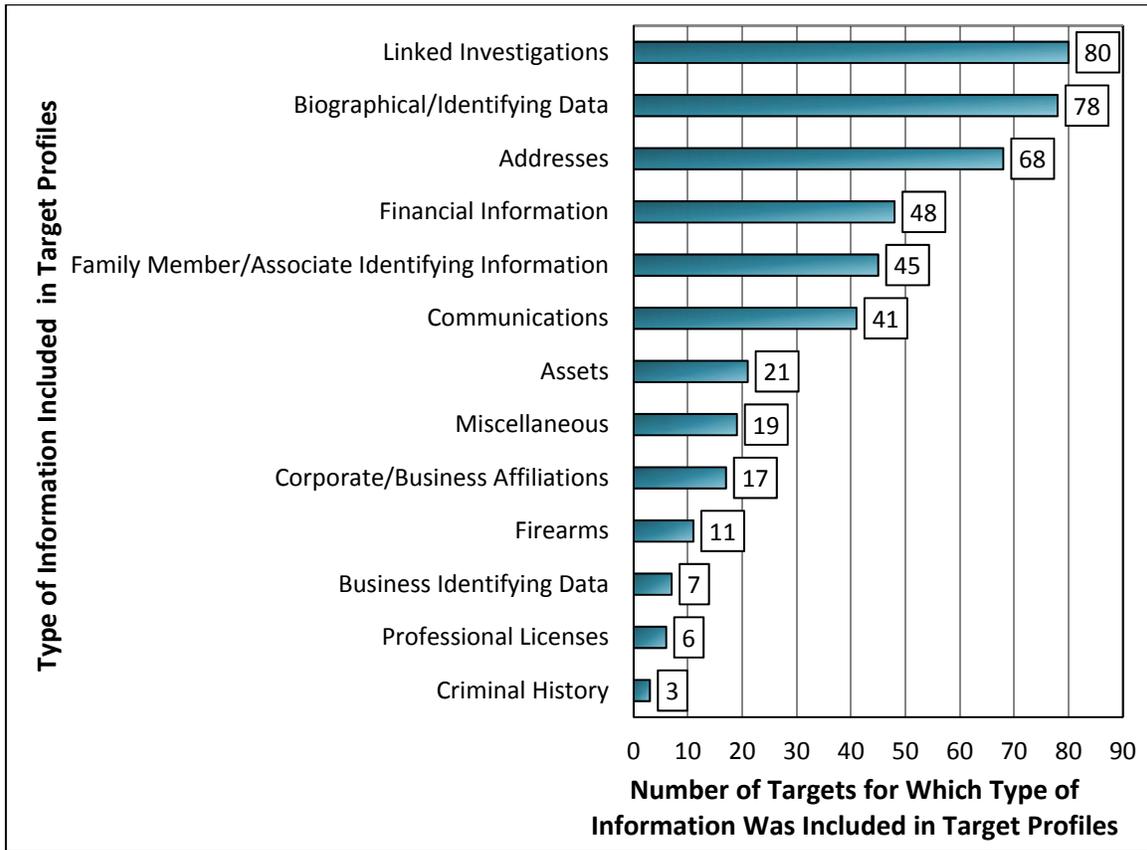
Source: OIG analysis of OFC data.

OFC Products Available to Requesters

Target Profile: This is a customizable intelligence product that aggregates and analyzes information about specific individuals or organizations using all intelligence sources available to OFC Intelligence Analysts. Examples of target information in a product include biographical information, organizational structure, criminal associates, family members, financial information, investigative links between cases, businesses, as well as other information identified that might be useful to the requester. The OFC will tailor the report to meet the needs of the requester. The Target Profile is the most frequently requested product, and accounted for 2,529 (75 percent) of the 3,364 total products generated by OFC in FY 2012.

In a sample of 31 Target Profiles that provided requested information on a total of 98 targets, we found that the OFC provided information on 85 of the targets. Figure 9 shows the types of information provided.

Figure 9: Information OFC Products Provided on Requested Targets in OIG Sample



Note: Miscellaneous includes additional relevant information not presented elsewhere in the product, such as National Insurance Crime Bureau reporting and Department of State Nonimmigrant Visa information and Immigrant Visa information.

Source: OIG analysis of a sample of 31 Target Profiles.

Cases and Contacts: This is a list of contacts in all agencies that have relevant investigations on the requested target. The Cases and Contacts may also identify the name, location, case number, case agent, and agent contact information from each relevant investigation to open communications among investigators or analysts who appear to be investigating the same or related targets. The Cases and Contacts product accounted for 290 (9 percent) of the 3,364 total products the OFC generated in FY 2012.

Proactive Asset Targeting Team products: Established in 2010, the PATT products are similar in content and structure to Target Profiles but are created proactively by the OFC instead of in response to requests from the field. They are initiated when a computerized process finds a match between new FinCEN suspicious activity reports indicative of money laundering and any open federal investigation. OFC analysts

then contact the investigators associated with the open federal investigations and offer to analyze the information. PATT Intelligence Analysts can produce a product that contains detailed tables showing potentially illegal transactions and include templates of affidavits that investigators may use in attempting to seize assets. In FY 2012, the OFC produced 615 PATT products (24 percent of the 2,529 Target Profiles the OFC generated in FY 2012).

Initial Case Review: This is a list of federal investigations that may be linked to the requester's investigation or targets. The Initial Case Review, unlike other OFC products, does not contain details explaining ties between the case and the requested target. The OCDETF Program requires requesters seeking OCDETF resources to request an Initial Case Review. Initial Case Reviews accounted for 390 (12 percent) of the 3,364 total products the OFC generated in FY 2012.⁵¹

⁵¹ Prior to April 2012, the OFC produced Rapid Enforcement Reviews instead of Initial Case Reviews. A Rapid Enforcement Review provided the requester with a snapshot of which agencies might possess information on the submitted targets, but did not list investigations that might be linked to the requester's investigation or target. The Rapid Enforcement Reviews accounted for 155 of the 3,364 products generated by the OFC in FY 2012 (5 percent of all products).

APPENDIX II: LIST OF ACRONYMS

CPOT	Consolidated Priority Organization Target
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
FinCEN	Financial Crimes Enforcement Network
FY	fiscal year
ICDE	Interagency Crime and Drug Enforcement
ICE	Immigration and Customs Enforcement
IOC-2	International Organized Crime Intelligence and Operations Center
OCDETF	Organized Crime Drug Enforcement Task Forces
OFC	OCDETF Fusion Center
OIG	Office of the Inspector General
OSF	OCDETF Fusion Center section at SOD
PATT	Proactive Asset Targeting Team
SOD	Special Operations Division

APPENDIX III: OCDETF RESPONSE TO DRAFT REPORT



U.S. Department of Justice
Office of the Deputy Attorney General

*Associate Deputy Attorney General
Director for the Organized Crime Drug Enforcement Task Forces*

Washington, D.C. 20530

March 14, 2014

MEMORANDUM

TO: Nina S. Pelletier
Assistant Inspector General
Evaluations and Inspections

FROM: James H. Dinan 
Associate Deputy Attorney General
Director, OCDETF

RE: Comments on the Final Report of the Review of the Organized Crime Drug Enforcement Task Forces Fusion Center, Assignment Number A-2012-002

The Organized Crime Drug Enforcement Task Forces (OCDETF) Executive Office has reviewed the Department of Justice (DOJ) Office of Inspector General's (OIG) draft report entitled: *Review of the Organized Crime Drug Enforcement Task Forces Fusion Center, assignment Number A-2012-002 (hereafter, "Report")*. The Department concurs with Recommendation #1.

The OCDETF Executive Office concurs with Recommendation #1, with exceptions. The OCDETF Executive Office concurs with Recommendations #2 - #10. Please find enclosed the detailed response from the OCDETF Executive Office. If you have any questions, please contact OCDETF Deputy Director Thomas Padden at Thomas.Padden@usdoj.gov or at (202) 514-0922.

Attachments

OCDETF responses to the OIG recommendations re: Review of the Organized Crime Drug Enforcement Task Forces Fusion Center, assignment Number A-2012-002

Detailed Comments from the OCDETF Executive Office.

OIG Recommendation to ODAG:

“We recommend that the ODAG:

To ensure that there is an effective working relationship between the agencies and components that manage and staff the OFC, we recommend that the ODAG:

1. Evaluate the structure of the OFC and the procedures for appointment of its management and staff to determine if modifications are appropriate to ensure efficient and cooperative operations.”

OCDETF concurs, with exception: Although the OCDETF Executive Office concurs with the recommendation, we disagree with the OIG regarding the facts surrounding several of its statements made in the final report. Further we disagree with the OIG regarding the inclusion of certain investigative matters that are factually incomplete, have not yet been adjudicated, or are not relevant.

First, the OCDETF Executive Office disagrees with the assertion that OFC management created difficulties for the OIG review team to obtain information from OFC employees. At the beginning of the OIG review, OFC and OCDETF leadership met with the OIG Review Team to set up an agreed upon structure that ensured complete responsiveness to OIG information/data requests and compliance with the numerous memoranda of understanding that governed the use of information owned by the member agencies (some of which are from outside the Department of Justice, and therefore outside the authority of the DOJ OIG). The OFC’s membership is made up of Department of Justice, Department of Homeland Security and Department of Treasury agencies, and the OFC operates under specific agreements with the agencies that provide their data to the Center. These facts were represented to the DOJ OIG by the OCDETF Executive Office in the early discussions of this review. A process was set up with, and agreed to by, the OIG Review Team that would allow for a single point of contact to coordinate the OFC response to OIG requests for data/information and for the non-DOJ agencies to permit their staff to be interviewed. (See attachment #1)

OCDETF made every effort to provide any information requested by the OIG review team and allowed the review team to have full access to OFC employees, the Center and its data. OFC and OCDETF management responded to nearly 200 requests documented in emails from the OIG review team. The OIG Review Team, however, never notified OCDETF or OFC management with concerns regarding not receiving complete information during the more than 30 months that the OIG spent conducting their review. The OIG review team did receive numerous documents directly from OFC employees. Despite the process that had been agreed upon, the OIG Review Team never attempted to resolve any issues and never stated that additional information was needed from OCDETF to satisfactorily complete their review.

Additionally, when asked by the OCDETF Executive Office during the OIG exit interview, the OIG declined to provide examples of the alleged non-compliance with requests for data/information and declined to indicate what information was withheld.

Second, the OCDETF Executive Office disagrees with the Report's description that a "strained" relationship between FBI personnel detailed to the OFC and OFC Leadership was the genesis of the disagreement between the FBI and the OCDETF Executive Office and other OFC member agencies. In fact, the disagreement pertained to the use and structure of OCDETF-funded positions at the OFC that are governed by memoranda of understanding and the OFC Charter. (See attachments #2 and #3). The FBI viewed its personnel detailed to fill OCDETF-funded positions at the OFC as FBI resources operationally answerable to its agency chain of command to perform FBI-specific missions. The OCDETF Executive Office viewed agency-detailed personnel filling OCDETF-funded positions at the OCDETF Fusion Center as operationally answerable to the commingled OCDETF chain of command to perform the overarching OCDETF mission, which is assigned to its member agencies. Other OFC member agencies concurred with the view of the OCDETF Executive Office.

Third, the OCDETF Executive Office disagrees with the inclusion of several investigative matters that are not relevant, are not factually complete, or are not yet adjudicated. The first of these instances is at Footnote 17 on Page 11 of the Report. The matters reported in this footnote are not relevant and are not factually complete. There is no indication that the events reported in this footnote are relevant in any way to the information in the paragraph to which this footnote is attached. These allegations did not have anything to do with the information flow from the OFC to the OIG during the course of this review. The footnote also fails to include the fact that the investigation failed to support administrative action against the Department official. Upon application and consideration of the Douglas Factors, as required by law, administrative action was not supported by the facts. Accordingly, additional training in contract management and the contracting process was ordered, and was completed by the Department official. The inclusion of the information in this footnote is inappropriate and irrelevant to the Review.

Additionally, the OCDETF Executive Office disagrees with the inclusion of references to the two Whistleblower investigations in this Review Report. Because the adjudication process for these investigations has not yet been completed and, therefore, the facts have not yet been fully developed, it is premature to include these references. Because all parties have not yet been able to present complete evidence, inclusion of these matters makes the Report factually incomplete. Review of the referenced OIG Whistleblower investigation reports by the OCDETF Executive Office indicates that these reports are factually incorrect in part, and particularly regarding the establishment of the information sharing process created by agreement between the OFC and the OIG review Team.

OIG Recommendations to OCDETF:

“We recommend that the OFC:

To improve the efficiency and effectiveness of OFC operations and the usefulness of its analytic products, we recommend that the OFC:

2. Establish procedures to identify and prioritize product requests with a nexus to high value drug trafficking and money laundering targets, such as targets linked to CPOTs and their associates;”

OCDETF concurs: The OFC is in the process of implementing an updated product prioritization model. This model is outlined in a Standard Operating Procedure (SOP) document that is currently in draft review. The OFC anticipates dissemination of the SOP by the 3rd quarter of FY 14.

“3. Develop guidance clarifying that the CPOT Unit’s primary focus is to support CPOT linked investigations and to compile intelligence on the CPOT organizations on behalf of the OCDETF Program;”

OCDETF concurs: The OFC is providing updating guidance for the CPOT unit by bringing up-to-date the CPOT’s mission statement. The updated mission statement is planned for release in the 3rd quarter of FY 14.

“4. Work with SOD to define the management and workflow responsibilities of the OSF section, including what actions the OSF section can and should take to allow appropriate information sharing between SOD and OFC and increase the intelligence value of OFC products;”

OCDETF concurs: In coordination with SOD the OFC will ensure that the management and workflow responsibilities are documented in an SOP. This SOP is planned for release in the 4th quarter of FY 14.

“5. Improve the capabilities of its product workflow system or make other process improvements to collect accurate product workflow data on product requests and disseminations processed by the OSF section at SOD;”

OCDETF concurs: In February 2013 the OFC changed the approval process for OFC products in an effort to improve the OFC product workflow system. This change was pilot for 90 days and became permanent in June of 2013. (See attachment #4).

“6. Modify the warning statement on OFC products and provide additional guidance to make clear the conditions under which investigators may show the products to federal prosecutors;”

OCDETF concurs: In coordination with the OCDETF Executive Office the OFC will provide updated guidance on conditions investigators may show OFC products to federal prosecutors. This update is planned for the 4th quarter of FY 14.

“7. Work with its member agencies to revise its staffing agreements to further encourage member agencies to assign experienced Intelligence Analysts to the center and minimize vacancies in Intelligence Analyst positions;”

OCDETF concurs: In coordination with all OFC member agencies the OFC will review the Memorandum of Understanding (MOU) agreements with the purpose of appraising staffing agreements at the OFC. This review will be completed by the first quarter of FY 15.

“8. Develop and implement consistent approval standards for OFC products and explore ways to further streamline the approval process;”

OCDETF concurs: In February 2013 the OFC changed the approval process for OFC products in an effort to improve the OFC product workflow system. This change was piloted for 90 days and became permanent in June of 2013. Please see memo attached.

“9. Establish written protocols on how to process product requests if OFC staff members are unable to establish contact with the requester within a reasonable period of time; and”

OCDETF concurs: The OFC is providing updating guidance for contacting the field based on a request made to the OFC. The draft of this SOP is currently being reviewed by the management staff at the OFC. The updated SOP is planned for release in the 3rd quarter of FY 14.

“10. Develop and implement product feedback mechanisms that will enable the OFC to gather substantive information on how the products contributed to investigations, including suggestions for improvement.”

OCDETF concurs: The OFC has implemented updating guidance for collecting feedback based on an OFC intelligence product sent to the field. The memo outlining this process was sent out in October of 2013. (See attachment #5).

APPENDIX IV: OIG ANALYSIS OF OCDETF RESPONSE

The Office of the Inspector General provided a draft of this report to the Office of the Deputy Attorney General and the OCDETF Executive Office (OCDETF) for comment. OCDETF's response is included in Appendix III to this report. The OIG's analysis of OCDETF's response and the actions necessary to close the recommendations are discussed below.

OCDETF's General Comments and the OIG's Reply

In its response, OCDETF stated that it disagrees with our assertion that OFC management took actions that created difficulties for us in obtaining information from OFC employees. OCDETF noted that the OIG review team agreed with the OFC and OCDETF to establish a process that would allow for a single point of contact to coordinate the OFC response to OIG requests for information. It also stated that the OFC made every effort to provide information requested by the OIG and that the OIG review team never attempted to resolve any issues and never stated that it needed additional information from OCDETF to satisfactorily complete the review.

During our review, OFC employees brought to our attention several OFC management actions that we believe interfered with our ability to obtain information directly from OFC employees. At the beginning of our review, we attempted to resolve issues concerning our ability to access information directly from OFC employees by requesting a meeting with OFC management. We met with OFC management to address these issues. However, we continued to have issues as detailed in the report, and employees of the Department should always feel free to provide information directly to the OIG, especially if they are reporting what they reasonably believe to be evidence of wrongdoing. They should never be subject to or threatened with reprisal for doing so.

OCDETF also stated that we incorrectly concluded that the strained working relationship between FBI personnel detailed to the OFC and OFC leadership was the genesis of the disagreement between the FBI and OCDETF and other OFC member agencies. Our report does not ascribe the disagreement relating to the FBI's compliance with its obligations under the OFC program to the strained working relationship between FBI personnel detailed to the OFC and OFC leadership. Instead, we state that we were not able to assess whether the strained working relationship between OFC leadership and the FBI resulted from issues

involving specific individuals, the structure of the management and line staffing at the OFC, or a combination of these or other factors.

Finally, OCDETF stated that it disagrees with our inclusion of related investigative matters in the report and it stated that the investigations referenced are not relevant, are not factually complete, and have not yet been adjudicated. We believe that the misconduct investigation and two whistleblower investigations we referenced are relevant to the review. The misconduct investigation originated from a complaint we received from an OFC employee during our review related to the operations of the OFC. Similarly, the two whistleblower investigations originated from concerns about the OFC's operations that two FBI employees detailed to the OFC brought to our attention. After providing information to the OIG, these employees reported to us that they were subject to retaliation by the OFC Director. The OIG completed its review of the retaliation allegations and concluded that there were reasonable grounds to believe that personnel actions were taken against these employees in reprisal for sharing information with us. In the report, we note that we have referred our findings to the appropriate authorities for adjudication and resolution under applicable law.

Recommendation 1: The Office of the Deputy Attorney General evaluate the structure of the OFC and the procedures for appointment of its management and staff to determine if modifications are appropriate to ensure efficient and cooperative operations.

Status: Resolved.

OCDETF Executive Office Response: OCDETF stated that the Department concurred with this recommendation.

OIG Analysis: Neither the Office of the Deputy Attorney General nor OCDETF provided planned actions in response to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 2: The OFC establish procedures to identify and prioritize requests in investigations with a nexus to high-value drug trafficking targets, such as targets linked to CPOTs and their associates.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated it was in the process of implementing an updated product prioritization model, which is outlined

in a standard operating procedure document currently in draft review. The OFC anticipates disseminating the standard operating procedure by the third quarter of fiscal year 2014.

OIG Analysis: OCDETF's planned actions are responsive to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 3: The OFC develop guidance clarifying that the CPOT unit's primary focus is to support CPOT-linked investigations and to compile intelligence on the CPOT organizations on behalf of the OCDETF Program.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated it planned to provide guidance to the CPOT unit by updating the unit's mission statement. The updated CPOT unit mission statement is planned for release in the third quarter of fiscal year 2014.

OIG Analysis: OCDETF's planned actions are responsive to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 4: The OFC work with SOD to define the management and workflow responsibilities of the OSF section, including what actions the OSF section can and should take to allow appropriate information sharing between SOD and OFC and increase the intelligence value of OFC products.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated it was coordinating with SOD to ensure that the management and workflow responsibilities of the OSF section are documented in a standard operating procedure. The standard operating procedure is planned for release in the fourth quarter of fiscal year 2014.

OIG Analysis: OCDETF's planned actions are responsive to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 5: The OFC improve the capabilities of its product workflow system or make other process improvements to collect accurate product workflow data on product requests and disseminations processed by the OSF section at SOD.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated that in February 2013 the OFC implemented a single-tiered approval process for the release of agency information in OFC products. The new procedure eliminates the need for the OSF section at SOD to review OFC products for the purpose of approving the release of agency information. The approval process for the release of agency information in OFC products is now conducted exclusively by staff detailed to the OFC. After staff at the OFC approves the OFC product, the product is transmitted to the OSF section, which is responsible for disseminating the product to the requester and other investigators with related investigations. The dissemination of products is still governed by existing and approved caveats, procedures, and protocols.

OIG Analysis: OCDETF's actions are partially responsive to our recommendation. Although we believe that streamlining the product approval process has some benefit, this action does not address our recommendation to improve the capabilities of the OFC product workflow system or make other process improvements designed to improve the accuracy of product workflow data on product requests and disseminations processed by the OSF section at SOD. Please provide documentation on the status of efforts taken in this regard by June 30, 2014.

Recommendation 6: The OFC modify the warning statement on OFC products and provide additional guidance to make clear the conditions under which investigators may show the products to federal prosecutors.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated that it coordinated with the OFC to develop guidance on conditions when investigators may show OFC products to federal prosecutors. The OFC plans to complete the guidance by the fourth quarter of fiscal year 2014.

OIG Analysis: OCDETF's planned actions are responsive to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 7: The OFC work with its member agencies to revise its staffing agreements to further encourage member agencies to assign experienced Intelligence Analysts to the center and minimize vacancies in Intelligence Analyst positions.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated that the OFC, in coordination with all OFC member agencies, will review the memoranda of understanding between the OFC and its member agencies with the purpose of appraising the staffing agreements. The OFC will complete this review by the first quarter of fiscal year 2015.

OIG Analysis: OCDETF's planned actions are responsive to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 8: The OFC develop and implement consistent approval standards for OFC products and explore ways to further streamline the approval process.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated that in February 2013 the OFC implemented a single-tiered approval process for the release of agency information in OFC products. The new procedure eliminates the need for the OSF section at SOD to review OFC products for the purpose of approving the release of agency information. The approval process for the release of agency information in OFC products is now conducted exclusively by staff detailed to the OFC. After staff at the OFC approves the OFC product, the product is transmitted to the OSF section which is responsible for disseminating the product to the requester and other investigators with related investigations. The dissemination of products is still governed by existing and approved caveats, procedures, and protocols.

OIG Analysis: The OFC's planned actions are partially responsive to our recommendation. We believe that streamlining the product approval process has some benefit and will likely reduce delay in

processing OFC products. However, this action does not address our recommendation to develop and implement consistent product approval standards for OFC products. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 9: The OFC establish written protocols on how to process product requests if OFC staff members are unable to establish contact with the requester within a reasonable period of time.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated that the OFC plans to provide an updated standard operating procedure for contacting requesters. OFC management is currently reviewing the standard operating procedure, which is planned for release in the third quarter of fiscal year 2014.

OIG Analysis: OCDETF's planned actions are responsive to our recommendation. Please provide documentation on the status of this effort by June 30, 2014.

Recommendation 10: The OFC develop and implement product feedback mechanisms that will enable the OFC to gather substantive information on how the products contributed to investigations, including suggestions for improvement.

Status: Resolved.

OCDETF Executive Office Response: OCDETF concurred with this recommendation. OCDETF stated that in October 2013 the OFC issued new guidance for collecting OFC product feedback from requesters. The guidance specifies the responsibilities of the Intelligence Analysts, Desk Officers, and OSF section staff in the product feedback process. The OFC also created a standard feedback form that the Desk Officer is to use when gathering feedback from the requester and other recipients of the OFC product. The form contains fields for identifying the name of the requester or other OFC product recipient, the OFC product number, the Desk Officer who worked on the product, and the requester's case number. It also contains seven multiple-choice questions designed to gather information on the quality, relevancy, and timeliness of the product, and includes a comment box.

OIG Analysis: The OFC's planned actions are partially responsive to our recommendation. The guidance issued outlines the responsibilities of the OFC staff members in implementing the OFC

product feedback procedures. However, the guidance does not instruct the Desk Officer to gather substantive information from the requester or other OFC product recipient on how the product contributed to the investigation, including suggestions for improvement. Likewise, the feedback form lacks instructions designed to solicit this information. Please provide documentation on the status of this effort by June 30, 2014.