

GAO Highlights

Highlights of [GAO-20-200](#), a report to the Honorable Charles E. Grassley, President Pro Tempore, U.S. Senate

Why GAO Did This Study

Within the Department of Justice, ATF and USMS employ more than 10,000 staff responsible for protecting communities from violent criminals, investigating the illegal use of firearms, and apprehending wanted persons, among other things. Our recent studies of employee misconduct processes have highlighted the importance of internal controls to help ensure the quality and independence of these processes. We have also reported on employee misconduct investigations being used to retaliate against individuals who report wrongdoing.

GAO was asked to review ATF and USMS employee misconduct investigation and disciplinary processes. This report (1) summarizes data on the number, characteristics, and outcomes of ATF and USMS misconduct investigations that were opened from fiscal years 2014 through 2018 and were closed by the time of GAO's review, and (2) examines the extent to which ATF and USMS have developed, implemented, and monitored internal controls for their employee misconduct processes. For each component, GAO reviewed policies, guidance, and performance reports; analyzed case management system data; analyzed random samples of misconduct cases; and interviewed officials involved in investigation and discipline processes.

What GAO Recommends

GAO is making seven recommendations, including that USMS ensure supervisory review is documented; and that ATF and USMS develop policy for verifying system information, establish measures to monitor the timeliness of investigations, and improve monitoring of employee misconduct processes. DOJ concurred with our recommendations.

View [GAO-20-200](#). For more information, contact Triana McNeil at (202) 512-8777 or McNeilT@gao.gov

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DEPARTMENT OF JUSTICE

ATF and U.S. Marshals Service Can Further Strengthen Controls over Employee Misconduct Processes

What GAO Found

From fiscal years 2014 through 2018, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and U.S. Marshals Service (USMS) collectively investigated about 3,900 allegations of employee misconduct, as shown in the table below. About one-half of these investigations were closed with no disciplinary action because the components found that the allegations were unsubstantiated. For allegations that were substantiated by an investigation, the most common ATF offenses were poor judgment and failure to adequately secure property, while the most common USMS offenses were general violations of policy or procedure and failure to follow instruction. The most common outcomes for both ATF and USMS substantiated investigations were discipline including suspensions of up to 14 days and lesser penalties such as verbal or written warnings. During this period, ATF and USMS investigated over 300 allegations of management retaliation, with few resulting in discipline.

Table: Number of ATF and USMS Employee Misconduct Investigations, Fiscal Years (FY) 2014 through 2018

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 14-18
ATF	267	312	326	336	340	1,581
USMS	480	541	555	435	336	2,347

Source: GAO analysis of Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and U.S. Marshals Service (USMS) data. | GAO-20-200.

ATF and USMS have developed some internal controls for managing their employee misconduct investigation and disciplinary processes, but have not consistently documented or monitored key control activities. For example:

- USMS policy requires supervisory review of district and division investigations, but the agency has not consistently documented this control in accordance with policy. ATF and USMS also lack policy for verifying the accuracy and completeness of information in employee misconduct systems. Ensuring supervisory review is documented as required and developing policy for verifying information in misconduct systems would provide greater assurance that controls are operating as intended.
- ATF and USMS have established policies and goals related to timeliness in completing various types of employee misconduct investigations (e.g., within 120 days). However, ATF has not established performance measures to monitor progress toward meeting the goals. USMS has measures to monitor timeliness for some types of investigations, but not for others. Establishing measures to monitor timeliness of investigations would provide more complete information to ATF and USMS managers responsible for oversight.
- ATF and USMS have established oversight mechanisms, such as internal management reviews, to monitor certain aspects of the components' operations, such as financial operations. However, ATF and USMS have not fully used these mechanisms to monitor internal controls related to employee misconduct processes, which would help ATF and USMS management ensure that controls are implemented as required by policy.