



April 10, 2019

The Honorable William P. Barr  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

**Priority Open Recommendations: Department of Justice**

Dear Attorney General Barr:

The purpose of this letter is to provide an update on the overall status of the Department of Justice's (DOJ) implementation of GAO's recommendations and to call your personal attention to areas where open recommendations should be given high priority.<sup>1</sup> In November 2018, we reported that on a government-wide basis, 77 percent of our recommendations made 4 years ago were implemented.<sup>2</sup> DOJ's recommendation implementation rate was 86 percent. As of January 2019, DOJ had 112 open recommendations. Fully implementing these open recommendations could significantly improve DOJ's operations.

Since our April 2018 letter, DOJ has implemented two of 13 open priority recommendations. These two recommendations focused on increased data collection efforts and tracking to determine the effectiveness of key DOJ initiatives. Specifically, DOJ initiated additional data collection and data evaluation efforts to measure the performance of U.S. Attorneys' Offices in determining whether the department's charging and sentencing policies were being effectively implemented. In addition, prior to discontinuing its Clemency Initiative, the department took steps to reform its management of the initiative, including increasing staffing to meet the demands of the initiative, prioritizing the review of certain petitions, and streamlining the review process.

DOJ has 11 priority recommendations remaining from those we identified in our 2018 letter. We ask your continued attention on those remaining recommendations. We are adding three new recommendations as priorities this year related to addressing management challenges in the immigration court system. This brings the total number of priority recommendations to 14. (See the enclosure for the list of these recommendations.)

The 14 priority recommendations fall into the three major areas listed below.

---

<sup>1</sup>Priority recommendations are those that GAO believes warrant priority attention from heads of key departments or agencies. They are highlighted because, upon implementation, they may significantly improve government operation, for example, by realizing large dollar savings; eliminating mismanagement, fraud, and abuse; or making progress toward addressing a High Risk or duplication issue.

<sup>2</sup>GAO, *Performance and Accountability Report: Fiscal Year 2018*, [GAO-19-1SP](#) (Washington, D.C.: November 15, 2018).

**Federal Bureau of Investigation (FBI) Whistleblower Retaliation Complaints.** We have four priority recommendations in this area. In January 2015, we recommended improvements to DOJ's handling of FBI whistleblower retaliation complaints to help FBI whistleblowers ensure that they are fully protected from retaliation and enhance DOJ's accountability. First, we recommended that DOJ clarify guidance to clearly convey to whom FBI employees can make protected disclosures. Second, we recommended that DOJ provide complainants with estimated complaint decision timeframes regarding their complaints. Third, we recommended that DOJ establish an oversight mechanism to monitor DOJ Office of Professional Responsibility (OPR) investigators' compliance with regulatory reporting requirements which will assist DOJ in ensuring that complainants receive timely information they need to make informed decisions regarding their complaints. And, fourth, we recommended that DOJ's OPR, Office of the Inspector General, Office of Attorney Recruitment and Management, and Office of the Deputy Attorney General—the four entities responsible for handling these complaints—jointly assess the impact of ongoing and planned efforts to reduce the duration of FBI whistleblower retaliation complaints. This will ensure that these changes are in fact shortening total complaint length, without sacrificing quality.

DOJ concurred with each of these recommendations but, as of April 2019, has not updated its regulations to provide clarity, given complainants timeframes for returning decisions, developed an oversight mechanism to ensure compliance with requirements, or assessed the impact of efforts to reduce the duration of complaints or requirements.

**Technology.** We have seven priority recommendations in this area. In May 2016, we recommended that DOJ and the FBI take additional actions to ensure privacy and accuracy of the FBI's face recognition capabilities. Three recommendations pertained to privacy and three are related to accuracy. Specifically, we recommended that DOJ determine why (1) privacy impact assessments (PIA) and (2) a System of Records Notice (SORN) were not published as required, and implement corrective actions. DOJ did not concur with our recommendation that DOJ assess the PIA development process and agreed in part with our recommendation regarding the SORN. We continue to believe that taking actions to develop a process for timely publishing of the PIAs and SORNs would better keep the public informed on how personal information is being used and protected.

Third, we recommended that the FBI conduct audits to determine whether users of the FBI's face recognition technology are conducting face image searches in accordance with FBI policy requirements. DOJ partially concurred with our recommendation. To fully address this recommendation, DOJ would need to complete the plans for such internal audits and conduct them. Without conducting audits to determine whether users are conducting face image searches in accordance with Criminal Justice Information Services policy requirements, FBI officials cannot be sure they are implementing face recognition capabilities in a manner that protects individuals' privacy.

Fourth, we recommended that the FBI take steps to verify that the Next Generation Identification-Interstate Photo System (NGI-IPS) is sufficiently accurate. DOJ did not concur with this recommendation, stating that the FBI's accuracy testing validates that the system meets necessary requirements. We do not agree. Among other things, the FBI did not test for the false positive rate, which presents an incomplete view of the system's accuracy. To fully implement the recommendation, the FBI should conduct additional tests to verify that NGI-IPS is sufficiently accurate. By doing so, the FBI would have more reasonable assurance that NGI-IPS provides leads that help, rather than hinder, criminal investigations.

Fifth, we recommended that the FBI conduct an operational review of NGI-IPS at least annually that includes an assessment of the accuracy of face recognition searches to determine if it is meeting federal, state, and local law enforcement needs. DOJ concurred with our recommendation. The FBI has begun to take steps to ask law enforcement users of NGI-IPS for feedback but has not yet conducted a comprehensive operational review. To fully implement this recommendation, the FBI could, for example, test the accuracy rate of searches conducted against photos in the operational NGI-IPS database, or ask state and local law enforcement if they are satisfied with the results they are getting from NGI-IPS. Without conducting operational reviews, the FBI risks spending resources on a system that is not operating as intended and also may miss opportunities for improving the system.

Sixth, we recommended that the FBI take steps to determine whether each external face recognition system it uses is sufficiently accurate for the FBI's use. DOJ did not concur because, in part, the FBI does not have authority to enforce accuracy standards of external agencies. However, by using these systems for routine operations, FBI is responsible for ensuring the systems' data are reasonably reliable for FBI purposes. By taking such steps, the FBI could better ensure the data received from external partners is sufficiently accurate and do not unnecessarily include photos of innocent people as investigative leads.

In addition, in June 2016, we recommended that DOJ study options to more efficiently use information in (1) the National Crime Information Center's Missing Persons and Unidentified Persons files and (2) the National Missing and Unidentified Persons System. Specifically, we recommended that the FBI and National Institute of Justice Directors evaluate sharing missing and unidentified persons information among authorized users and implement legally and technically feasible options, as appropriate. Although DOJ disagreed with our recommendation, citing that it lacks legal authority, DOJ explored potential options for sharing information that could improve the usefulness of the information used between the two systems. We believe we will be able to close this recommendation once DOJ implements its information sharing option.

**Immigration Courts.** We have three priority recommendations in this area. In June 2017, we recommended that DOJ's Executive Office for Immigration Review (EOIR) take actions to address management challenges related to workforce planning, hiring, and technology utilization in its immigration court system. First, we recommended that EOIR develop and implement a strategic workforce plan that addresses, among other areas, key principles of effective strategic workforce planning. Second, we recommended that EOIR assess the immigration judge hiring process to identify opportunities for efficiency, use the assessment results to develop a hiring strategy that targets short- and long-term human capital needs, and implement any corrective actions related to the hiring process resulting from this assessment. Third, we recommended that EOIR document and implement an oversight plan for its ongoing development of a comprehensive electronic-filing system that is consistent with best practices for overseeing IT projects.

EOIR has initiated some actions to address each of these recommendations. However, EOIR needs to take additional steps to fully implement our recommendations to help strengthen the management of the immigration court system and reduce the system's case backlog. In particular, EOIR needs to, among other things, continue to develop, and then implement, a strategic workforce plan; assess its hiring process to identify opportunities for efficiency; and document and implement an oversight plan that describes how the EOIR Investment Review Board and Office of Information Technology will oversee the full implementation of its electronic-filing system.

- - - - -

As you know, in March, we issued our biennial update to our high-risk program. The high risk program identifies government operations with greater vulnerabilities to fraud, waste, abuse, and mismanagement or the need for transformation to address economy, efficiency, or effectiveness challenges.<sup>3</sup> It has served to identify and help resolve serious weaknesses in areas that involve substantial resources and provide critical service to the public.

Several government-wide, high-risk areas including (1) ensuring cybersecurity of the nation, (2) improving management of IT acquisitions and operations, (3) strategic human capital management, (4) managing federal real property, and (5) the government-wide security clearance process, have direct implications for DOJ and its operation. We urge your attention to the government-wide high-risk issues as they relate to DOJ. Progress on high-risk issues has been possible through the concerted actions and efforts of Congress, the Office of Management and Budget, and the leadership and staff in agencies, including within DOJ.

Copies of this report are being sent to the Director of the Office of Management and Budget and appropriate congressional committees including the Committees on Appropriations, Budget, and Homeland Security and Governmental Affairs, United States Senate; and the Committees on Appropriations, Budget, and Oversight and Government Reform, House of Representatives. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

I appreciate DOJ's continued commitment to these important issues. If you have any questions or would like to discuss any of the issues outlined in this letter, please do not hesitate to contact me or Charles Michael Johnson, Jr., Managing Director, Homeland Security and Justice Team at [JohnsonCM@gao.gov](mailto:JohnsonCM@gao.gov) or (202) 512-8777. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Our teams will continue to coordinate with your staff on all of the 112 open recommendations. Thank you for your attention to these matters.

Sincerely yours,



Gene L. Dodaro  
Comptroller General  
of the United States

Enclosure

cc: Rod Rosenstein, Deputy Attorney General, Office of the Deputy Attorney General  
Christopher Wray, Director, Federal Bureau of Investigation  
Michael Horowitz, Inspector General  
Lee Lofthus, Assistant Attorney General for Administration, Justice Management  
Division  
Eleanor Carpenter, Acting Director, Office of Attorney Recruitment and Management

---

<sup>3</sup>GAO, *High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas*, [GAO-19-157SP](#) (Washington, D.C.: March 6, 2019).

Corey Amundson, Director and Chief Counsel, Office of Professional Responsibility  
James McHenry, Director, Executive Office for Immigration Review  
David Muhlhausen, Director, National Institute of Justice

Enclosure

## Priority Open Recommendations to the Department of Justice (DOJ)

### Federal Bureau of Investigation (FBI) Whistleblower Retaliation Complaints

*Whistleblower Protection: Additional Actions Needed to Improve DOJ's Handling of FBI Retaliation Complaints.* [GAO-15-112](#). Washington, D.C.: January 23, 2015.

**Recommendation:** To better ensure that FBI whistleblowers have access to recourse under DOJ's regulations should the individuals experience retaliation, and to minimize the possibility of discouraging future potential whistleblowers, we recommend that the Attorney General clarify in all current relevant DOJ guidance and communications, including FBI guidance and communications, to whom FBI employees may make protected disclosures and, further, explicitly state that employees will not have access to recourse if they experience retaliation for reporting alleged wrongdoing to someone not designated in DOJ's regulations.

**Action Needed:** DOJ agreed with the recommendation. In response to our report, in December 2016, Congress passed and the President signed the FBI Whistleblower Protection Enhancement Act of 2016, Pub. L. No. 114-302, which, among other things, provides a means for FBI employees to obtain corrective action for retaliation for disclosures of wrongdoing made to supervisors and others in the employees' chain of command. Following this, the FBI worked closely with the Department of Justice's Office of Inspector General (DOJ-OIG) to develop a training that clearly identifies to whom FBI employees may make protected disclosures. In addition, the FBI issued an aligned policy directive and two fact sheets detailing whistleblower rights. In October 2018, a DOJ official reported to us that the department was in the process of updating its regulations.

However, as of April 2019, DOJ's regulations have not been updated and are inconsistent with the current statute and FBI's guidance and training; as such, the problem of unclear or conflicting guidance to FBI employees still needs to be addressed. To address this recommendation, DOJ would need to update its regulations and ensure that all relevant guidance is clear and consistent across the department.

**Recommendation:** To better ensure that DOJ is fulfilling its commitment to improving efficiency in handling these complaints, we recommend that the Office of Attorney Recruitment and Management (OARM) and the Office of the Deputy Attorney General (ODAG) provide parties with an estimated time frame for returning each decision, including whether the complaint meets threshold regulatory requirements, merits, and appeals. If the time frame shifts, OARM and ODAG should timely communicate a revised estimate to the parties.

**Action Needed:** DOJ agreed with this recommendation but, as of April 2019, has not provided any updates on steps taken to address it.

**Recommendation:** To better ensure that DOJ is fulfilling its commitment to improving efficiency in handling these complaints, we recommend that the DOJ Office of Professional Responsibility (DOJ-OPR), Office of the Inspector General, OARM, and ODAG jointly assess the impact of ongoing and planned efforts to reduce the duration of FBI whistleblower retaliation complaints throughout the entire investigation, adjudication, and appeal process to ensure that these changes are in fact shortening total complaint length, without sacrificing quality.

**Action Needed:** DOJ agreed with this recommendation. DOJ-OIG officials have told us that they participate at least twice a year with OARM, DOJ-OPR, and the FBI Office of Equal Employment Opportunity Affairs in efforts to assess and improve the FBI Whistleblower Mediation Program. This is the type of action called for in the recommendation, but the mediation program is just one of many efforts to be assessed. To fully address this recommendation, DOJ would need to assess the impact of efforts to reduce the duration of FBI whistleblower retaliation complaints throughout the entire complaint process.

**Recommendation:** To ensure that complainants receive the periodic updates that they are entitled to and need to determine next steps for their complaint, such as whether or not to seek corrective action from OARM, we recommend that Counsel, DOJ-OPR tailor its new case management system or otherwise develop an oversight mechanism to capture information on the office's compliance with regulatory requirements and, further, use that information to monitor and identify opportunities to improve DOJ-OPR's compliance with regulatory requirements.

**Action Needed:** DOJ agreed with this recommendation but, as of April 2019, has not provided any updates on steps taken to address it.

**Director:** Gretta L. Goodwin, Homeland Security and Justice

**Contact information:** [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov) (202) 512-8777

## Technology

*Face Recognition Technology: FBI Should Better Ensure Privacy and Accuracy.* [GAO-16-267](#). Washington, D.C.: May 16, 2016.

**Recommendation:** To improve transparency and better ensure that face recognition capabilities are being used in accordance with privacy protection laws and policy requirements, the Attorney General should assess the privacy impact assessment (PIA) development process to determine why PIAs were not published prior to using or updating face recognition capabilities, and implement corrective actions to ensure the timely development, updating, and publishing of PIAs before using or making changes to a system.

**Action Needed:** Although DOJ officials did not concur with this recommendation, they did agree that all DOJ processes may be reviewed for improvements and efficiencies. In November 2018, DOJ officials told us that they have reviewed the PIA development process and determined that one reason that the FBI's face recognition PIAs were not completed more quickly was because the FBI and DOJ engaged in an extensive PIA revision process. As a result, DOJ officials stated that they implemented a pilot to expedite the PIA approval process, which included developing a PIA approval template and focusing the review solely on legal sufficiency instead of a more comprehensive review that included less significant editorial changes. However, DOJ reported that, in some circumstances, DOJ will approve the PIA assessment and allow the FBI to move forward with full operations of the information system while finalizing the PIA document for publication. In this scenario, the public would remain unaware of the department's considerations of privacy. To fully implement this recommendation, DOJ should ensure that its procedures require PIAs to be published prior to the operation of a system where practicable (i.e., the PIA does not describe a classified system), complete the pilot, assess the results, and, if determined to be a success, institutionalize the changes.

**Recommendation:** To improve transparency and better ensure that face recognition capabilities are being used in accordance with privacy protection laws and policy requirements, the Attorney General should assess the system of records notice (SORN) development process to determine why a SORN was not published that addressed the collection and maintenance of photos accessed and used through Next Generation Identification (NGI) for the FBI's face recognition capabilities prior to using NGI-Interstate Photo System (IPS), and implement corrective actions to ensure SORNs are published before systems become operational.

**Action Needed:** DOJ agreed, in part, with our recommendation and submitted the SORN for publication after we provided our draft report for comment. However, DOJ disagrees that it was required as a matter of law to file a revised SORN. According to DOJ, it continues to review and update its pre-existing SORNs on an ongoing basis and is continually improving the scope and efficiency of its privacy processes. As of November 2018, DOJ has not taken actions to address our recommendation. However, if the PIA pilot is deemed successful, DOJ reported that the FBI will extend the concept of the pilot to the preparation of SORNs. We will continue to monitor these efforts to determine the extent to which DOJ's pilot helps ensure SORNs are published before systems become operational.

**Recommendation:** To better ensure that face recognition capabilities are being used in accordance with privacy protection laws and policy requirements, the Director of the Federal Bureau of Investigation should conduct audits to determine the extent to which users of NGI-IPS and biometric images specialists in Facial Analysis, Comparison, and Evaluation (FACE) Services are conducting face image searches in accordance with Criminal Justice Information Services (CJIS) Division policy requirements.

**Action Needed:** DOJ partially agreed with our recommendation. Specifically, DOJ agreed with the portion of our recommendation related to the use of NGI-IPS. At the time we issued our 2016 report, DOJ officials did not fully comment on the portion of our recommendation that the FBI audit the use of external databases. To fully implement the recommendation, DOJ should conduct audits to determine whether both NGI-IPS and FACE Services users are conducting face image searches in accordance with FBI policy requirements. In February 2018, DOJ provided us with copies of the final audit results for one state and its audit NGI-IPS reference guide. Further, DOJ officials said CJIS developed an audit plan of the FACE Services Unit and completed an initial audit in September 2018. According to FBI officials, they expect to finalize the audit report in early 2019. After we review the final FACE Services Unit audit report, we plan to close this recommendation.

**Recommendation:** To better ensure that face recognition systems are sufficiently accurate, the Director of the FBI should conduct tests of NGI-IPS to verify that the system is sufficiently accurate for all allowable candidate list sizes, and ensure that the detection and false positive rate used in the tests are identified.

**Action Needed:** DOJ did not concur with this recommendation. DOJ officials stated that the FBI has performed accuracy testing to validate that the system meets the requirements for the detection rate, which fully satisfies requirements for the investigative lead service provided by NGI-IPS. As of November 2018, DOJ has not taken action to address our recommendation.

We continue to believe that our recommended action is needed and would allow the FBI to have more reasonable assurance that NGI-IPS is providing an investigative lead service that enhances, rather than hinders or overly burdens, criminal investigation work. To fully implement



the recommendation, the FBI should conduct tests to verify that NGI-IPS is sufficiently accurate for all allowable candidate sizes.

**Recommendation:** To better ensure that face recognition systems are sufficiently accurate, the Director of the FBI should conduct an operational review of NGI-IPS at least annually that includes an assessment of the accuracy of face recognition searches to determine if it is meeting federal, state, and local law enforcement needs and take actions, as necessary, to improve the system.

**Action Needed:** DOJ agreed with this recommendation. To fully implement it, the FBI should conduct operational reviews at least annually to assess the accuracy of face recognition searches on NGI-IPS. In March 2017, FBI officials stated they implemented the recommendation by submitting a paper to solicit feedback from users through the fall 2016 Advisory Policy Board Process. Specifically, officials said the paper requested feedback on whether the face recognition searches of the NGI-IPS are meeting their needs, and input regarding search accuracy. In the fall of 2017, the FBI repeated this process. According to the FBI, no users have expressed concerns with NGI-IPS.

We disagree with FBI's conclusion that receiving no responses on the informational paper fulfills the operational review recommendation, which includes determining that NGI-IPS is meeting users' needs. As such, we continue to recommend the FBI conduct an operational review of NGI-IPS at least annually, as required by FBI, DOJ, and Office of Management and Budget guidance. As of November 2018, DOJ has not taken any additional action to address this recommendation.

**Recommendation:** To better ensure that face recognition systems are sufficiently accurate, the Director of the FBI should take steps to determine whether each external face recognition system used by FACE Services is sufficiently accurate for the FBI's use and whether results from those systems should be used to support FBI investigations.

**Action Needed:** DOJ officials did not concur with this recommendation. DOJ officials stated that the FBI has no authority to set or enforce accuracy standards of face recognition technology operated by external agencies. In addition, DOJ officials stated that the FBI has implemented multiple layers of manual review that mitigate risks associated with the use of automated face recognition technology. Further, DOJ officials stated there is value in searching all available external databases, regardless of their level of accuracy. As of November 2018, the FBI continues to disagree with this recommendation.

We disagree with FBI's assertion that no assessment of the quality of the data from state and federal partners is necessary. We also disagree with the DOJ assertion that manual review of automated search results is sufficient. Even with a manual review process, the FBI could miss investigative leads if a partner does not have a sufficiently accurate system. By relying on its external partners' face recognition systems, the FBI is using these systems as a component of its routine operations and is therefore responsible for ensuring the systems will help meet FBI's mission, goals and objectives. Until FBI officials can assure themselves that the data they receive from external partners are reasonably accurate and reliable, it is unclear whether such agreements are beneficial to the FBI, whether the investment of public resources is justified, and whether photos of innocent people are unnecessarily included as investigative leads. To fully implement the recommendation, the FBI should take steps to assess whether the systems operated by external partners are sufficiently accurate for use by FACE Services.

**Director:** Gretta L. Goodwin, Homeland Security and Justice  
**Contact information:** [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov) (202) 512-8777

*Missing Persons and Unidentified Remains: Opportunities May Exist to Share Information More Efficiently.* [GAO-16-515](#). Washington, D.C.: June 7, 2016.

**Recommendation:** To allow for more efficient use of data on missing and unidentified persons contained in the National Crime Information Center's (NCIC) Missing Persons and Unidentified Persons files and National Missing and Unidentified Persons System (NamUs), the Directors of the FBI and National Institute of Justice should evaluate the feasibility of sharing certain information among authorized users, document the results of this evaluation, and incorporate, as appropriate, legally and technically feasible options for sharing the information.

**Action Needed:** The Department of Justice disagreed with GAO's recommendation in our June 2016 report, citing that DOJ lacks legal authority to implement it. Although there are statutory differences between the systems, in February 2019, DOJ reported evaluating the feasibility of sharing certain information between the two systems—such as creating an automatic notification or indicator that would alert NCIC users when related case data was also present in NamUs. While DOJ determined that such a solution would create a burden on the criminal justice user community due to the additional programming requirements for individual state systems, DOJ reported a legally and technically feasible option for helping share information between NCIC and NamUs. Specifically, CJIS plans to post information letters on its law enforcement information sharing portal to inform NCIC users that they can also include their case information in NamUs. This is a positive step that will help improve the usefulness of data on missing and unidentified persons across both systems. Once GAO receives confirmation that DOJ is encouraging NCIC users to share information with NamUs through these information letters, we believe we will be able to close this recommendation.

**Director:** Gretta L. Goodwin, Homeland Security and Justice  
**Contact information:** [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov) (202) 512-8777

## Immigration Courts

*Immigration Courts: Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges.* [GAO-17-438](#). Washington, D.C.: June 1, 2017.

**Recommendation:** To better address current and future staffing needs, the Director of the Executive Office for Immigration Review (EOIR) should develop and implement a strategic workforce plan that addresses, among other areas, key principles of effective strategic workforce planning, including (1) determining critical skills and competencies needed to achieve current and future programmatic results; (2) developing strategies that are tailored to address gaps in number, deployment, and alignment of human capital approaches for enabling and sustaining the contributions of all critical skills and competencies; and (3) monitoring and evaluation of the agency's progress toward its human capital goals and the contribution that human capital results have made toward achieving programmatic results.

**Action Needed:** EOIR agreed with our recommendation. In October 2018, EOIR officials told us that EOIR is developing an agency-wide strategic plan that will address workforce planning, among other issues. In addition, EOIR recently completed a review of the Office of the Chief Immigration Judge workforce that, according to EOIR officials, addresses and mitigates gaps

and more clearly defines roles and responsibilities. These are positive steps, but to fully address our recommendation, EOIR needs to continue to develop, and then implement, a strategic workforce plan that addresses key principles of effective strategic workforce planning. Once this strategic workforce plan is completed, EOIR needs to monitor and evaluate the agency's progress toward its human capital goals.

**Recommendation:** To better address EOIR's immigration judge staffing needs, the Director of EOIR should: (1) assess the immigration judge hiring process to identify opportunities for efficiency; (2) use the assessment results to develop a hiring strategy that targets short- and long-term human capital needs; and (3) implement any corrective actions related to the hiring process resulting from this assessment.

**Action Needed:** EOIR concurred with our recommendation and stated that it was implementing a new hiring plan, as announced by the Attorney General in April 2017, intended to streamline hiring. Among other things, EOIR stated that the new hiring plan sets clear deadlines for assessing and advancing applicants moving through different stages of the process. The Consolidated Appropriations Act, 2018 provided funding for EOIR to hire at least 100 additional immigration judge teams, with a goal of fielding 484 immigration judge teams nationwide by 2019. In October 2018, EOIR reported it had a total of 395 immigration judges and was continuing to hire additional judges. Hiring additional judges is a positive step; however, to fully address our recommendation, EOIR will need to continue to improve its hiring process by (1) assessing the hiring process to identify opportunities for efficiency; (2) developing a hiring strategy targeting short- and long-term human capital needs; and (3) implementing corrective actions in response to the results of its assessment of the hiring process.

**Recommendation:** To help ensure that EOIR meets its cost and schedule expectations for the EOIR Courts and Appeals Systems (ECAS) electronic filing system, the EOIR Director should document and implement an oversight plan that is consistent with best practices for overseeing IT projects, including (1) establishing how the oversight body is to monitor program performance and progress toward expected cost, schedule, and benefits; (2) ensuring that corrective actions are identified and assigned to the appropriate parties at the first sign of cost, schedule, or performance slippages; and (3) ensuring that corrective actions are tracked until the desired outcomes are achieved.

**Action Needed:** EOIR agreed with our recommendation. In August 2017, EOIR reported that it had selected the EOIR Investment Review Board as the ECAS oversight body with the EOIR Office of Information Technology (OIT) directly responsible for the management of the ECAS program. To fully address this recommendation, EOIR should document and implement an oversight plan that describes how the EOIR Investment Review Board and OIT will oversee the full implementation of ECAS, including how these bodies will, consistent with best practices for overseeing IT projects: (1) monitor program performance and progress toward expected cost, schedule, and benefits; (2) ensure that corrective actions are identified and assigned to the appropriate parties at the first sign of cost, schedule, or performance slippages; and (3) ensure that corrective actions are tracked until the desired outcomes are achieved.

**Director:** Rebecca S. Gambler, Homeland Security and Justice

**Contact information:** [GamblerR@gao.gov](mailto:GamblerR@gao.gov), (202) 512-8777

(103246)

---

---

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.

---

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (<https://www.gao.gov>). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to <https://www.gao.gov> and select "E-mail Updates."

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).  
Subscribe to our [RSS Feeds](#) or [E-mail Updates](#). Listen to our [Podcasts](#).  
Visit GAO on the web at <https://www.gao.gov>.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/fraudnet/fraudnet.htm>

Automated answering system: (800) 424-5454 or (202) 512-7700

---

## Congressional Relations

Orice Williams Brown, Managing Director, [WilliamsO@gao.gov](mailto:WilliamsO@gao.gov), (202) 512-4400,  
U.S. Government Accountability Office, 441 G Street NW, Room 7125,  
Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

---

## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548

